

Georgia State University

ScholarWorks @ Georgia State University

Criminal Justice and Criminology Dissertations

Fall 12-17-2015

Applying Focal Concerns and the Theory of Planned Behavior to the Decision-Making Process in Policing

Glen Ishoy

Follow this and additional works at: https://scholarworks.gsu.edu/cj_diss

Recommended Citation

Ishoy, Glen, "Applying Focal Concerns and the Theory of Planned Behavior to the Decision-Making Process in Policing." Dissertation, Georgia State University, 2015.

doi: <https://doi.org/10.57709/7831154>

This Dissertation is brought to you for free and open access by ScholarWorks @ Georgia State University. It has been accepted for inclusion in Criminal Justice and Criminology Dissertations by an authorized administrator of ScholarWorks @ Georgia State University. For more information, please contact scholarworks@gsu.edu.

Abstract

APPLYING FOCAL CONCERNS AND THE THEORY OF PLANNED BEHAVIOR TO THE DECISION-MAKING PROCESS IN POLICING

By:

GLEN A. ISHOY

DECEMBER 2015

Committee Chair: Dr. Dean Dabney

Major Department: Criminal Justice and Criminology

This research used qualitative methods to investigate the police officer decision-making processes within the theoretical context of the focal concerns framework and the theory of planned behavior. This research had two primary goals. The first goal was to determine what similarities and differences exist in how ideas from the focal concerns framework manifest themselves in a policing context as compared to how they operate for judges when sentencing convicted offenders. The second goal of this research was to use ideas from the theory of planned behavior to elaborate the focal concerns framework into a functional theoretical model of police officer decision-making. While intuitively sound, the focal concerns perspective is in need of conceptual enhancements to operationalize the mechanisms through which the focal concerns identified are transformed into action. Interviews with police officers were conducted to elicit the considerations that police officers see as important to their decision-making process in order to develop a theory of police decision-making which incorporates concepts from the focal concerns framework and the theory of planned behavior. The results of this study indicate that although police officers share the same broad focal concerns as judges,

the way these concerns manifest themselves in the execution of their duties is different for police officers. The results also indicate that the construct of intent from the theory of planned behavior may be a viable cognitive mechanism to connect ideas from the focal concerns framework with criminal justice outcomes, although other constructs from the theory were only found to be partially applicable. Theoretical implications of the findings and directions for future research are also discussed.

APPLYING FOCAL CONCERNS AND THE THEORY OF PLANNED BEHAVIOR
TO THE DECISION-MAKING PROCESS IN POLICING

By:

GLEN A. ISHOY

A Dissertation Submitted in Partial Fulfillment
of the Requirements for the Degree
of
Doctor of Philosophy
in the
Andrew Young School of Policy Studies
of
Georgia State University

GEORGIA STATE UNIVERSITY
2015

Copyright by:
Glen A. Ishoy
2015

Acceptance

This dissertation was prepared under the direction of the candidate's Dissertation Committee. It has been approved and accepted by all members of that committee, and it has been accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Criminal Justice and Criminology in the Andrew Young School of Policy Studies of Georgia State University.

Dissertation Chair: Dr. Dean Dabney

Committee: Dr. Joshua Hinkle
Dr. Volkan Topalli
Dr. Brenda Blackwell

Electronic Version Approved:
Mary Beth Walker, Dean
Andrew Young School of Policy Studies
Georgia State University
December 2015

Table of Contents

Title Page	i
Copyright Page	ii
Acceptance	iii
List Of Tables	vii
List Of Figures	viii
Chapter 1- Problem Statement	1
Police Officer Decision-Making	1
Focal Concerns	2
Applying Focal Concerns to Policing	5
The Theory of Planned Behavior	8
Summary	12
Chapter 2- Literature Review	14
Early Theories of Criminal Justice Decision-Making	14
Police Officer Decision-Making and Discretion	18
Factors affecting the exercise of police discretion.	24
Racial profiling research.	30
The Focal Concerns Perspective	35
The focal concerns framework and policing.	40
The Theory of Planned Behavior	41
The Current Study	49
Chapter 3- Data And Methods	50
Study Setting	50
Study Sample	52
Interview Content	53
Concepts from the focal concerns framework.	54
Concepts from the theory of planned behavior.	56
Data Collection	58
Data Analysis Procedures	59

Chapter 4- Results	61
The Focal Concerns Perspective	63
Blameworthiness.	63
<i>Personal responsibility.</i>	64
<i>Perception of repeat offenders.</i>	65
<i>The interaction of offender attitude and offense seriousness.</i>	69
Protecting the community.	74
<i>Short-term focus.</i>	75
<i>Preventing victimization.</i>	76
<i>Desire to be visible.</i>	78
Practical considerations.	79
<i>Officer-based and departmental considerations.</i>	79
<i>The presence of children.</i>	81
<i>Legal requirements and liability.</i>	82
<i>Beat integrity and staffing levels.</i>	84
<i>Self-interested practical concerns.</i>	87
Summary of Focal Concerns Results	91
The Theory of Planned Behavior	92
Officer attitudes about enforcement behaviors.	92
<i>Enforcement behaviors in general.</i>	93
<i>Situational influences on attitudes about enforcement behaviors.</i>	94
<i>Personal influences on attitudes about enforcement behaviors.</i>	95
Subjective norms.	97
Perceived behavioral control.	100
<i>The duty to act.</i>	100
Summary of the theory of planned behavior results.	105
Other Considerations Related to the Decision-Making Process	106
Officer characteristics.	107
<i>Effects of officer age.</i>	107
<i>Effects of officer assignment.</i>	109
<i>Patrol officers.</i>	109

<i>Traffic unit officers.</i>	111
<i>Crime suppression unit officers.</i>	113
Offender characteristics and incident context.	115
<i>Out-of-place: the effects of place and race.</i>	115
Overall Summary of Results	119
Chapter 5- Discussion	120
Focal Concerns in Policing	120
The Theory of Planned Behavior in Policing	128
Other Factors Affecting the Intent to Apply Enforcement Action	136
Officer characteristics.	137
Neighborhood context.	139
Putting it All Together	140
Limitations of the Study	147
Conclusion	149
Theoretical implications.	150
Directions for future research.	154
Appendix: Police Officer Interview Guide	158
References	160
Vita	166

List of Tables

Table 1: Sample versus Department Demographics.....	62
-----------------------------------------------------	----

List of Figures

Figure 1: The Focal Concerns Perspective	36
Figure 2: Pathway Diagram of the Theory of Planned Behavior.....	45
Figure 3: Pathway Model of the Sufficiency Hypothesis	47
Figure 4: Offender Attitude as a Moderator of the Association between Offense Severity and the Harshness of Enforcement Action	105

Chapter 1- Problem Statement

This dissertation research employed a qualitative research design to investigate the police officer decision-making process within the context of the focal concerns framework and the theory of planned behavior. There is a large body of descriptive research detailing policing outcomes, but little work has been done to advance a theoretical model of police officer decision-making. Drawing upon in-depth face-to-face interviews with street-level police officers, this project seeks to first identify the common mechanisms at work in law enforcement decision-making situations and then explore the degree to which the focal concerns framework and the theory of planned behavior can aid in explaining these phenomena. This research is important because the development of a sound theoretical model in this area will provide a better understanding of the driving force behind policing outcomes.

Police Officer Decision-Making

Because discretion is such a defining characteristic of police work, and the criminal justice system generally, the failure to understand how discretion operates seriously compromises our ability to understand the basis upon which criminal justice actors make decisions. In the evaluation of criminal justice outcomes, it should be recognized that when it comes to the processing of cases, generally speaking, individuals make the decisions. The outcomes that characterize the system as a whole, whether they are disparate outcomes or otherwise, are the sum total of the decisions made by individual actors in specific cases. As an additional consideration however, it must also be recognized that criminal justice actors exercise their discretion within structural constraints that may vary from one agency to another and even from one particular

assignment to another. A general conclusion that can be drawn from this discussion is that an understanding of criminal justice outcomes will only be achievable if we first develop a solid understanding of discretion and the factors that impact how it is exercised on an individual level and how structural-level influences affect the decisions that are made. The current research aims to expand our understanding of the decision-making processes that shape policing outcomes. This area of inquiry is important in increasing our ability to explain how policing outcomes are achieved and has remained largely underdeveloped from a theoretical standpoint (Bernard, Paoline, & Parea, 2005; Cooper & Worrall, 2012; Ebbesen & Konecni, 1985; Marenin & Worrall, 1998; Mastrofski, 2004).

Focal Concerns

The sentencing literature has a rich history of using the focal concerns perspective to explain the decisions made by judges regarding whether or not to incarcerate a convicted offender and how long a sentence of incarceration should be (Steffensmeier, 1980; Steffensmeier, Kramer, & Streifel, 1993; Steffensmeier, Ulmer, & Kramer, 1998). The focal concerns perspective argues that there are three primary considerations used by judges in making these decisions: the blameworthiness of the offender, the need to protect the community, and practical considerations. Blameworthiness takes into account aspects such as how instrumental in the offense the defendant's role was, what type of harm the victim suffered, and whether or not a defendant confesses and takes responsibility for his or her actions. The more blameworthy the defendant is perceived to be, the more likely they are to be incarcerated and required to serve a longer sentence.

In considering community protection, the focal concerns perspective posits that a judge will evaluate how dangerous the offender is and what the likely result will be when they are released back into the community. In doing so, the judge weighs the seriousness of the offense, whether the offense involved violence, and how likely the defendant is to recidivate. It is expected that convicted violent offenders who are perceived to pose an ongoing threat to the community will be incarcerated for the longest periods of time.

The final dimension of the focal concerns perspective is practical considerations. In this area, it is theorized that judges, when deciding on an appropriate sentence, will weigh practical matters like whether or not a defendant has a job, how likely they would be to keep the job if incarcerated, whether or not a defendant has children, and whether or not he/she is the primary caregiver of children. Organizational factors also come into play such as jail or prison capacity and the caseload of the court processing the case. The key determination here is the degree to which the sentence will have a negative impact on the defendant and place undue strain on the organizational capabilities of the criminal justice system.

An underlying assumption of the focal concerns perspective is that judges do not have the time to become intimately familiar with the details of every case they process. Because of time constraints, judges are forced to develop a kind of short-hand inventory of key factors that can be quickly and consistently referenced when making sentencing decisions. This short-hand consists of the three concerns already mentioned and is further informed by their past experiences in dealing with certain types of offenders, courtroom policy, legislative requirements, and racial and gender stereotypes in order to make quick decisions. There is a large body of research which supports the claim that

blameworthiness, community protection, and practical considerations serve as primary factors that judges enlist when formulating their sentencing decisions (Albonetti, 1986, 1991; Steffensmeier, 1980; Steffensmeier et al., 1993; Steffensmeier, Kramer, & Ulmer, 1995; Steffensmeier et al., 1998; Ulmer, 2012).

It can be argued that a key limitation of the focal concerns perspective is that it is not sufficiently developed to justify classifying it as a complete theory of judicial decision-making. The present framework, although useful for explaining some aspects of judicial decisions, is probably best characterized as a conceptual framework because it does not fully articulate what the mechanisms are that connect processes with outcomes. Other related concepts are needed to make these connections in a more fully articulated manner. Some work has been done in trying to do this and has suggested that stereotypes and “patterned responses” may play a large part in connecting focal concerns with actual outcomes (Albonetti, 1986, 1991; Farrell & Holmes, 1991; Ulmer, 2012). With additional work exploring these themes, it is likely that the focal concerns concepts could successfully be developed into a full-blown theory of judicial decision-making. One goal of the present research is to elaborate on the concepts from the focal concerns framework using mechanisms from other theories to develop a fully functional theoretical model of police decision-making processes.

It is likely that the focal concerns of judges identified by Steffensmeier et al. (1998) (blameworthiness, protection of the community, and practical considerations) will overlap in some respects with the focal concerns of the police, but it is also likely that there will be differences as well. For this judicial decision-making framework to be successfully adapted to police decision-making, new research needs to be done to identify

the focal concerns that are distinctive to police officers. Another step that would need to be accomplished is the elaboration of the focal concerns framework to include theoretically sound mechanisms that link the identified concerns with policing decision outcomes.

Applying Focal Concerns to Policing

It stands to reason that the focal concerns perspective has the capacity to contribute to our understanding of police officer decision-making. While police officers engage citizens in a different context than do judges, and thus will emphasize different factors and issues when deciding how to proceed when engaging suspected law violators, the core concepts of blameworthiness, community protection, and practical considerations appear portable to decision-making in a policing context.

Two studies were located that applied focal concerns in a police decision-making context. Crow and Adrion (2011) examined the decision to use force, specifically Tazers, within a focal concerns framework, and Higgins, Vito, and Grossi (2012) explored the decision to search a vehicle during a traffic stop under the lens of the focal concerns framework. Specifics from these studies will be detailed in the literature review section of this document, but suffice it to say at this point that both studies found support for the importation of the focal concerns concepts into a branch of the criminal justice system beyond the judiciary. While these studies partially address the gaps in the literature, the authors stopped short of examining how the focal concerns perspective might be more broadly applied to police decision-making. To clarify, these studies mostly attempt to overlay the focal concerns of judges onto police officers. The argument presented in the current research is that some concerns of judges may overlap with concerns of the police,

but it is highly likely that there are important differences in these concerns that will affect our ability to predict and understand policing outcomes. By identifying the totality of unique and overlapping focal concerns that apply to the policing profession, we should be able to gain a broader knowledge of how police officers engage in day-to-day enforcement decisions.

The proposed study seeks to build upon and extend the work of Crow and Adrion (2011) and Higgins et al. (2012) in several important ways. First, it applies the focal concerns framework more broadly to encompass a wide variety of policing decisions. Second, it incorporates the theory of planned behavior (Ajzen, 1991) as a potential means of articulating the cognitive mechanisms through which the focal concerns framework manifests itself in real-life policing situations. In doing so, this project aims to provide the foundation for a theory of police action that would shed light on controversial topics for which empirical research has only managed to find mixed or inconclusive results, such as racially-biased policing.

It is anticipated that some of the focal concerns of police officers will overlap with those of judges, but there will also likely emerge key differences that would help to explain why the police do the things they do (citation versus warning or arrest versus no arrest when discretion is high). Blameworthiness considerations for the police are expected to align very closely to those of judges, but community protection and practical considerations are expected to be sources of difference. For judges, community protection is a forward looking concern. This means they are most concerned about what might happen in the future in terms of the likelihood of recidivism and the potential future risk to victims of being harmed again. It is hypothesized that individual police

officers are not as preoccupied with the long-term implications of their decisions as much as they are about restoring immediate peace and order. It is theorized that the notion of community protection for the police would center more on foreground priorities such as detecting crimes in progress, preventing crime in their assigned beat during their shift, and simply wanting to catch a bad guy. Practical concerns for the police are also expected to be different than the ones that judges consider. While judges tend to look at the practical matters in terms of how a sentence will impact the ability of a defendant to manage his or her life and how it will potentially strain the administrative capabilities of the justice system, it is theorized that the police will be more concerned with practical matters of a more short-term and self-serving nature such as how stopping a car or making an arrest will affect coworkers if unavailable to handle calls for the next several hours, how much time remains in the shift, or complying with department policy and supervisor expectations.

While serving as a valuable heuristic tool to shed light on factors that contribute to various criminal justice outcomes, the focal concerns framework by itself is not a complete theory of decision-making. It is lacking the specification of the cognitive mechanism(s) through which individuals apply the core concepts of blameworthiness, community protection, and practical considerations in a discretionary context. A key proposition of the proposed study is that the theory of planned behavior (Ajzen, 1991) can fill in the gaps by detailing the mechanisms which operate in police officer decision-making as they relate to the constructs identified in the focal concerns framework. The elaboration of the focal concerns framework using constructs from the theory of planned

behavior will help to provide more clarity in connecting officer beliefs, attitudes, intentions, and perceptions with actual enforcement decisions and outcomes.

The Theory of Planned Behavior

The theory of planned behavior was developed by Ajzen (1991) to explain a wide variety of human behavior. It emphasizes the importance of behavioral intention as an immediate cognitive antecedent that yields a sense of readiness to engage in a given behavior. The theory has been used to explain such things as the intent to lose weight and the intent to recycle. This theory explains behavior through the operation of three distinct mechanisms. The first mechanism is a person's attitude toward a particular behavior. If a person perceives a behavior as positive, they are more likely to engage in it. Conversely, behaviors that are viewed as negative are less likely to occur regardless of other pressures. The second mechanism is the existence of subjective norms. This is generally explained as social pressure to act in a certain way. The theory of planned behavior predicts that the stronger social pressures are to engage in a certain behavior, the more likely a person is to do the behavior in question. The third and final mechanism is perceived behavioral control. According to the theory of planned behavior, this construct indicates the strength of a person's belief that they are capable of carrying out a certain behavior. This perception is generally thought to be formed through the actual skills or resources (or lack thereof) a person has to perform a task, confidence in one's abilities, or real barriers that prevent one from engaging in a particular activity. Ajzen (1991) posits that these three mechanisms act in concert to form a person's readiness or intention to perform a certain behavior which in turn, predicts actual behavior. In effect, they serve as the cognitive antecedents of individual decision-making. Intended behavior is seen as

conceptually distinct from actual behavior, and although intention does not explain all of the variance in actual behavior, it is a strong and consistent predictor. Empirical evaluations of the theory of planned behavior have consistently produced medium to large effect sizes in its explanation of intentions versus actual behavior (Armitage & Conner, 2001).

The three mechanisms just described can be easily adapted to a theoretical framework that explains decision-making for police officers, particularly for situations in which an officer is expected to make a discretionary enforcement decision of some kind. In applying the theory of planned behavior to police decision-making, the theory's three key mechanisms could be used to indicate an officer's intent to apply a formal enforcement action in response to the observed or reported behavior of a suspect. The first mechanism, attitude toward the behavior, would have an impact on an officer's intent to apply formal enforcement action, but there are at least two ways in which this could be taken into account. First, an officer's attitude about engaging in a particular enforcement behavior (such as making an arrest or writing a traffic citation) in general will need to be assessed. At issue is to what degree they prefer formal versus informal means of addressing observed law violations. Second, because every situation the police encounter is different, a decision-making model would also need to assess an officer's attitude about applying enforcement action in a particular situation. This may include situational and contextual factors as well as personal opinions held by an officer in relationship to a particular observed or reported behavior. It stands to reason that an officer's attitude towards applying enforcement action would be based, in part, on the legal seriousness of the offense (misdemeanor versus felony), but it is also reasonable to

hypothesize that the officer's own personal opinions about a particular behavior will come into play as well. For example, prostitution, from a legal standpoint, is usually considered to be a minor misdemeanor, but officers may have varying opinions as to the moral seriousness of this crime and its potential effects on society. These two ideas would work together as an officer forms an opinion about the behavior when confronted with a situation in which the officer must deal with it in an official capacity. The hypothesis which follows from the theory of planned behavior is that the more negative a behavior is perceived to be, either due to its legal seriousness or based on personal opinions, the higher the intent to apply formal enforcement action will be. To be consistent with ideas from the theory of planned behavior, it is also necessary to consider an officer's attitude toward a particular enforcement behavior, such as writing a traffic citation. The more favorable an officer's attitude is about an enforcement behavior, the more likely it is that the officer will engage in that behavior.

The second mechanism specified by the theory of planned behavior, the existence of subjective norms, also has a few possibilities for its operation in a police decision-making model. The theory of planned behavior characterizes subjective norms as the anticipated reactions important people around us will have if we engage in a particular behavior. The more favorable we expect other people's views of our behavior to be; the more likely we are to engage in the behavior. Conversely, if we expect people around us to react negatively to a behavior we are less likely we are to engage in it. In the context of policing, officers may be more or less likely to engage in formal enforcement actions, both in general and in certain situations, based on the anticipated reactions from

coworkers and supervisors. Police officers may feel pressure, real or imagined, from coworkers and supervisors to handle incidents a certain way.

It has also been suggested that the construct of subjective norms be conceptualized as a moral duty to perform or not perform certain actions (Ajzen, 1991). This may be an important consideration in the evaluation of police decision-making because their job is strongly tied to the concept of the duty to act. One of the research questions this study will address is whether or not this duty to act is tied to the perceptions of others as part of the operation of subjective norms or if it is more of an internal pressure that an officer feels obligated to act on regardless of what other people think. Regardless of the answer to that question, it is expected that the stronger the perceived duty to act in the face of a criminal offense becomes, the more likely it would be that an officer would decide to take formal enforcement action against an offender.

The third mechanism specified by the theory of planned behavior, perceived behavioral control, is characterized in the proposed theoretical model as a conception of the bounds of discretion. Gottfredson and Gottfredson (1988) argue that less serious offenses are associated with higher levels of police discretion. They also argue that criminal justice actors tend to try to find ways of disposing of less serious cases more often than they take serious enforcement action in these types of cases. In short, the less serious an offense is, the less likely it is that formal enforcement action will be taken. Moreover, in these cases, where formal action is taken, less severe sanctions are likely to be the preferred course of action. On the other hand, the more serious an offense is, the more limited the enforcement choices for an officer become and the more likely it is that vigorous official action will be taken. With these considerations in mind, increases in

perceived behavioral control (discretion) are hypothesized to be associated with a reduced intention to apply vigorous enforcement action. This element provides a hypothesized theoretical mechanism for the connection between the seriousness of an offense and the formality and severity of enforcement actions taken by a police officer.

The theory of planned behavior provides a necessary element for the elaboration of the focal concerns perspective: a mechanism which effectively connects processes with actual outcomes. The theory of planned behavior specifies the mechanism of the intent to act as a vital connection between the three constructs described above and actual actions taken. It is anticipated that the mechanism of intent can also act as a viable mechanism for linking ideas from the focal concerns perspective and actual enforcement outcomes. This is the specificity that the focal concerns perspective currently lacks. The addition of this mechanism, in concert with ideas from the theory of planned behavior should make the focal concerns perspective a more viable avenue for the construction of a theoretical model that explains the decision-making process of police officers.

Summary

The current literature on police decision-making is in need of increased theoretical sophistication. The focal concerns perspective has repeatedly been utilized to advance our understanding of judges' sentencing decisions and shows promise to do the same where the topic of police decision-making is concerned. While intuitively sound, the focal concerns perspective is in need of conceptual enhancements to operationalize the cognitive mechanisms through which offender and offense characteristics shape an officer's intentionality and ultimately their use of formal sanctions. Ajzen's (1991) theory of planned behavior represents a viable tool in this regard. By extending the focal

concerns framework to the topic of police decision-making and bolstering the framework by elaborating on it using the theory of planned behavior, this study seeks to add substantially to the theoretical sophistication in the area of criminal justice decision-making. To accomplish the proposed theory building exercise, semi-structured qualitative interviews were conducted with police officers from a mid-sized metropolitan police department located in the Southeastern United States. The aim of these interviews being to elicit the considerations that police officers see as important to their decision-making process in order to develop a theory of police decision-making which incorporates concepts from the focal concerns framework and the theory of planned behavior. In identifying the common themes that came to light in the interviews, there were some concepts that emerged that were unexpected and did not necessarily fit neatly into the theoretical frameworks already mentioned. To handle this, the unanticipated mechanisms were included in the theoretical model in a manner supported by the data to create a theory of police decision-making that is as robust as possible.

Chapter 2- Literature Review

In undertaking the current project as previously detailed, it is necessary to examine the contributions of previous scholars to the relevant areas of concern. More specifically, the literatures dealing with police officer decision-making, the focal concerns perspective, and the theory of planned behavior are examined in detail below.

Early Theories of Criminal Justice Decision-Making

Early attempts to understand criminal justice outcomes were primarily driven by the ideas of conflict and consensus. This dichotomy represents differing assumptions about the purpose of the criminal code, and thus, how the criminal justice system would react to violations of the law. The consensus model argues that, although our country has a diverse population, the criminal law represents the general norms of society as a whole. Under this conception of the criminal justice system, it is argued that legal variables will be the most salient in predicting the system's reaction. In contrast, the conflict model argues that the criminal code cannot embody the moral beliefs of a society as large and diverse as ours. It is argued that the criminal code is a tool of those in power to maintain their position and prevent others from ascending in social status. Conflict theory predicts that extra-legal variables, such as race and economic class, would have the strongest impact on criminal justice outcomes. Hagan (1989) observed that literature reviews assessing the empirical validity of the conflict and consensus models (see Willbanks, 1987 and Zatz, 1984 for examples) all came to the same general conclusion, which is that neither model had garnered enough empirical support to justify the validity of its propositions. The observed effect sizes were modest at best and did not produce any definitive conclusions (Hagan, 1989). Although these efforts were important in

beginning to explain how criminal justice actors made decisions in a variety of circumstances, they left a theoretical void that continued research would need to address.

Early polarization theories (such as conflict/consensus) generally focused on explaining the operation of the criminal justice system as a whole or, in some cases, entire components of the criminal justice system. One such grand theory, which still has prominence today, is Packer's (1968) due process/crime control model. Packer saw crime control and due process as being equally legitimate concerns in the operation of the criminal justice system, but he also argued that both ideas were necessary to understand why the system functions as it does. One of the problems exhibited in early criminal justice theorizing, which persists today to an extent, was that theories were developed based on a prescriptive ideal of how the system should function rather than describing how it actually functions. An early example of this approach is Feeley's (1973) rational goals and functional systems model. This theory argued that the adoption of rational goals was the ideal way for the system to function, which largely involved the strict adherence to rules and laws. Feeley went further, maintaining that the functional systems model, which involved cooperation, exchange, and adaptation among actors within the system, was a better description of how the system actually functioned as individual actors tried to accomplish their specific goals and tasks.

Subsequent observational studies made more effort to highlight the complexities of the criminal justice system and its components, but they still had the strong tendency to compare reality to an imaginary ideal which allegedly defined legitimacy (Bernard & Engel, 2001). One example of a theoretical framework that served as the underlying theme of these types of studies was Skolnick's (1966) law and order theory. This was an

early polarization theory that attempted to highlight the difference between strict adherences to rules versus how the criminal justice system actually operates. These ideas arose out of an ethnographic study of the police carried out by Skolnick (1966) in which he highlighted the dilemma the police face in enforcing the law with both justice (law) and efficiency (order). Skolnick's highlights the fact that the police function is part of a bureaucracy and that those types of organizations tend to favor speed and efficiency over most other considerations. This need to produce results, usually in the form of a high case clearance rate, can sometimes create conflicts with seeking true justice and may lead officers to pressure suspects into confessing to crimes rather than doing a thorough investigation of the facts. The conflicting priorities of efficiency and justice led Skolnick to the conclusion that "law" and "order" are not necessarily synonymous as most people believe. Related efforts include Lipsky's (1980) conceptual argument which characterized police officers as street-level bureaucrats. Lipsky's primary argument was that the ideal way for the criminal justice system to operate is with policy being made by top level officials and those policies then being carried out by those underneath them in the hierarchy. He argued that in the case of policing, policy was being made at the lowest level of the hierarchy by police officers through their ability to exercise wide discretion in carrying out their assigned duties. This is similar to Wilson's (1978) characterization of police officers as street-level bureaucrats which was derived from the large amount of discretion given to officers as they perform their tasks.

One of the earliest influences on theories of criminal justice operations was Weber's (1954) organizational theory which asserted that bureaucratization formed an efficient division of labor with specialists trained to handle their individual tasks. Weber

(1954) also theorized that these tasks would be performed according to calculable rules without regard to person. Weber's ideas were influential in the rational goals model which essentially argued that the behavior of individual actors would flow from the goals of the organization of which they were a part (Feeley, 1973). Another early influence on criminal justice theory was general systems theory (Bertalanffy, 1968). General systems theory argues that a complex system is more than just the sum of its parts, so the only way to really understand the parts of a system is within the context of the whole (Bernard et al., 2005).

Although some early scholars examined individual officer behavior, most early criminal justice theories focused on explaining the system as a whole, rather than examining outcomes as a result of decisions made at the individual level. The rational goals model was influential and argued that criminal justice workers should be conceptualized as rational actors who are attempting to achieve organizational goals. This model recognized that subgroups within a system may have conflicting goals and that these competing goals create the need to emphasize cooperation, exchange, and adaptation. A key prediction of this model is that actors will tend to follow informal rules in the pursuit of individual goals tied to their own subgroup (Feeley, 1973). Although this theory is appealing due to its inherent rational choice style of common sense, Feeley (1973) argued that focusing on formal organizational goals and evaluating behavior in light of those goals is not useful for theory building nor does it fully explain actions. He asserted that there may be other factors involved that are just as important, or more important, in determining the behavior of criminal justice actors. The rational goals approach to explaining behavior may be of some use, but it may not constitute a theory in

the most formal sense because it merely contrasts behavior with an assumed ideal instead of explaining it (Feeley, 1973). In contrast, the functional systems model does make assertions about why criminal justice actors would deviate from rules in pursuit of group goals, but at the heart of these ideas is still an implicit comparison to a prescriptive ideal (the following of rules and regulations).

Another early criminal justice theory is Black's (1976) theory of law. This theory argues that the application of law will vary inversely with relational distance. More specifically, the closer the relational tie between the victim and the offender the less likely the system is to intervene by taking enforcement action. This model has also been influential in research, but in some cases it has been modified to fit the level of analysis and hypotheses of a particular research project (see Rojek, et al., 2012 for an example).

Police Officer Decision-Making and Discretion

A discussion about police officer decision-making is, in effect, a discussion about the exercise of officer discretion. Mastrofski (2004) defines discretion as the leeway officers have in deciding between multiple courses of action to resolve a situation in the course of performing their duties. Discretion is a needed aspect of police work to facilitate the efficient handling of incidents at decision points, but it is also a potentially problematic issue if it is exercised improperly (Cihan & Wells, 2011). Any theory of decision-making must recognize that numerous forces are competing as officers evaluate possible decisions about which course of action to follow in any given situation.

Mastrofski (2004) argues that research on discretion is theoretically underdeveloped and that much of the research on police behavior is based on correlational studies which examine variations in police behavior from one context to

another. He further argues that most of these studies merely report the effects *of* the police and not the effects of various factors *on* the police. Most of these studies have looked at what the police do when they are mobilized by a call for service, but only recently have researchers started to examine how, where, and when the police choose to mobilize their efforts. Even in this area, researchers have mostly been interested in the question of race effects, but in reality the questions that should be asked are much broader than that because some research has shown the police activity is not primarily driven by the 911 call system but is largely driven by how individual officers choose to spend their time, most of which is unassigned (Mastrofski, 2004; Mastrofski & Parks, 2003).

Another limitation of past research has been a tendency to focus on decisions about making an arrest and the use of force (Varano, Schafer, Cancino, & Swatt, 2009). Although these are important outcomes to examine, the answers may not illuminate much about police officer decision-making processes because many of those types of incidents are likely to be situations in which an officer's discretion is low due to the seriousness of an offense. Tillyer, Klahm, and Engel (2012) provide a similar observation in their assessment of the literature on the decision to search. They point out that many studies that have examined this issue have failed to distinguish between mandatory searches (a search incident to arrest, for example) and discretionary searches. Failing to disentangle these different types of searches may render study results unreliable in describing decision-making processes being used by police officers because they do not account for varying levels of discretion across different situations.

In contrast to early criminal justice theoretical development efforts that were dominated by a macro-level approach, there have been efforts in more recent times to examine individual components of the criminal justice system. The police have been the subject of a vast majority of research. A complete review of the policing literature is beyond the scope of this project, but it is useful to highlight a few examples of research that have tried to explain how police departments and individual police officers function. A common criticism of studies that examine policing outcomes in general is that they tend to be mostly descriptive in nature. There have been a number of descriptive policing studies that use structural theories such as conflict theory, racial threat, or Black's theory of law, as the lens through which they interpret findings (Novak & Chamlin, 2012; Petrocelli, Piquero, & Smith, 2003; Rojek, Rosenfeld, & Decker, 2012). The basis for criticism of this approach appears to be that although these types of studies are useful in some ways, they are limited in their ability to advance the development of theory.

Klinger (1997) took a different approach by attempting to develop an ecological theory of police behavior that would explain the variations in police behaviors across physical space. He identified several variables that appeared to be important in explaining police behavior: acceptable versus unacceptable deviance in a community, the perceived deservedness of victims, officer cynicism, and officer workload. This was one of the earliest pieces of policing research in which the variables indicated more of an interest in how an officer interpreted a situation and the evaluation process that accompanied that interpretation. In a test that compared Klinger's ecological theory with ideas from the order maintenance policing literature, Phillips and Sobol (2012) found modest support for concepts from both perspectives. Support for the ecological

perspective was somewhat stronger, but Phillips and Sobol (2012) concluded that both theories were in need of adjustment because neither generated sufficient empirical support to warrant the drawing of any definitive conclusions.

An examination of police decision-making processes should by necessity include a consideration of the discretion that most law enforcement officers are allowed in the performance of their duties. A major weakness of the rational goals model is its virtual silence on the topic of discretion (Feeley, 1973). In the early theoretical frameworks proposed, the only one that included some discussion of discretion was the functional systems model (Feeley, 1973). This is mostly because the functional systems model argues that criminal justice actors will depart from established rules (presumably because of their discretion) to pursue the accomplishment of individual goals. Two factors play into this idea. First, the sheer quantity of rules in the criminal justice system makes it impractical to enforce all of them or abide by all of them. Second, the inherent ambiguity of many of the rules leaves it up to the actor to define and interpret each situation they encounter as unique problems arise. Feeley (1973) argues that these two considerations actually make the rational goals model impossible to execute in the real world.

Ebbesen and Konecni (1985) note that the discretionary nature of the criminal justice system has been highly criticized due to disparities in various criminal justice outcomes and the perceived role that discretion plays in that process. They also highlight, however, the reality that rules and regulations within the system can be so ambiguous and give so little direction on how to translate case details into decisions that discretion is a necessity for moving cases forward in all components of the system. Most of the literature dealing with the topic of discretion assumes that limiting discretion will

increase the uniformity of criminal justice outcomes. The overall tone of the discretion literature is that officer choice is a problem that needs to be controlled (Tillyer & Klahm IV, 2011). Surely, there are problematic ways in which discretion can be exercised, but the general view of discretion itself as the problem is too narrow. In the absence of discretion, criminal justice actors would be bound by duty to enforce every infraction of a rule that came to their attention. This is generally viewed as an unrealistic, not to mention undesirable, option. That being the case, criminal justice research in this area should try to explain how discretion operates and identify realistic methods that administrators can employ to ensure that it is exercised appropriately.

In refining the idea of how discretion operates in the criminal justice system further, Gottfredson and Gottfredson (1988) argue that, at a purely conceptual level, there are actually two criminal justice systems: a system of minor offenses that is characterized by high levels of discretion and a system of more serious offenses that is characterized by low discretion. This is an important distinction because it implies that disparities in the dispositions of serious cases are most likely not a result of variations in the exercise of discretion because criminal justice actors become constrained in the options available for them to choose from when the severity of offenses reaches a certain level. Conversely, disparate outcomes are more likely to be seen when minor offenses are involved because of the greater latitude afforded to decision makers in these cases and also because decision makers usually seek to dispose of minor cases whenever possible (Gottfredson & Gottfredson, 1988). Another way of thinking about this issue is that there is probably a threshold effect that the severity of an offense has on discretionary decisions by criminal justice actors. Once severity rises to a certain level, it is likely that there is an abrupt

truncating of the legitimate options available to criminal justice actors in how they handle a particular case.

In a review of the literature, Gottfredson and Gottfredson (1988) identified three common themes in regards to what impacts criminal justice decisions as well as two fundamental problems that characterize criminal justice decisions. They found that the variables most likely to impact criminal justice decisions in regards to cases were the seriousness of the current offense, prior criminal record, and the victim-offender relationship. Of at least equal importance are the problematic characteristics of the decision-making process that Gottfredson and Gottfredson (1988) identified. One problem in criminal justice decision-making is the ubiquity of prediction. Gottfredson and Gottfredson (1988) report that in most cases, police officers, judges, and probation officers make attempts to predict the behavior of offenders that will result from the enforcement decisions they make. This is problematic because these types of predictions are likely to be inaccurate in most cases because they are usually made through the lens of one's own experiences which is an egocentric and inherently biased method of evaluating the future actions of offenders.

The second problematic feature of the criminal justice decision-making process identified by Gottfredson and Gottfredson (1988) is the lack of feedback regarding past decisions. Given the previous observation about trying to predict future behavior in making decisions, it would follow that follow-up information would be vital in assessing whether or not the predictions were accurate. Unfortunately, this type of information is rarely received by the decision maker. There are two key types of feedback that are missing from the equation: information on how other decision makers have made their

decisions and information regarding the consequences of the decisions that were made (Gottfredson & Gottfredson, 1988). When researchers have attempted to analyze criminal justice outcomes by comparing similar offenses and similarly situated offenders, disparities are almost always found (Higgins et al., 2012; Langan, Greenfeld, Smith, Durose, & Levin, 2001; Novak & Chamlin, 2012; Rojek, Rosenfeld, & Decker, 2004; Steffensmeier et al., 1998). It is highly likely that these disparities arise, at least in part, because most decision makers are evaluating their choices only on the basis of their own experiences and opinions. This sets the stage for disparities to occur simply because everyone has different experiences and views. An additional complication is that criminal justice actors are making decisions in a wide variety of situational contexts which also seems likely to contribute to the creation of disparate outcomes. Another major problem is that decision makers rarely get feedback on the consequences of decisions they have made (Gottfredson & Gottfredson, 1988). This is also a problem because the tendency of human nature would most likely be to assume that a decision was correct if we are never told that it was not. This could lead to the perpetuation of poor decisions due to the simple fact that the results were not reported back. Although these observations made by Gottfredson and Gottfredson (1988) are over 25 years old, no evidence has been located that would indicate these situations have significantly improved in the present.

Factors affecting the exercise of police discretion.

Efforts have been undertaken by some researchers to uncover the mechanisms and factors that determine how the police make discretionary decisions. This line of inquiry has found that police behavior varies across different spaces (Varano et al., 2009),

leading to studies that have focused on the discretionary deployment of police resources at the community level. For example, B. W. Smith, Novak, and Frank (2005) examined the impact of community level factors and found that neighborhoods with more unassigned space (parking lots, vacant lots, etc.) tend to get more police attention due to a perceived need to provide more formal social control in these types of exposed areas. They also observed that areas that tend to draw large crowds are thought to have less informal social control and that this may motivate the police to focus added attention on these areas. Areas with a high quantity of commercial locations may influence the police in ways residents cannot through different types of requests (business checks, etc.) and the offering of discounted services to officers who work in the area. B. W. Smith et al. (2005) also found that residential mobility was negatively associated with time spent by the police in order maintenance, service activities, and community oriented policing activities among beat officers. Areas with high levels of resident turnover were shown to experience lower levels of these discretionary efforts.

In another study, Finckenauer (1976) found that officer perceptions of community expectations were a major factor in decision-making processes due to a desire to uphold a good public image. In this study, police recruits were provided with written scenarios that were somewhat ambiguous as to what the correct police response should be. The recruits were then asked to describe what they would do if they were placed in the situation as the responding officer. Finckenauer found that many of the decisions made by the recruits were based on their perceptions about what the community would accept as a legitimate option. This led Finckenauer to conclude that some police decisions are based on the desire to appear to the public to be doing a good job.

Although early criminal justice research and theorizing tended to focus more on the criminal justice system as a whole, more recent research has begun to explore more in depth issues surrounding officer discretion at the individual level. A common approach in this regard is to examine how officer characteristics relate to decision-making outcomes. Many studies control for officer characteristics but there is little agreement on the importance of those characteristics, such as race, sex, education, age, or experience (Regoeczi & Kent, 2014), and the findings related to these variables are somewhat mixed. In a study examining the impact of officer education on whether a traffic violator received a ticket versus a warning Regoeczi and Kent (2014) found that officer education made no difference on their dependent variable. In contrast, Alpert, Dunham, Strohline, Bennett, and MacDonald (2004) conducted a study in which education was a significant predictor, as well as age. In their study, older officers and those with a high school education were more likely to stop and ticket someone during their shift.

Rabe-Hemp (2008) examined the impact of an officer's sex on police practices. That study found that female officers were less likely than males to use coercive physical force or threats when dealing with suspects, but, contrary to expectations, also found that female officers were not more likely than male officers to use supportive behaviors in dealing with suspects. Although Rabe-Hemp (2008) was not specifically examining decision-making processes, this finding seems to imply that male and female officers may approach situations in which hostilities are involved differently than their male counterparts while handling other situations essentially the same. It is not unreasonable to expect that these differences may result in officer sex conditioning the decision-making process. Research has also been conducted examining the issue of an officer's

race as well as their length of service. Novak (2004) found that newer officers were less likely to ticket or arrest a citizen during a traffic stop. This suggests that newer officers may be less coercive than those with more experience.

The examination of officer-level characteristics has also included the topic of officer race. This is another area where findings are mixed. For example, Donohue and Levitt (2001) found that, at the departmental level, increases in the number of minority police officers resulted in significant increases in the number of Whites arrested while having no effect on the number of non-Whites arrested when examining the overall arrest patterns in a particular city. Conversely, they also found that increases in the number of White police officers resulted in significant increases in the number of non-Whites arrested while having no effect on the number of Whites arrested. In contrast to these findings, Brown and Frank (2005) found that officer race had no impact on whether or not an officer took enforcement action for a violation in both traffic and non-traffic related incidents. Race was also examined by Rojek et al. (2012) who initially found that White officers were more likely to stop and search Black citizens as compared to Black officers. Upon further examination of their data and taking the racial makeup of a neighborhood into account, they further noted that White officers were actually more likely to search White citizens if they were in a minority neighborhood. This was attributed to what is referred to as “out-of-place policing” where officers, presumably familiar with the area in which they are working, focus their attention on people who have the appearance of not belonging where they are seen. Smith et al., (2005) also examined race, and other individual-level variables, in a study detailing how officers decide to fill unassigned time during a shift. They found that officer race had a weak to

moderate effect with Black officers engaging in slightly higher levels of order maintenance activities than crime control activities as compared to White officers, but overall they stated that individual-level variables do not show a reliable pattern in predicting how an officer would fill discretionary time. This result is supportive of other studies which have concluded that individual officer characteristics have a weak relationship, at best, to policing decisions and outcomes (Alpert et al., 2004; B. W. Smith et al., 2005). The weak association between officer demographics and policing outcomes highlights the need to look elsewhere to uncover factors that have more explanatory power with regard to policing outcomes and the decisions made by individual officers.

In addition to the weak relationship between officer demographics and police officer discretionary behavior, research has also mostly shown that there is a moderate link between officer attitudes and actual behavior. After conducting an examination of the social psychology literature, B. W. Smith et al. (2005) concluded that officer attitudes alone have failed to provide a complete explanation for actual behavior. In an early effort to look beyond officer demographics as key predictors of behavior, Finckenauer (1976) conducted a study in which he asked the following questions: How is discretion exercised?; What factors influence decision making?; What officer characteristics influence discretion? To analyze these research questions, ambiguous written scenarios dealing with gambling, drunkenness, welfare fraud, prostitution, and juvenile offenses, were given to police recruits who then wrote why they either agreed or disagreed with the actions taken by the officer depicted in the scenario. They were also asked to indicate what they would have done given the same situation. The results of this study indicated more of a tendency to bypass the use of formal systems in favor of using informal options

to resolve ambiguous situations. Finckenauer (1976) attributed this result to actions being driven more by an officer's personal definition of what was happening rather than the strictly legal definition of a situation in the scenarios presented to the research subjects.

Although not a complete explanation for actual behavior, research has shown that attitudes evaluated on their own consistently demonstrate a small to moderate association with actual behavior (Ajzen, 1991; Ajzen & Fishbein, 1977; Schuman & Johnson, 1976; Wicker, 1969). Although holding a particular attitude does not guarantee a particular course of action the association between these two variables has been well supported in the literature. The association between police officer attitudes and behavior is also impacted by the presence and strength of situational, organizational, and community factors (Mastrofski, Worden, & Snipes, 1995; Whitaker, 1982; Worden, 1989). Factors such as offense seriousness, strength of evidence, and victim wishes were found to be significant predictors and can apparently supersede an officer's attitude when making enforcement decisions (B. W. Smith et al., 2005). This is consistent with observations made by researchers that, when it comes to police officer behavior, situational and community-level factors have been better predictors than individual officer characteristics (Alpert et al., 2004; Finckenauer, 1976; Rabe-Hemp, 2008; Regoeczi & Kent, 2014; B. W. Smith et al., 2005). In relationship to the current research, it is anticipated that the integration of the theory of planned behavior and the focal concerns framework will allow for the assessment of officer attitudes in addition to these structural and situational factors to provide a more complete theoretical framework to explain how police officers engage in the decision-making process.

Racial profiling research.

The literature on racial profiling has much to offer in examining the issue of police officer decision-making. Although studies on this topic tend to have the impact of race on police decisions as their focal point, inevitably, the influence of other factors such as individual officer characteristics, situational characteristics, and other variables are examined to control for factors that may confound the race variables. In fact, it has been noted in the literature that the inclusion of factors outside of race is important to increasing the understanding of police behavior because the effect of suspect race alone is too narrow to provide a complete picture of how police officers make decisions on the job (Meehan & Ponder, 2002; Novak, 2004; Schafer, Carter, Katz-Bannister, & Wells, 2006). Several studies have been done that have served to help identify key variables and their relationships to police behavior and other criminal justice outcomes (Engel, Sobol, & Worden, 2000; Klinger, 1994; Riksheim & Chermak, 1993; Steffensmeier et al., 1998).

Conflict theory and racial threat theory are perspectives that researchers have used to determine if race is a key factor in the decisions made by police officers. These perspectives suggest that racial minorities and the poor are a threat to the ruling class, so the ruling class will use the formal crime control apparatus to enforce rules that preserve their position. This means more aggressive enforcement would be expected among poor and non-White citizens (Petrocelli et al., 2003). While there are different views among researchers employing this theoretical framework, all threat/conflict perspectives tend to agree that the social control of dangerous groups is the primary goal of law enforcement entities rather than the mere suppression of illegal activities (Novak & Chamlin, 2012). This would imply that race and/or socio-economic status would be important predictors

of the propensity of the police to apply harsh enforcement action in a given situation. Smith (1986) found in a study of neighborhood context that suspects confronted in neighborhoods of lower socio-economic status incurred a higher risk of being arrested, while those encountered in non-White or racially mixed communities were more apt to be handled coercively by police. He also found that police were more likely to exercise coercive authority toward Black offenders in primarily Black neighborhoods. Black suspects in White neighborhoods were handled less coercively by police compared to Black suspects in Black neighborhoods.

In another study involving the Maryland State Patrol drug interdiction team, Barnes (2005) found that Blacks were 2.6 times more likely to be subjected to a consent search and Hispanics 3.5 times more likely than similarly situated Whites. This assessment of the likelihood of a consent search is important because these are situations in which an officer has a high degree of latitude in asking for the permission to search or not. In the end, Barnes (2005) concludes that drivers' race serves as a major factor in interdiction officers' decision to stop a motorist and subsequently asking for permission to search a vehicle. Although this is a striking result, it is worth noting that drug interdiction is a highly specialized assignment with a very specific goal. Other researchers have noted that the exercise of discretion is highly conditioned by the duties assigned to an officer (B. W. Smith et al., 2005).

In a study carried out by Novak and Chamlin (2012) in which the influence of race on police behavior was examined, the results were more supportive of what has come to be known as "out-of-place policing," meaning that the police seemed to be targeting citizens based on whether or not they appeared to belong in a particular area.

This study involved the examination of traffic stop data in Kansas City, Missouri using the police beat as the unit of analysis. Their study did not find any direct support for the threat hypothesis, rather their results indicated that as the percentage of Black residents increased in a beat, the stop and search rates for Whites went up. The threat hypothesis states that as minority groups grow larger relative to the population more social control will be applied. This study found that the opposite was true when accounting for the context of neighborhood demographics. In a discussion of these results, Novak and Chamlin (2012) point out that the preponderance of the literature seems to point to a disparity in how many Blacks are stopped by the police compared to other races. This suggests that race may be an important variable in predicting the likelihood of being stopped, searched, and sanctioned, but the causal mechanisms are not known. One possibility is that unidentified variables may be mediating the associations between race and various policing outcomes or the associations identified may simply be spurious. More research is needed to determine if this is the case.

One of the consistent findings in the literature regarding traffic stops is that disparities do exist in the outcomes experienced by different racial groups. In a Bureau of Justice Statistics report, Langan et al. (2001) demonstrated that Blacks and Hispanics are more likely to be searched during a traffic stop compared to White people. Empirical work has generally supported this finding. In a review of 13 studies on racial profiling, Engel, Calnon, and Bernard (2002) note that all 13 of the studies they evaluated found that there was a disparity in traffic stop outcomes along racial lines with Blacks and Hispanics being subjected to more severe sanctions for violations once a stop was initiated. However, complicating this issue is the assertion by more than one researcher

that the existence of a disparity in outcomes does not prove officers are acting in a racially-biased manner (Engel et al., 2002; Fridell, 2004; Langan et al., 2001; Rojek et al., 2004).

While there is a consensus in the literature that race does show some kind of effect on police officer decision-making, it is also worth noting that several studies show no effects for race once other confounding variables are accounted for or methodological flaws are corrected. Some studies have found evidence of bias when comparing results for a group to a benchmark population, but M. R. Smith and Petrocelli (2001) found that when using individual stops as a unit of analysis, minorities are equally or less likely to be searched, ticketed, or arrested compared to similarly situated White people. As previously noted, Novak and Chamlin (2012) found that the effects of race were washed out once the demographics of the area in which the stops occurred was added to the equation. A similar result was obtained by Rojek et al. (2012). Their statistical models initially identified race as a key variable in predicting whether someone would be stopped or searched. After adding neighborhood racial composition to their models, they found that the direct effects of race were reduced significantly and that their findings were more supportive of the idea that the police tend to stop people who appear out of place. This meant that minorities were less likely to be stopped than Whites in neighborhoods populated mostly by racial minorities.

Another issue complicating this evaluation is what is commonly referred to as the “denominator problem.” There is little agreement among scholars as to what the appropriate comparison group is in trying to ascertain whether or not policing outcomes are in fact biased in some way. Because most of the studies assessing racially biased

policing practices rely on traffic stop data, the argument has been made that population or census data are inappropriate comparisons because they may not be representative of the population being subjected to traffic enforcement on a regular basis (Engel et al., 2002; Rojek et al., 2004). In a study assessing traffic stop data from 92 jurisdictions in Missouri, Rojek et al. (2004) employed statistical methods which allowed them to correct the bias in the population data they were using as a comparison. Even after the corrections, they found small but consistent disparities among racial minority outcomes, but the strength of race effects were reduced.

In reporting their results from the Missouri traffic stop study, Rojek et al. (2004) were careful to note that although they found what they characterized as consistent racial differences, their data and methods did not allow for any conclusions about why those differences exist. One explanation offered for these differences is individual officer bias or prejudice, but this explanation has generally been deemed as too narrow and simplistic to fully explain the observed disparities (Engel et al., 2002). It is more likely that these disparities can be at least partially explained through an examination of systemic and organizational factors that may indirectly impact racial disparities. Supervisor expectations regarding officer productivity and what types of people the police should focus their attention on may affect officer behavior in a way that results in more minorities being stopped (Engel et al., 2002; Novak, 2004). This argument is closely related to the previously mentioned idea of “out-of-place” policing. This particular explanation of police behavior and decision-making argues that the behavior of the police, as it relates to stopping citizens, will not only be affected by race, but by place as well. Researchers examining this proposition (Meehan & Ponder, 2002; Novak &

Chamlin, 2012; Rojek et al., 2012) have found some support for this explanation of racial disparities.

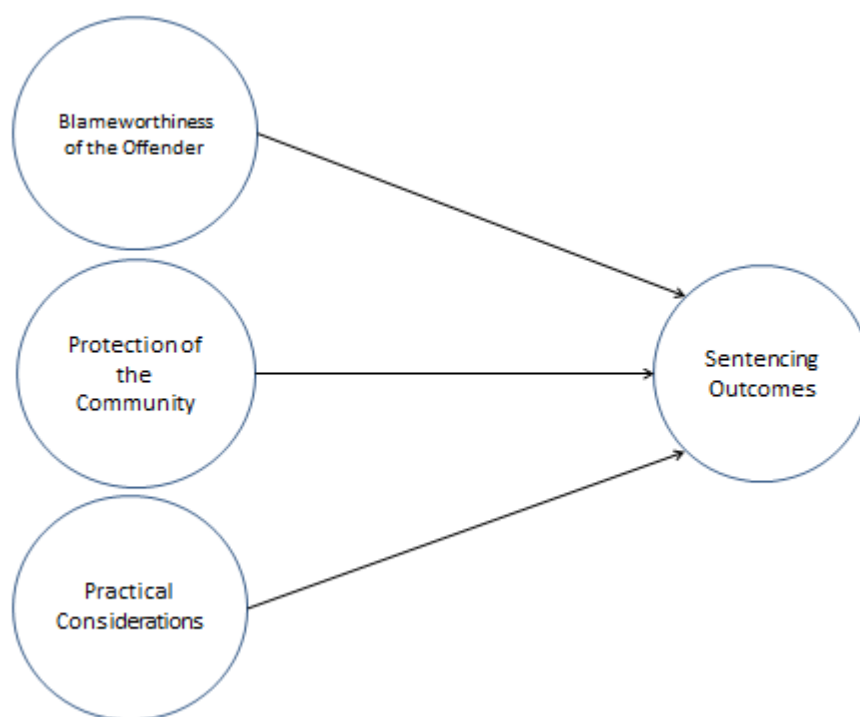
Although no attempt will be made here to make any definitive statements about the existence or non-existence of racial profiling by the police, it is clear that racial disparities do exist at some level in the criminal justice system, however, the research attempting to discover the sources of these disparities, particularly as related to decisions made by police officers, is mixed. The inconsistent nature of the research results in this area indicates that race alone is not an adequate explanation for the enforcement decisions made by police officers. However, the findings from the racial profiling literature regarding the influence of situational and structural factors on policing outcomes serve to inform the present research on police officer decision-making. One possible conclusion from a review of this literature is that although there appears to be some effect of race on policing outcomes, any model of police officer decision-making would be misspecified if it failed to include a consideration of situational context and other structural factors shown to have an impact on the decision-making process.

The Focal Concerns Perspective

In trying to determine which factors play the most important role in police officer decision-making processes, the sentencing literature may provide some insight from the work that has been done in detailing the decisions that judges makes when sentencing offenders for their crimes. The focal concerns perspective is perhaps the most dominant framework addressing this issue in the sentencing literature (Steffensmeier et al., 1998). The focal concerns perspective argues that there are three key concerns that judges consider in making sentencing decisions: the blameworthiness of the offender, the need

to protect the community, and practical considerations of the sentence being considered (Steffensmeier et al., 1998). Figure 1 shows a graphical representation of how the focal concerns perspective operates. Concerns about blameworthiness usually entail considerations such as the seriousness of the offense and the amount of harm done to the victim. The focal concerns perspective predicts that the more blameworthy an offender is perceived to be, the harsher the treatment is that the offender will receive from the criminal justice system in terms of sentencing.

Figure 1: *The Focal Concerns Perspective*



The need to protect the community, as specified by the focal concerns perspective, usually takes an offender's criminal history into consideration as well as the perceived likelihood of recidivism. Generally, a lengthier criminal history and a perception that the likelihood of recidivism is high would predict harsher sentencing for a criminal offense. The third element of the focal concerns perspective, practical concerns,

refers to extra-legal considerations such as whether or not the offender is a primary care giver for dependent children or how a sentence will impact an offender's ability to get or keep a job. The focal concerns perspective argues that practical concerns such as the examples noted would tend to reduce the severity with which an offender is punished. It has been suggested that practical concerns involving children may partially explain gender disparities in sentencing since women are more likely than men to be the primary caregiver for dependent children.

The empirical roots of the focal concerns framework lie in what has been called a consistent finding that women receive more lenient treatment at the hands of the criminal justice system than do men (Steffensmeier, 1980; Steffensmeier et al., 1993). In an early assessment of this finding Steffensmeier (1980) noted that although preliminary work in this area showed consistent results, the finding may actually have been an artifact of poor methodology and failing to statistically control for relevant variables, however, he conceded that the clearest pattern emerging in this area indicated that women were significantly less likely to go to prison than men across all types of offenses. This finding led Steffensmeier (1980) to formulate five possible theoretical mechanisms that would explain this phenomenon: practicality, chivalry, naiveté of the offender, the perceived permanence of the deviant behavior in the future, and the perception of offender dangerousness. This line of thought eventually resulted in the formulation of the focal concerns perspective.

Empirical work by Albonetti (1991) has also been generally supportive of the assertions made by the focal concerns framework. In a study examining sentencing outcomes for various groups, she found that Black people consistently received harsher

punishments than their similarly situated White counterparts. It was hypothesized that this finding was related to the use of stereotypes, but the data did not allow for confirmation in this regard. Albonetti (1991) also found that punishments handed out by judges tended to be more severe for offenses involving the use of a weapon and those that inflicted higher levels of harm upon a victim. This finding is supportive of the idea that the statutory severity of an offense has a significant impact on the decision that a judge will make regarding its disposition. In the end, Albonetti (1991) argued that the presence of the aforementioned incident characteristics would be instrumental in what level of stability in offending, or dangerousness, a judge would attribute to any given offender. The more stable the offending was perceived to be and the more dangerous an offender is perceived to be, the more severe the judicially imposed punishment was likely to be.

While developing the focal concerns framework, Steffensmeier et al. (1993) and Steffensmeier et al. (1998) provided quantitative and qualitative evidence which supported the assertions being made. In an examination of Pennsylvania sentencing data from 1985 through 1987, Steffensmeier et al. (1993) found, consistent with past findings, that females were treated more leniently by judges than males. They also noted, however, that the variable of sex actually had a weak association with sentencing outcomes. Stronger relationships were found for variables that quantified an offender's criminal history and the severity of the current offense. The results of this study seemed to indicate that although these variables were strong predictors of sentencing outcomes, males and females were differentially affected by them. To extend this work, Steffensmeier et al. (1998) performed a similar analysis which was intended to test their assertion that blameworthiness, protection of the community, and practical considerations

were the key factors used by judges in making decisions. Their study used Pennsylvania sentencing data from 1989 through 1992, and statistical interaction models were employed, in addition to their main effects models, to assess how the interactions between race, sex, and age impacted sentencing outcomes. They found that young Black males were consistently treated the most harshly in terms of whether or not they were incarcerated and in the length of incarceration. Race, however, had the most influence on outcomes for younger offenders while race effects were negligible among older offenders. They also found differential effects for age across genders. Age had a significant effect on male sentencing outcomes, with younger males getting harsher sentences than older ones, but for females, sentencing outcomes were stable across all ages.

Steffensmeier et al. (1998) interpreted these findings as being supportive of the assertions made by the focal concerns framework in saying that the perceptual shorthand used by judges, which incorporates the three focal concerns of blameworthiness, community protection, and practical considerations, is strongly tied to age, race, and sex and that variations in these characteristics among offenders are one causal factor in what causes judges to attribute various levels of dangerousness and blameworthiness to different offenders. Although the interactions of race, age, and sex were significant predictors of sentencing outcomes, Steffensmeier et al. (1998) note that the strongest predictors of outcomes were still the seriousness of the current offense and an offender's prior criminal record.

Qualitative work done by Steffensmeier et al. (1993) and Steffensmeier et al. (1998) was also supportive of their findings. In interviews with judges, the researchers

asked judges about differential outcomes between cases, particularly in terms of gender. The responses from judges routinely displayed attitudes about female offenders which characterized them as less culpable and more susceptible to rehabilitation than male offenders. These beliefs about female offenders caused judges to ascribe a lower level of dangerousness and blameworthiness to female offenders which presumably resulted in their being treated more leniently. In terms of practical considerations, responses from judges indicated a perception that females generally have a stronger tie to the community than males, usually associated with their status as a mother, which also inclined judges to treat them less harshly than males.

The focal concerns framework and policing.

Only two empirical studies could be located that applied focal concerns in a police decision-making context. Crow and Adrion (2011) sought to account for officers' decisions to use Tazers by employing the focal concerns perspective. They found modest support for their hypothesis that officers would employ a type of perceptual shorthand in assessing whether or not to deploy a Tazer based on a suspect's perceived dangerousness and other practical considerations surrounding the incident in question. Examining use-of-force incidents has limited generalizability to other areas of policing due to the unique considerations that usually come into play in those scenarios: the heavy reliance on past training for the proper use of force and the fact that use of force incidents comprise a very low percentage of the engagements with the public in which the police participate. Next, in examining the decision to search a vehicle during a traffic stop under the lens of the focal concerns framework, Higgins et al. (2012) found that the decision to search a vehicle was strongly associated with their measures of blameworthiness. A limitation

seen in this study is that the concept of blameworthiness was operationalized in a narrow manner which may not capture the full meaning of the construct. The only indicators used to measure blameworthiness were whether contraband was in plain view or whether an officer could detect the smell drugs emanating from the vehicle. Either of these situations is likely to trigger an arrest or a search of a vehicle on the basis of probable cause, so it is not clear how these indicators truly capture the idea of a perception of blameworthiness which, according to the focal concerns perspective, has its roots in stereotypes and individual biases.

The present study will use concepts from the focal concerns framework as part of a theoretical model of police officer decision-making. Although the literature detailed here demonstrates empirical support for the basic ideas expressed in this conceptual framework, it lacks a full articulation of the mechanisms through which the three focal concerns are translated into actual decisions. The present project will also attempt to discern the similarities and differences between the focal concerns of judges and the focal concerns of the police. This is an important evaluation because it may shed light on how policing outcomes are achieved as officers make the enforcement decisions that lie within their realm of responsibility.

The Theory of Planned Behavior

One aim of the present research is to increase the utility of the focal concerns framework. Elaborating on the focal concerns perspective by using concepts from the theory of planned behavior (Ajzen, 1991) is intended to bring more specificity to the focal concerns perspective and expand it into a more fully-elaborated theory of decision-making.

The theory of planned behavior was developed as an extension of the theory of reasoned action (Fishbein & Ajzen, 1975). The theory of reasoned action originally conceived of the intention to perform a behavior as being predicted by attitudes toward performing the same behavior. The norms governing the behavior in question were also argued to be important although it was posited that their effect would be conditioned by the motivation to comply with those norms (Ajzen & Fishbein, 1969). It was thought that intention should be highly correlated with behavior, thus if one can predict intention, one can in turn predict behavior with a high degree of accuracy. The original model from the theory of reasoned action only predicts intention to act rather than actual behavior; although accurate behavior predictions can be made if the appropriate intention is selected for the behavior being predicted. While both the theory of reasoned action and the theory of planned behavior essentially argue that behavior is a function of beliefs and attitudes about the behavior in question, the key difference in the theory of planned behavior was the addition of the construct of perceived behavioral control (Fiske & Taylor, 2013) and the extension to the prediction of actual behavior rather than intentions alone. The basic premise behind the theory of planned behavior, as originally formulated by Ajzen and Fishbein (1969), is that specific behavior is significantly predicted by the intent to perform the behavior in question and attitudes and normative beliefs about the behavior. The theory further posits that this will hold true whether the behavior being assessed is a single act, a dichotomous choice, or a multiple-choice situation.

Along with attitudes about a behavior, the particular social norms governing a behavior are another consideration that is shared between the theory of reasoned action and the theory of planned behavior. This construct has generally been measured in terms

of how “important others” would view a behavior, conditioned by the motivation of the actor to comply with the referent group in question. Early research on this construct showed mixed results with no discernible patterns (Ajzen, 1991). It was thought that this suggested that personal considerations may override social pressures associated with many behaviors. Armitage and Conner (2001) advanced a similar idea in their assertion that, in addition to possible measurement problems, the weakness of social norms may simply reflect their unimportance for the particular behavior being studied. In light of those findings, Ajzen (1991) posited that a measure of perceived personal moral obligation may be needed to more fully capture the pressures one feels to engage in or avoid a particular behavior.

The added concept that differentiates the theory of planned behavior from its predecessor is perceived behavioral control. The primary deficiency of the theory of reasoned action was that it did not have a way to handle behaviors over which people had little volitional control. Perceived behavioral control essentially constitutes the opportunity (or, more precisely, the perception of the opportunity) to engage in a particular behavior. Where the ability to engage in a behavior is not under complete volitional control, perceived behavioral control should moderate the relationship between intentions and behavior, but where volitional control is high, perceived behavioral control should not have much impact and intentions will be the most powerful predictor (Armitage & Conner, 2001). Ajzen (1991) argues that this measure becomes more important as volitional control declines such that it may become the only relevant variable needed. If a person believes that they are unable or lack the resources to engage in a behavior, then that alone would directly predict actual behavior without

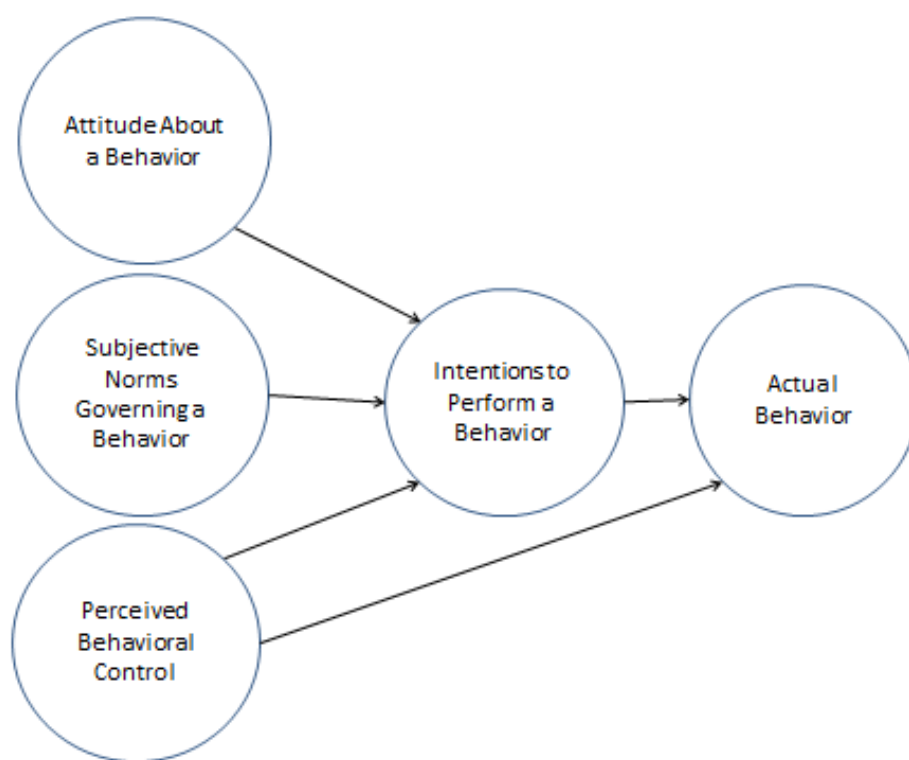
consideration of attitudes about the behavior or the relevant social norms. Ajzen also hypothesized in his early work that perceived behavioral control would have an interaction effect with intentions, but research has generally not supported this hypothesis (Ajzen, 1991; Armitage & Conner, 2001).

Although the subject matter of most studies assessing the theory of planned behavior is unrelated to the subject of the current research, a few studies will be detailed here to illustrate the mechanisms of the theory and how they have been generally operationalized and measured. For a broad overview of the empirical status of the theory of planned behavior, we can look to a meta-analysis which was carried out by Armitage and Conner (2001). Their review included 161 research articles that detailed 185 independent tests of the theory. The results of this assessment were supportive of the key propositions of the theory of planned behavior. In terms of variance explained, intentions to engage in a behavior explained 22% of the variance in actual behavior. For the three variables antecedent to intentions, attitudes about a behavior explained 24% of the variance in intentions, social norms explained 12% of the variation in intentions, and perceived behavioral control explained 18% of the variance in intentions. The theory of planned behavior also posits that perceived behavioral control will have direct effects on behavior, and Armitage and Conner (2001) found that this construct explained 13% of the variance in behavior.

Studies that have tested the validity of the theory of planned behavior generally follow the same methodological procedure for operationalizing the theory (Damron-Martinez, Presley, & Zhang, 2013; Heerwegh & Loosveldt, 2009; Morrison et al., 2010; Sniehotta, 2009). Survey questions are designed to tap the three constructs specified by

the theory: attitudes about a behavior, social norms governing a behavior, and perceived behavioral control. Each construct is usually measured using multiple indicators which are in turn used to predict intentions to perform a behavior. Ideally, a measure of a behavioral outcome is included to complete the theoretical sequence; however, some studies stop short of testing the ability of intentions to predict actual behavior because they do not have the data to perform such an assessment (Damron-Martinez et al., 2013; Heerwegh & Loosveldt, 2009). A diagram of the theory of planned behavior (Ajzen, 1991) is found in Figure 2.

Figure 2: *Pathway Diagram of the Theory of Planned Behavior*



Sniehotta (2009) carried out a study in which students' intentions to use university exercise facilities was assessed. The study used an experimental design in which some subjects received an intervention intended to change their beliefs, perceptions of social norms, and perceived behavioral control regarding the use of the exercise facilities. The

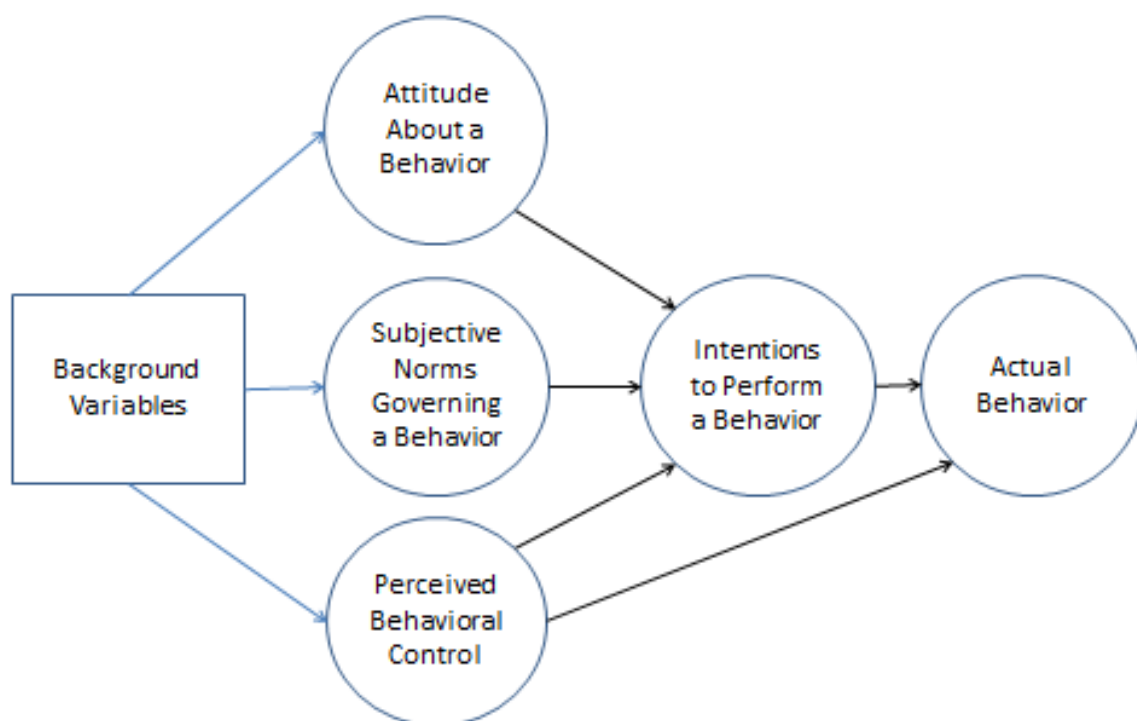
intervention consisted of persuasive written material that the treatment group received while the control group did not receive the intervention. Measures from the theory of planned behavior significantly predicted intentions, but the results questioned the ability of the theory to accurately specify how to change behavior as changes in the post-intervention measures did not appear to produce significant changes in post-intervention exercise facility use.

In another study, Damron-Martinez et al. (2013) assessed the ability of the theory of planned behavior to explain students' intentions to minor in business. Similar to other studies, the researchers asked survey questions linked to theory of planned behavior constructs. The questions asked about various positive and negative factors that they perceived about enrolling in a business minor (attitudes about the behavior), who in their lives would approve or disapprove of them taking a business minor (social norms), and what types of situations or obstacles would prevent them from doing it (perceived behavioral control). It was found that all three constructs were significantly associated with the intent to declare a business minor (correlations ranged from .27 to .58). The intention to minor in business was a single item measure that asked the student to rate the likelihood of taking a business minor. Although this study was not able to assess how many students that indicated an intent to minor in business actually did so, it is worth noting that Armitage and Conner (2001) found in their meta-analysis that self-predictions of future behavior were a reliable predictor of actual behavior.

Morrison et al. (2010) conducted a study in which they evaluated the capacity of the theory of planned behavior to explain the use of marijuana by young mothers. One of the aims of this particular study was to test what is referred to as the "sufficiency

hypothesis” from the theory of planned behavior. This hypothesis posits that background variables will not have any direct effects on intentions or actual behavior. They will only affect those measures indirectly through attitudes, social norms, and perceived behavioral control. Put more succinctly, the sufficiency hypothesis states that the three principle constructs of the theory of planned behavior are sufficient to explain all variations in intentions and behavior and will thus fully mediate any association between background variables and intentions or behavior. Figure 3 provides a path diagram to depict underlying logic of the sufficiency hypothesis.

Figure 3: *Pathway Model of the Sufficiency Hypothesis*



Morrison et al. (2010) used structural equation modeling to predict marijuana use by young mothers and tested the assertion that all background variables are mediated by

the three main constructs of the theory of planned behavior using longitudinal data. They found that intentions accounted for 70% of the variance in marijuana use among young mothers one year after the measures of intentions had been collected. To test the sufficiency hypothesis, other factors known to affect marijuana use were included in the model: adolescent drug use, emotional distress, environmental adversity, and peer drug use. The results of this study indicated that these four distal variables were significantly mediated by the three primary constructs of the theory of planned behavior. This result supports the sufficiency hypothesis for this specific behavior. The authors of this study pointed out that support for the sufficiency hypothesis for one behavior does not necessarily mean that result can be generalized to all behaviors and thus called for more research on this hypothesis involving other outcome behaviors.

Heerwegh and Loosveldt (2009) conducted a study which assessed the ability of the theory of planned behavior to explain a person's intentions to participate in an internet-based survey. In this study, respondents were mailed a written survey that asked them to assess their attitudes about taking web-based surveys that corresponded to the three main constructs from the theory of planned behavior. Using structural-equation modeling, it was found that the more positive a person's behavioral attitudes were, and the more positive a subject viewed the subjective norms surrounding this activity (characterized as a higher sense of moral obligation to participate), and a higher degree of perceived behavioral control a person possessed, the more likely the subject was to indicate an intent to participate in a web survey if the opportunity arose.

The Current Study

It is anticipated that the current research will result in a more fully articulated theory of police officer decision-making by using propositions and concepts from the focal concerns conceptual framework and the theory of planned behavior. It is hypothesized that some of the concerns of judges, which have been identified in the focal concerns literature, will overlap with those of the police but that there will be significant differences as well. More specifically, it is expected that the concerns of police officers will tend to focus more on short-term outcomes rather than the longer term consequences that judges tend to consider. It is also anticipated that variation in offender characteristics, situational variables, and legal considerations will produce variation in how an officer evaluates an enforcement decision. Concepts from the theory of planned behavior will be used as mechanisms to more fully articulate the focal concerns framework as a full theory of police officer decision-making.

Chapter 3- Data and Methods

This research is a qualitative study which involved interviews with police officers at a medium-sized police department in the Southeast. Because this research is primarily an exploratory exercise aimed at theory building, interviews were deemed to be the appropriate tool to use to gather the needed data. Using semi-structured interviews allowed officers to talk freely about their enforcement duties and decisions which allowed for an analysis of how the ideas they expressed fit, or did not fit, into the constructs from the focal concerns framework and the theory of planned behavior.

In the interest of full disclosure, I note that I am a former police officer. As the researcher conducting the interviews, this allowed for building rapport with the officers participating in the study easily and quickly. While my status as a former officer gave me some advantages in being able to relate to the interviewees and subject matter of the conversations, I also recognize that this experience can provide an avenue for interviewer bias to become an issue as well. I made every effort to leave my own opinions and experiences out of the interview design so that the most reliable data possible could be collected.

Study Setting

The data collection effort for this study was part of a larger research project involving the same police department. The larger project was aimed at producing a quantitative assessment of how the police interact with the public and how race, physical attractiveness, and other suspect appearance and behavioral characteristics affect the interaction the police have with the public as well as the decisions the police make in handling street-level incidents. The larger project involved a research staff which

participated in police ride-alongs during which they coded their observations regarding officer interactions with the public.

The police department under study employs more than 100 officers and is comprised of four primary divisions: uniform patrol, criminal investigations, training, and security. Each of the four divisions is headed by a command staff member (a Captain or Major) who in turn reports to the chief and the assistant chief of police. The county in which the department operates has a population of approximately slightly less than 1,000,000 people; however the police department used in this study services a small fraction of that population that resides in the unincorporated areas of the county. In terms of demographics, the population served by the police department used in this study is approximately 77% Black, 11% White, 9% Hispanic, and 2% Asian with less than 1% of the population comprised of other racial and ethnic groups.

The patrol operations area of the police department is divided into 11 large patrol beats in which officers are assigned to work a 12 hour shift. Geographically, the police department has a service area of roughly 100 square miles, including just less than 700 miles of roadways. This leaves a sizable area for eleven beat officers to cover at any given time. It is not uncommon for response times to calls for service to exceed 15 minutes, even if an officer is not busy at the time the call is received, due to the long distances that must be travelled to arrive on scene. This problem is exacerbated by the fact that it is not uncommon for one or two of the eleven beats to be unassigned on any given shift due to inadequate staffing levels.

Approximately half of the jurisdiction serviced by this police department is characterized as an urban setting with certain areas that manifest as crime hotspots. The

patrol beats in these areas usually have high call volumes with calls holding most of the time, requiring officers to handle one call after the other with little down-time in between. The other half of the jurisdiction is comprised of a more rural residential setting in which call volumes and crime levels tend to be relatively low allowing more time for officers to patrol their beats without running from call to call.

Study Sample

Because the purpose of this study was to examine the decision-making processes of police officers at the street level, only officers assigned to the uniform patrol division, including front line units such as the traffic unit and the crime suppression unit, were potential candidates for interviews. Of the total number of officers employed by the police department involved in this study, approximately 60 are assigned to regular patrol duties, six are assigned to full-time traffic enforcement, and seven are assigned to a street-level crime suppression unit.

The chain of command for the uniform patrol division is organized as follows. Each patrol shift has a Captain assigned to it as the shift commander. This individual largely resides at the precinct facility performing administrative oversight of the watch. In addition, two Lieutenants are assigned to each shift to provide street-level supervision for the officers. During any shift, one or both of the Lieutenants may be on duty depending on vacation and training schedules. Some shifts have officers who hold the rank of sergeant, but these are field training officers who do not have any supervisory authority over the other officers on their shift with the exception of the recruit who they are assigned to train. Officers assigned general patrol, traffic enforcement, or crime suppression duties represent the street-level line officers. A deliberate effort was made in

this study to access individuals who had street-level positions because these are the officers who have the highest levels of discretionary and unstructured contact with the public.

Prospective interviewees were referred to the researcher by the shift supervisors based on the department's operational needs. The potential interviewees were drawn from the officers on duty during the shift in which the researcher was present. Supervisors were made aware that each officer only needed to be interviewed one time, so they ensured that a different officer was asked to participate in this research each time the researcher was present on the shift. Upon referral, all prospective interviewees received an explanation of the research being conducted and completed an informed consent form acknowledging their desire to participate in the project. There were no refusals to participate among the supervisory referrals. All procedures and materials used in this study were reviewed and approved by Georgia State University's Institutional Review Board.

Because the primary purpose of this research was theory generation, decisions regarding sample size were guided by the tenet of theoretical saturation. In total, 25 officers were interviewed. After 25 interviews had been conducted, it was evident that theoretical saturation had been achieved, and no further interviews were conducted.

Interview Content

An interview guide was created to direct the interviewer in asking questions that would facilitate a discussion about officer attitudes and beliefs about certain constructs and ideas. The interviews consisted of general background questions as well as questions designed to elicit a discussion of the officer's approach to policing in general and

decision making as it relates to the concepts of interest to this research from the focal concerns framework and the theory of planned behavior. The interviews were designed to produce a loose conversational format that would ensure all topics were covered but allow officers the freedom to express their ideas about the topics covered. The full interview guide, consisting of six substantive topics, is included in Appendix A. The first two topics were intended to elicit background information about the officer and tap into the officer's general attitudes about law enforcement. This initial portion of the interview conversation was designed to gather basic information about the officer and establish rapport with the interviewer as the discussion turned to their general approach to the job of law enforcement. From here, the content of the interview was directed toward concepts related to the focal concerns framework as detailed below.

Concepts from the focal concerns framework.

The focal concerns framework posits that the more blameworthy an offender is perceived to be, the more likely it is that a judge will be harsher in affixing a punishment. Referring to Appendix A, police officers were asked to evaluate how factors related to this construct would affect the enforcement decisions they make out on the street (Topic 4). Interviewees were asked to assess whether or not their decisions are affected by things such as an offender's criminal history, the seriousness and type of offense committed, the type of harm done to a victim, or an offender's attitude. It is hypothesized that an assessment of blameworthiness will have much the same effect on police officers as it does on judges in that officers would be expected to articulate a harsher enforcement outcome in situations where an offender is perceived to have a high level of blameworthiness for an offense.

The protection of the community concept from the focal concerns framework usually captures how a judge evaluates the risk to future victims of an offender if they are released back into the community. Certainly, the protection of the community is a major aspect of policing, but it is expected that the police have concerns in this area that are much shorter-term in nature than a judge typically considers. To evaluate how police officers see community protection factoring into their decision making processes, they were asked to describe and explain what they did on a daily basis that they saw as fulfilling this requirement of their job (Topic 5, Appendix A). Officers were asked to describe which of the activities they engaged in they perceived as fulfilling their obligation to protect the community and how their obligation to help keep their fellow officers safe fit into this responsibility. It is hypothesized that the stronger a perception of a short-term (as in up to several hours after an incident occurs) threat to a potential victims is, the more likely it will be that an officer takes harsher enforcement action.

Under the focal concerns framework, it is argued that a judge will weigh practical considerations in determining an appropriate sentence, or other punishment. This would include considerations such as whether or not the offender is the primary caregiver to children or whether a sentence will impact a person's ability to keep their current job. While the police may be cognizant of these and similar issues in the performance of their duties, it is expected that the practical concerns of the police, in terms of what affects an enforcement decision, are much different than those that are salient to judges. To assess this hypothesis, officers were asked whether an offender's family or employment status would impact an enforcement decision (Topic 6, Appendix A). They were also asked about other issues hypothesized to be of more importance to the police such as

department and/or supervisor expectations, shift staffing levels at the time the decision is being evaluated, and the convenience or inconvenience to the officer of the different courses of action being considered. It is expected that high levels of complicating factors from an officer's point of view will predict lower levels of enforcement action taken.

Concepts from the theory of planned behavior.

The theory of planned behavior posits that a person's attitude toward a particular behavior serves to shape their intentions to engage in said behavior. This construct was conceptualized to capture how an officer's attitudes about specific enforcement behaviors, including situational and contextual influences, impact their intent to apply formal enforcement action. More specifically, an officer's attitude about applying formal enforcement action for a particular offense will result in the formation of intent on the part of the officer to apply, or not apply, formal enforcement action when dealing with a criminal offense. This intent should be highly predictive of the actual actions taken by an officer in that situation. Referring to Appendix A, interview questions were designed to elicit how an officer would react to a situation based on their attitudes about applying formal enforcement action in a variety of situations (Topic 3, see factors affecting discretion). It is quite likely that some offenses which are not the most serious from a legal standpoint may evoke harsher enforcement action due to a personal opinion or bias on the part of the officer regarding the behavior in question. It could also work in the reverse fashion. Some offenses which are considered serious from a legal perspective may not elicit much formal response from the police if the officer involved does not personally believe that the behavior is worth the effort of formal enforcement action. It is

hypothesized that the more favorably an officer views the application of formal enforcement action, the harsher the enforcement action taken in response will be.

The theory of planned behavior posits that the existence of social norms will affect a person's intent to participate in a particular behavior. For the purposes of this research, this construct was conceptualized as the "duty to act." The concept of "duty" is ever present in policing. In addition to the concept of duty, interview discussion was directed toward content regarding whether or not social pressures from coworkers or supervisors would impact the enforcement decisions made by an officer. These issues are tied to concepts from the theory of planned behavior with regard to the subjective norms associated with particular behaviors (Appendix A, Topic 3). It is hypothesized that the elevated perception of a norm requiring action will result in an increased intent to intervene and ultimately stronger enforcement action from the police in any given situation.

The theory of planned behavior includes the concept of perceived behavioral control as representing a person's belief that they are actually capable of carrying out a particular action and that the choice to do so is fully within that person's grasp. For this research, this concept is conceptualized as the perceived latitude an officer feels he or she has in the exercise of their discretion. It is highly likely in police work that there are some situations in which an officer feels that there are multiple legitimate courses of action, and there are probably others where the options are much more limited, perhaps even to the point that an officer feels there really is no decision to be made. Officers were asked to describe situations in which they felt that the boundaries of their discretion became limited (Appendix A, Topic 3). This is an important concept to probe because

situations in which an officer perceives that their discretion is very limited may actually be of little value in terms of the study of decision-making processes. Situations in which an officer perceives wide latitude in their exercise of discretion are more likely to shed light on the decision-making process. Keeping with ideas presented by Gottfredson and Gottfredson (1988), it is hypothesized that the less latitude in discretion an officer perceives (most likely meaning that the offense is considered more serious), the harsher the enforcement action taken is likely to be. The variation produced in actual enforcement action taken is hypothesized to operate by a direct effect of changing perceptions of discretion as well as indirectly through the intent to apply formal enforcement action.

Data Collection

Because the research efforts detailed in this document were part of a larger data collection project, interviews were conducted in conjunction with other data collection activities at a time that was convenient for the officers so as to disrupt their operation as little as possible. The interviews were conducted prior to the officer going out on patrol at the police precinct where they reported prior to the start of the shift. The interviews ranged in duration from 30 minutes to one hour with the average interview lasting approximately 40 minutes. All interviews took place between April 2014 and November 2014. In terms of the social context of this interview timeframe, the police shooting in Ferguson, MO occurred during this time period. The interviews for this study were completed before this story became a serious national issue, and knowledge of this incident did not appear to bias any of the officer's responses to the interview questions in

any discernible way. This incident was not mentioned by any of the officers during the interview process.

Data Analysis Procedures

All of the interviews with police officers were audio recorded and later transcribed verbatim. The interview data was analyzed using the NVivo software package. The interview data were analyzed and coded using a grounded theory approach (Berg, 1989; Glaser, 1978; Glaser & Strauss, 1967; Strauss, 1987) to identify common themes related to the ideas and constructs relevant to this research. To accomplish this, each interview was read and every statement made by the officer was evaluated to see if it fit into any of the constructs being studied. Relevant statements were initially assigned to a broad category for later analysis. After going through this process with each of the 25 interviews, all of the coded statements in each category were further assessed to refine the coding categories. Where appropriate, statements in the broad categories were assigned to more specific subcategories. For example, two general themes that emerged were the effects of offense seriousness, and practical concerns on the job. Statements from these themes were analyzed and coded to reflect different aspects of the general ideas they represented. This multi-stage procedure allowed for a teasing out of more nuanced concepts.

Although the interview guide was developed to tap particular themes related to the theories being employed in this research, the specifics of the coding scheme were allowed to develop from the data itself rather than attempting to force the data to fit a preconceived scheme. In reporting the results of this research, the findings are

organized by the themes that emerged from the interview data with direct quotes provided to illustrate support for the theoretical ideas that came to light.

Chapter 4– Results

The officers participating in this study were assigned to street-level units consisting of patrol officers, traffic unit officers, and crime suppression officers. The officers interviewed covered a broad spectrum of age and experience. The age of the officers interviewed ranged from 22 to 51 with the majority being in their late twenties to their mid-thirties. In terms of experience one officer had just been released from training and had only been working the street on his own for two months. On the other end of the spectrum, one of the officers interviewed had worked for over 25 years and was due to retire one week after the interview took place. The majority of the officers interviewed had between one and six years of time on the job and had spent the bulk of that time assigned to patrol. Traffic unit officers and crime suppression unit officers tended to have more experience in law enforcement due to the fact that those assignments are generally only available to officers who have worked on patrol for a period of time. When asked about their general attitudes about law enforcement and the purpose of the police, all officers reported feeling generally positive about their jobs and saw the primary purpose of their job as the maintenance of order in society and to enforce the law fairly.

Because patrol is the largest function in the department, the largest proportion of interviewees was comprised of officers with that assignment. Fourteen officers were included that were assigned to patrol, six officers were included from the traffic enforcement unit, and five officers were included from the street-crime suppression unit. Fourteen of the officers interviewed were Black, and 11 were White. In terms of gender, 17 of the officers interviewed were male, and 8 were female. While the officers

interviewed do not represent a truly random sample, it is believed that the officers included in the study are representative of the police department used in the study. Table 1 shows the breakdown of the study sample compared to the overall demographics of sworn personnel at the department used in the study. (The demographic data was current as of March 2015.) In terms of race, all of the officers interviewed were either Black or White. The sample consisted of 44% White officers and 56% Black officers compared to the department demographic statistics of 31.7% White and 65.9% Black. In terms of sex, the study sample was nearly identical to the department statistics. The study sample consisted of 68% males and 32% females, and the department is comprised of 70.7% males and 29.3% females.

Table 1: *Sample versus Department Demographics*

	Study Sample		Department Statistics	
	Number	% of Sample	Number	% of Total
Characteristic				
<i>Race</i>				
White	11	44%	39	31.7%
Black	14	56%	81	65.9%
Hispanic	0	0%	2	1.6%
Other	0	0%	1	0.8%
<i>Sex</i>				
Male	17	68%	87	70.7%
Female	8	32%	36	29.3%

The interview data revealed many themes relevant to the process of decision-making on the job. The remainder of this chapter will detail those themes and explore the way in which the ideas expressed by the officers tie into ideas from the focal concerns framework and the theory of planned behavior.

To fully understand the context of the officers' responses about enforcement decisions, it is necessary to know what options are available to the officers being

interviewed. For cases involving an alleged criminal violation, one option, of course, would be to take no action. In situations where enforcement action is taken, a suspect can be issued a copy of charges and released (i.e. the equivalent of a traffic type ticket for a criminal offense which requires an appearance in court.) or they can be taken into physical custody (arrested) and transported to the local jail. For traffic stops, an officer can choose to take no action, issue a written warning, issue a citation which carries a fine, or take a person into physical custody.

The Focal Concerns Perspective

During the interviews, officers were asked several questions that were designed to assess their view of the three key components of the focal concerns framework: the blameworthiness of the offender, the protection of the community, and practical considerations.

Blameworthiness.

The focal concerns perspective posits that as a judge's perception of an offender's blameworthiness increases, the likelihood of a harsher punishment increases as well. It is reasonable to inquire as to whether or not the same considerations apply to the actions taken by police officers on the street in dealing with suspects. The interview data revealed several ways in which police officers arrive at a perception of the blameworthiness of offenders. The first is through the belief that everyone is responsible for his or her own actions. The second is an inference based upon an offender's demonstration of a persistent criminal career. A third factor at work in this area is the seriousness of the offense in question, and a fourth is an offender's attitude toward the

officer. These last two factors interact with each other in an easily discernible way. A discussion of these factors affecting perceptions of blameworthiness follows.

Personal responsibility.

Most of the officers interviewed expressed the opinion that the consequences an offender experienced due to an arrest, or other sanctions, were not their concern because the offender brought the consequences on through their own decisions and actions. It appears that the police officers in the study sample have an almost automatic perception of an offender as blameworthy when it is determined that a person committed an illegal act. Consider the following two quotes from different officers:

Patrol Officer #6: Let's say you beat up your girlfriend, wife, sister, or brother, whatever it is. I don't care what your attitude is because you've crossed the line with that person. You could have easily walked away regardless of if they were provoking you. You could have gotten out of the house, but you put your hands on somebody, and you caused some kind of bodily harm. Even if you've got a great attitude with me, that doesn't change anything. You still did what you did.

Patrol Officer #10: I do understand that an arrest is going to affect them or their children, but it's still based on what they did. If you did it, you did it. I'm not the one who should have to think of all of those consequences. They should have thought about that before they performed their action. My function is simply to clean up.

These quotes indicate that officers largely believe that people are responsible for their own choices and the consequences that come to them are a result of an offender's poor decisions. This would mean that police officers see all offenders as blameworthy to some extent, but this alone does not help to explain the variations in sanctions applied by the police. A more nuanced evaluation of this construct is needed to elicit more about how this perception of blameworthiness operates.

Perception of repeat offenders.

A theme that was made clear from the interview data is that the demonstration of a criminal career, or being a repeat offender, increases an officer's perception of the blameworthiness of an offender. It is important to make a distinction here between a person's official criminal history (hereafter referred to as official criminal history) and an officer's personal experience with, or knowledge of, a person's past behavior (hereafter referred to as unofficial criminal history). For example, an officer may have numerous dealings with an offender who has never been formally sanctioned. In that scenario, the officer's past experience with the person will likely take precedence over the fact that the person has no official criminal history.

Generally, officers indicated that a person's official criminal history has little or no impact on how they deal with a person regarding a current offense. One exception to this, however, is in a case where a person has a known history (official or unofficial) of committing the same offense which an officer is currently investigating. For example, if an officer is investigating a burglary, and the suspect is a known burglar, this is likely to affect the perception an officer has of the likelihood that the suspect committed the offense in question. Most officers seemed to indicate that in a situation like this, whether

or not formal action would be taken rested solely on the facts of the present offense, but a known history of committing that offense would likely result in a harsher option being selected by the officer as compared to dealing with a first-time offender.

To more fully understand the role that criminal history has in an officer's dealings with the public, it is necessary to first understand that police officers rarely know a person's official criminal history when they engage them on the street. In the state within which the study police department is located, the use of the radio or in-car laptop computer to query the background of a person only reveals their driver's license status, whether or not there is an active warrant out for the person's arrest, or whether or not they are on probation. Even in cases that show a person is on probation, the computer return rarely shows what the original charge was for which the person was convicted. This being the case, when an officer does become aware of a person's official criminal history, most often it is either because the person themselves, or someone else on the scene, tells them about it. Alternatively, the officer might be aware of the person's unofficial criminal history through his or her own personal experience, or that of their coworkers, in dealing with an offender multiple times.

When officers were asked about whether or not a person's criminal history affects the decisions they make about an incident, two main ideas were expressed repeatedly. First, almost universally, officers indicated that a person's criminal history was irrelevant to an enforcement decision being made regarding an unrelated present offense. One officer related the following interaction with a convicted armed robber:

CSU Officer #4: Their history doesn't really matter. You've got to take it at face value. Just like the guy the other day that's done seven years for

armed robbery. I stopped him for loitering around at the car wash. I went up and talked to him for a second. I didn't know who he was, and he was covered in tattoos all over his face and arms. He said, 'Hey I'm so and so, and if you know me I used to live down here.' I said, 'Where did you get the tats from?' He said he got them all in prison and that he did seven years for armed robbery. I asked him, 'Alright, well, what are you doing out here now?' He replied, 'Trying to make money washing cars and doing whatever. I'll get out of here if you want me to.' Does the fact that he committed armed robbery want me to investigate him any further? No, he was very cooperative, very friendly.

This story related by the officer is just one example of how a serious criminal history had no impact in how the officer dealt with the minor violation of loitering. The second idea consistently related by officers regarding criminal history was that, when formal enforcement action was called for, a suspect's official or unofficial criminal history could affect the harshness of the option selected if the person they are dealing with is a known repeat offender. This effect is likely to be stronger when the officer has personally dealt with the same person for a similar offense as the one being considered currently. One officer had this to say:

Patrol Officer #7: If they have a history of theft, and they happen to be in a car that happens to be stolen, it will be really hard to look the other way and say "maybe he didn't steal it" as opposed to if I picked up someone that has never been involved with theft and they're riding along in a car that they didn't know was stolen. Or consider shoplifting. If they were

shoplifting again at Walmart, and they've been shoplifting year after year after year and they get caught on camera at Walmart I mean it's kind of hard to look the other way.

Another officer offered the following in regards to repeat shoplifters:

Patrol Officer #14: Well, if the criminal history is strictly related to the present incident, it may matter. At Walmart, once you're caught shoplifting they put you in their system. So when they stop you, they run you. If you've been caught shoplifting at that Walmart even though I personally did not come into contact with those prior incidents, this one is directly related to the past three or four incidents so yes, at that point you've got to go to jail.

Most officers indicated that because shoplifting is so common, in many cases an offender would simply be issued a citation and released from the scene. Other factors can impact that decision as well, but the quote cited above clearly demonstrates that a person's criminal history can affect the harshness with which the law is enforced on their behalf. It seems clear though that it is not just the simple presence or absence of a criminal history that matters. What seems to matter most to a police officer in the decision-making process is whether or not the official and unofficial criminal history that the officer is aware of is directly related to the current incident being considered. The demonstration of a consistent pattern of criminal behavior that is related to an event an officer is called to handle is likely to evoke a harsher law enforcement response than if no criminal history were present. The following exchange demonstrates this.

CSU Officer #3: If you keep having the same problem or encountering the same person that leniency is going to go away too.

Researcher: So, what if it's the same person over and over, but it's a minor crime over and over? Doesn't the less serious nature of the crime make you want to give them leniency like you normally would?

CSU Officer #3: No, because they're continually being a problem, and they're making a decision to continually be a problem. They need to stop being a problem.

Researcher: So, when you see that pattern of behavior over time do you see the person as more culpable than someone who has just done it once?

CSU Officer #3: Right.

This officer clearly indicated that someone who is a habitual offender is perceived as more blameworthy than someone who is a first-time offender. This does appear to have some explanatory capacity regarding the variation that perceptions of blameworthiness can have on the enforcement decisions of police officers. CSU officer #3 consistently stated that someone who is a known repeat offender is much more likely to receive a harsher sanction than someone who an officer is dealing with for the first time.

The interaction of offender attitude and offense seriousness.

The interview data indicate that the seriousness of an offense has a strong influence on an officer's perception of the blameworthiness of an offender. In addition, an offender's attitude toward the officer also affects this perception; however it is difficult to discuss either of these concepts in isolation because the interview data

indicate that these influences interact with each other in a significant way. Every officer interviewed identified an offender's attitude as a major determinant of their inclination to apply the harshest options available in enforcing the law. A good attitude and polite disposition will not always get an offender a free pass, but a rude or confrontational disposition seems to always get an offender harsher treatment than they may have otherwise received. One officer explained it this way:

Patrol Officer #6: It's attitude. If you're going to give me a bunch of crap and run your mouth, you know time doesn't matter with me. If I've got to be here late, I've got to be here late, so the time it takes for me to take them to jail doesn't play a factor. I would say attitude, how you approach me, and how you interact with me plays a role. So attitude is the main thing, at least in my eyes, of how we're going to go forward.

This is perhaps not a surprising finding because, although police officers are professionals doing a job, they are still human beings, and it is human nature to be easier on people who are nice to us. The frequency, with which officers identified offender attitude as a key consideration during their decision-making process and the emphasis that they placed on this one factor, indicates that this is a subject worth investigating.

While offender attitude was identified as a key consideration in making enforcement decisions, the interview data revealed that this subject is rarely an isolated consideration. Officers universally cited offense seriousness as a factor they considered in combination with an offender's attitude in making enforcement decisions. The most common approach taken by officers was that for minor offenses characterized with high levels of discretion as to the appropriate outcome, a good attitude was highly likely to

result in the officer implementing the least severe option available to him or her in resolving an incident. However, an offender with a bad attitude or who the officer perceives as rude in the same situation is likely to find a more severe enforcement option being taken against them. One officer related the following incident:

Patrol Officer #9: I had this one girl who drove around my car while I had my lights on blocking traffic for another officer. She acted like she didn't see me, and so I wasn't going to give her a ticket. I was going to give her a warning, but she gave me attitude. When she gave me attitude, I gave her a ticket. It wasn't necessary, but I just told her you shouldn't have gone around me. I was blocking traffic for a reason, and then she didn't want to give me her license. So, yeah, she turned it into something it didn't have to be.

In this instance, the violator was unaware that the officer originally had no intention of issuing a citation, but her a poor attitude towards the officer changed his mind. Other officers discussed times when they actually informed the violator that their attitude played a role in them getting a ticket.

Traffic Officer #6: If someone wants to give you a really hard time over something, or if that person wants to be a jerk then, yeah, because many times during traffic stops I've gone up to the car, and from the word go that person is just a bona-fide ass. I'll go back to my car and write them the ticket and I'll sign it and I tell these people, "Listen, I don't know if you're having a bad day or what." I know nobody likes getting a ticket, but I explain to them that even if there was a chance they were going to

get a warning, if you start off on an officer like that from the word go, you're chances of a warning are pretty much over. I usually say, "You might win them over in court, but you're not going to win the battle with me out here on the streets."

Accounts like those cited above were common in the interviews with the officers. The above quotes deal with traffic stops for which a person was stopped for a relatively minor traffic offense, but other incidents such as domestic violence calls or other more serious crimes brings a new dimension to the effects of offender attitude. It was evident from the interview data that attitude plays the role of a modifier for the association between the seriousness of an offense and the harshness with which an officer selects the enforcement outcome to be implemented. One officer said:

Traffic Officer #5: If it's a felony, I'm pretty much going to take them to jail. For misdemeanor charges, it depends on the seriousness of the offense and the attitude of the person. For misdemeanors, I have no problem releasing them on copy of charges without taking them to jail.

This quote demonstrates that there is interplay between the seriousness of the offense and an offender's attitude. It also seems clear that the interaction of these two elements is a consideration of which officers are keenly aware and actively evaluate in their decision-making process. Although some inference was required in analyzing the data, it appears evident that the assessment of offense seriousness and offender attitude is affecting the officer's perception of a person's blameworthiness in any given situation. Another officer provided a similar thought when asked how an offender's attitude might affect the enforcement option selected in the face of a more serious offense:

Patrol Officer #11: It depends on the crime. If it's just a traffic accident or something like that, then I'm not required to take enforcement action, but if you hit your husband with an iron in the back of the head, then that's pretty much a done deal. Now, she can be as sweet as pie, but a crime is a crime, and that is where attitude doesn't really matter. The severity of the crime can outweigh your attitude.

As a final note, it is worth mentioning that several officers mentioned their perception of how honest a suspect was being with them as being closely related to the officer's assessment of the suspect's attitude in general. While discussing the subject of offender attitude and its impact on enforcement decisions, honesty was often cited as an element of a good attitude. Here is one example from an interview:

Traffic Officer #6: Well, if a person is rational when you're talking to them, even knowing they have a chance of going to jail, and they're being honest with you, then I am more inclined to give the person a shot at just getting a copy of charges instead of going to jail.

The interview data support the notion that officers develop a perception of the blameworthiness of individual offenders. This perception is formed by the belief an officer has that a person is responsible for their actions, their status (or absence of the status) as a known repeat offender, the offender's level of honesty and attitude towards the officer, and the seriousness of the offense in question. It appears that a suspect's dishonesty is indicative to an officer that they are unwilling to take responsibility for their actions which heightens the perceived blameworthiness of the suspect. A rude disposition and a serious offense, especially one that inflicts physical harm on an

innocent victim, are both also likely to increase the officer's assessment of a suspect's blameworthiness. The more blameworthy an offender is perceived to be, the more likely it is that an officer will select a harsher enforcement option when dealing with criminal offenses.

Protecting the community.

An important element from the focal concerns perspective, as it relates to enforcement decisions, is considering the protection of the community. The data collected for this research indicates that this is an important consideration for police officers just as it is for judges. Both judges and police officers have a desire to protect people in society from victimization. The differences that arise in how these two actors address the issue is most likely tied to the different roles they have within the criminal justice system. Street officers are often by necessity required to come up with short-term solutions to disturbances within their assigned area whereas judges are dealing with longer-term issues related to conviction and sentencing for a criminal offense. Police officers are generally aware that although they provide the starting point for a criminal case, they are not the final arbiters of the disposition of a case. When asked generally about the role officers believe the police play in society, several officers responded with generalities about the need to enforce the law. Answers like the following were common:

CSU Officer #1: I believe that we have a great responsibility to protect and serve. It sounds cliché, but we're really here to ensure the safety of the people that we serve. That's our main focus, and to try to make quality cases against the offenders who violate the peace of the citizens that we serve.

Short-term focus.

Over the course of the interviews, officers were asked to describe as specifically as they could which actions they saw as fulfilling their perceived duty to protect the community. The data show that, as officers make decisions about how to best enforce the law, their concern for protecting the community tends to focus on shorter-term considerations. At the moment of decision on the street, officers do not generally concern themselves with more distant concerns such as potential court proceedings or sentencing issues. They appear to be more concerned with the influence they can have over the course of their shift. One officer gave the following example:

Patrol Officer #3: If I'm in a situation where I know somebody is drunk and disorderly at one of these bars at night, I may just talk to them and try to give them a break. If there's probable cause to arrest, I could arrest them or let them go. In deciding, I consider what the likelihood is that they'll come back and cause further problems. They could come back and shoot the club up or vandalize property. I take stuff like that into consideration, you know, people getting hurt.

In the example cited above, the officer is discussing a case in which the seriousness of an offense has not risen to the point that a physical arrest is mandatory. It is clear that in deciding whether to make an arrest or not, the likelihood of future offending is considered by the officer, but that consideration seems to be limited to the officer's perception of what an offender is likely to do within the next several hours following an incident rather than longer-term recidivism concerns. This is also demonstrated by the following quote from an officer interview:

Patrol Officer #13: I don't think about their release date. This doesn't affect me. I would probably say at the end of the day, 'At least I did my job.' This is our job to enforce the law. I'm not that concerned about their release date, or whatever, you know, I'm concerned about what's happening now.

Another officer expressed a shorter-term focus in the following way:

Patrol Officer #10: I don't want to release somebody that I think is dangerous that I will probably have to deal with before I get off [my shift] and let the person who takes over my beat to have to deal with. So it's really based on if they are going to be an immediate danger or over the next several days.

It is clear from the quotes cited above that the police officers participating in this study tend to have a short-term focus when it comes to how they accomplish their goal of protecting the community. It seems that the officers recognize that far reaching considerations such as possible conviction in court, sentencing, and release dates are beyond the scope of their duties. The data support the idea that the maintenance of order in the immediate and near future (several days at the most) is of primary concern.

Preventing victimization.

In addition to preventing victims from suffering further harm after a crime has occurred, officers also displayed a concern for preventing victimization from happening in the first place as much as they can. One officer related the following incident from his patrol experience:

Patrol Officer #10: So, I pulled around, and there's a gentleman standing there with some equipment on the ground that looked like a tripod, little black bags, and some food, and he was texting on his phone. He didn't necessarily stand out as anybody who wasn't from the area, but I stopped because he had what looked to be anywhere from five hundred to two thousand dollars' worth of equipment on the ground. I said, "Hey man, what are you doing?" He said, "I'm a DJ for the bar, and I'm just waiting for my ride." I said, "You need to go stand somewhere else, because this spot right here will get you robbed." So, I'm not only looking for those who are doing something they shouldn't but also those people that might become victims. I'm really concerned about those people who may become a victim.

Several officers gave accounts similar to this one. Overall, the interview data clearly demonstrate that officers consider the protection of the community to be one of their primary considerations as they make decisions about enforcing the law and that they do this on a reactive and proactive basis. Another officer related a story about a man he encountered in an abandoned parking lot.

Patrol Officer #5: He was driving a Mercedes Benz and he was in an abandoned parking lot so I asked the guy, 'What are you doing?' I told him he was going to be a victim if he stayed there. I mean that's a freebie. An abandoned parking lot with hardly any lights- That's stick them up I mean that's free. It's a free car, free jewelry, whatever they got.

This is another example of an instance in which the primary reason for an officer making contact with a member of the public was to warn them of being in a possibly dangerous situation. This is indicative of the officers' desire to proactively prevent people from becoming victims unnecessarily.

Desire to be visible.

The desire to protect the community was also evident in examining how officers decide to fill their unassigned time. With the exception of the traffic unit officers, most officers reported performing relatively few traffic stops during their unassigned time (less than five in a week), although some officers appeared to prefer this activity more than other officers. Most officers showed a preference for activities such as patrolling residential subdivisions or patrolling around closed businesses (on the night shift). Consider the two following statements made by officers when they were asked how they decide what to do during their unassigned time.

Patrol Officer #6: Sometimes I ride. Sometimes I sit. I read a lot, but I'm usually out just riding the subdivisions, the businesses, you know kind of staying active because you never know what you might run into or see. We're so busy that we don't have a lot of down time. When it does occur I don't really just sit or stay stationary too often, but if I am sitting I'm in a populated area, and I am visible so somebody can see me from the shops or just riding through a subdivision or school or something like that.

Patrol Officer #8: I'm busy doing residential checks, business checks, and riding through subdivisions. I like to pay attention to the subdivisions and

pay attention to the businesses now. I mainly do business checks, residential checks, and just try to be visible.

One of the common threads running through the quotes above is the desire to be visible. It was clear from the interviews that being visible in the community, day or night, was seen by the officers as a deterrent to crime. Although most of what the police do in terms of handling calls for service is reactive in nature, maintaining visibility of themselves and their patrol cars seems to be a way that officers feel they can take proactive steps towards protecting the community and preventing crime before it occurs.

Practical considerations.

The focal concerns perspective posits that a judge will make a sentencing decision based, in part, on the practical implications that the imposition of the sentence will have on the offender. Many times, these are long-term considerations that have to do with the effects on an offender's ability to hold a job and other family related considerations. One aim of the present research was to ascertain what types of practical considerations are of importance to police officers in making decisions about the enforcement of the law.

Officer-based and departmental considerations.

The practical considerations that affect an officer's evaluation of an enforcement decision tend to be more focused on the officer's needs and the efficient operation of the department. The practical implications of an enforcement decision on an offender did not seem to be weighed heavily, except as those implications may relate to the officer being able to do his or her job effectively. Consider the following excerpt from an interview:

Researcher: What about situations where an offender says something like

“Hey man, I'm going to lose my job if you take me to jail?”

CSU Officer #4: We get that a lot, and a lot of times the offender tries to throw it back on us. I explain to them that *their* decisions are what got me here and *their* inability to make a decision or they made the wrong decision, and now I'm involved in it. I'm here in the middle of what you've done and your decisions are what are going to lose you your job, not my decisions.

This type of response was common with officers indicating that an offender's poor decisions were their own responsibility, and the officers generally felt no obligation to tailor their decisions to accommodate the day-to-day needs of the offender. In a continuation of the same interview, the officer related the goals of handling an incident in a more general way.

CSU Officer #4: My goal is to find the most logical decision. Let's say it's a personal crime. I consider what's best for the victim and what's best for the police department legally. I don't hold any personal interest in it, so I'm not going to see what's best for me, but I'm not going to put myself in a situation where something else happens and it legally comes back and haunts me or the police department.

An interesting aspect of this last quote is that although the officer states that he has no personal interest in the outcome of an incident, that statement is followed by an acknowledgement that whatever action he chooses to take is going to consider whether or not the outcome could produce negative repercussions for him personally or the police department. While this quote does not get any more specific than that, it seems evident,

generally speaking, that in terms of practical considerations, repercussions to the officer and the department supersede the impact on the suspect.

The presence of children.

The presence of children at a crime scene posed a different set of practical considerations in the eyes of the officers interviewed as part of this study. When two parents are both getting arrested, as is often the case in a domestic violence incident, care arrangements need to be made for any minor children present. The officer is generally responsible for seeing that the children are in good hands prior to leaving the scene. Several officers indicated that the need to accommodate children was a common practical consideration that could easily affect the way they carried out their duty to enforce the law in the type of situation previously described. One officer offered the following example:

CSU Officer #4: We stop people that may have a suspended driver's license or have committed some traffic offense that they need to go to jail for, and they had three kids in the car. If I don't have anybody to come and get them, we handle that differently than if she didn't have kids, because if you put her in jail, impound the car, and there's no one to pick up the kids, you've just created a big problem.

The officer relating this scenario indicated that in this type of case, although the violator would not be allowed to drive from the scene (in the case of an invalid license), they would most likely avoid being taken into custody and being transported to the jail so that the officer would not get bogged down for a long period of time in making arrangements for the children. Similarly, other officers indicated that in a domestic

violence incident where both parents were subject to arrest, it was likely that only one would be taken into custody so that the other could stay with the children. The offender left behind would still be charged but would simply be released at the scene on a copy of charges.

Legal requirements and liability.

The state in which the study department's jurisdiction is located has mandatory arrest laws in place for incidents of domestic violence. In short, these laws dictate that in domestic violence cases where an officer determines there is probable cause that a crime occurred, an arrest of the primary aggressor is required. This particular issue was not discussed with the officers at length because these scenarios severely restrict an officer's discretion and offer little in the way of insight into the decision making process. Most officers, however, recognize the purpose that mandatory arrest laws attempt to serve, but there is also evidence that the motivation to comply with these laws and to arrest violent offenders in general, goes beyond the mere fulfillment of a legal responsibility. There are also liability concerns at work of which officers are ever cognizant. Consider the following quotes from two different officers:

CSU Officer #3: Legally, if a male or female puts hands on someone, technically, that's a domestic dispute or simple battery. Domestic cases are sometimes really touchy because you have to determine while you are there at what level is this really at and sometimes I think we err to the caution of covering our own butts versus what morally may be the right thing to do, because you never know what's going to happen in the future.

Traffic Officer #5: A lot of decisions are made based on CYA [cover your ass] because God forbid you leave and you didn't do what you needed to do and someone gets hurt or possibly killed. That's your livelihood on the line, so it goes a little farther with me than just considering whether this person should go to jail or be released on a copy of charges. It depends pretty much on how it's going to cover me as well as covering the individual or anybody else involved.

These two quotes clearly demonstrate that officers are wary of liability concerns for a failure to take enforcement action when it is warranted. These quotes also seem to imply that if a decision about taking a person to jail could go either way; a person may end up under arrest to simply alleviate an officer's concern over anything that could possibly happen after they leave the scene of the incident. In addition to these concerns, there are also some short-term benefits to the officer of making these types of arrests.

One officer had this to say:

Patrol Officer #14: Sometimes you get the feeling on a violent incident that if I cut him loose; he's going to come back. This time he just beat her. Next time he might kill her, so a lot of times, you know, if he's in jail, you know you took him there, so you know where he's going to be. So, at least that evening during your shift, you don't have to worry about him coming back. The victim gets justice and at the same time you don't have to worry about getting a call back out there that day.

While this quote arguably addresses some aspects of protecting the community, at this point in the interview, the discussion was focused on how an enforcement decision

can affect the practicalities of working a shift. The final statement made by the officer demonstrates that not having to return to the same location later in the shift is a practical concern that is taken into account during the decision-making process. This quote indicates that simply preventing a second call to the same location during an officer's shift may be enough to cause an officer to decide to take a person into custody in lieu of releasing them from the scene on a copy of charges. This operational concern over what happens during a twelve hour shift is decidedly different from the types of considerations impacting the offender that judges typically weigh in making sentencing decisions.

Beat integrity and staffing levels.

Nearly all officers indicated that beat integrity, workload, and staffing levels play a major role in their decision-making process. These represent organizational practical considerations as opposed to those detailed above that deal with community-level factors. As detailed previously, when dealing with a criminal offense, officers at the study department have the option to release someone on scene with a copy of charges (essentially a ticket) or make a physical arrest and take the offender to jail. Both options, from a strictly legal standpoint, are considered an arrest, and in either case the offender will have to appear in court to answer for their offense. This being the case, an effort was made to get officers to articulate what goes into the decision to release a person on scene versus taking them to jail. The issues of beat integrity and staffing levels were voiced repeatedly as primary determinants in that decision.

Beat integrity is what officers call the responsibility of handling your assigned deployment area. The interview data support the idea that the maintaining of beat integrity is seen as an important practical consideration that police officers take into

account consistent with the concept of practical considerations from the focal concerns framework. It should be noted that this issue was only of concern to the officers assigned to patrol as they see their beat assignment as “their area” for which they are responsible. In contrast, officers assigned to other units beat integrity is not an issue because no one has a specific assigned area and those units do not handle calls for service. Beat integrity is compromised when an officer is out of service due to an incident they are required to handle. When one officer is busy, other officers have to cover his or her beat if a call goes out. This produces a chain of beat integrity compromises if the shift is busy as officers are required to handle calls in beats not assigned to them. Although this situation does not produce any negative effects in terms of the operations of the police department in general, officers seem personally invested in handling their assigned beat. All officers understand that there are times when they will need to handle incidents outside of their own areas and other officers will have to handle incidents in their areas, but officers value minimizing these occurrences. Making arrests and going to the jail tends to increase lapses in beat integrity. One officer said this:

Patrol Officer #1: “If I’m at the jail, that whole area I’m assigned to is uncovered. So if another officer has to go in and handle a call in my beat, there’s a lot of area that another officer has to drive through to be their back-up.”

Most officers indicated that low staffing levels or an officer simply being busy at the jail for several hours will tend to reduce the level of proactivity of the remainder of the officers on the road, and those officers still handling calls may be less likely to make a physical arrest unless it is absolutely necessary. Part of the reason for this is a safety

concern as the officer quoted above alluded to in discussing the distance a backup officer would need to travel to help a fellow officer. Another officer described the decision to arrest or release in the following way:

Researcher: So when you're deciding whether to release on copy of charges or take someone to jail, what usually plays into that?

Patrol Officer #2: Manpower- If somebody is at the jail already, and we have two or three units pulled from a beat, or if I'm out of service, that just makes everybody else work harder by having to pick up calls in my beat.

This officer, and many others, indicated that manpower is a major determinant of how they execute their duty to enforce the law. The lower the staffing levels are and the busier a shift is, the less likely a patrol officer is to engage in proactive policing activities or to make arrests when called to handle criminal violations. It is worth noting that none of the officers in the interviews discussed how "busy" a shift was as being a determinant in their decision-making process. How busy a shift is appears to be a relative concept, as shifts with lower than normal call volume can feel very busy if there are not many officers working. Conversely, a shift with high call volume can feel slow or just average if there are many officers available to handle the calls. The discussions of this topic with the officers participating in this study were likely affected by the fact that the study department has been short on manpower for a long period of time. This being the case, the officers seemed quite sensitive to this issue.

As with other factors identified as being important in a police officer's decision-making process, other factors can interact with the one explained here, which will

produce different results. One officer articulated how the seriousness of an offense can interact with an evaluation of shift staffing levels:

Researcher: So what makes the difference to you on releasing somebody on a charge versus taking them to jail?

Patrol Officer #10: The availability of manpower. I'm more concerned that my beat and the surrounding beats are taken care of than I am, well to a degree, than I am with the person being taken to jail. Now, I mean if you just robbed somebody, you're going to jail, period. If you're a wanted person, I have to take you, but if it's a smaller charge like theft by shoplifting, like if I catch a shoplifter at Walmart and they've stolen like twenty dollars' worth of stuff and the stuff was recovered by the Walmart employee, then I am going to release them on a copy.

In the example cited by this officer, it is clear that the seriousness of an offense is going to be an overriding concern. This was expressed by several officers who all indicated that once the seriousness of an offense rises to a certain level, many other concerns, like staffing levels, become somewhat irrelevant due to the constraints on discretion that high level offenses produce.

Self-interested practical concerns.

In addition to the operational types of concerns detailed previously, there are also practical considerations that officers make of a more personal nature. The officers interviewed for this project primarily work twelve-hour shifts, so the need to eat or use the bathroom can become a real consideration as they go about their work. Policing is also somewhat unique in that law enforcement actions taken at work can have a

tremendous impact on an officer's time outside of work, as they regularly get subpoenaed to appear in court on cases they have made. These appearances can and do regularly occur when the officer is not regularly scheduled to be at work, but they are required to show up anyway. This is a problem of particular concern to officers who work at night because all court sessions occur at times when they would normally be home sleeping or spending time in leisure activities. One officer who worked nights described these concerns as follows:

Patrol Officer #1: If I release you a copy of your charges, then I have to come to court on my off time. It would be different if I worked in the daytime, but I work at night, so I'm coming on my off time when I'm supposed to be sleeping or spending time with my family. If I have to come to court for something that someone else did, now they're inconveniencing me. So that's what governs me most of the time, I'll just take people to jail because it's easier for me. It's more convenient for me, and I don't want criminals to inconvenience me. So yeah, it's easier for me, like I said, if I worked during the day, I would copy them for smaller stuff. I took someone to jail for shoplifting five dollars one time because, like I said, I'm not going to let him inconvenience me when I've got stuff I've got to do on my time, so I would take them to jail.

Another concern that drives some officer decisions is the desire to get off from work at their scheduled time. All officers know that there will be times that they will be unavoidably held late at work to handle an incident that happened at the end of the shift,

but most officers indicated that toward the end of the shift, they usually stop proactively looking for violations. One officer explained it this way:

Patrol Officer #1: I generally stop looking for things when it gets close to the end of the shift. I still answer calls of course, and I still back people up. I know for instance if I get off at seven and its six thirty, I'm probably going to stop looking for stolen cars. If I find something, I'll deal with it because that's what I get paid to do, but I'm not going to go out of my way thirty minutes before I get off because I'm tired and I don't want to do anything unsafe for one thing and I also don't want to get wrapped up in something that's going to take me until eleven o'clock.

This type of behavior was fairly universal among officers, which is perhaps not surprising, but it is an important consideration because it directly affects the level of proactive law enforcement in which officers engage. In terms of police officer decision-making, this practical aspect of the ending time of a shift represents a point at which officers simply decide to not engage in any enforcement activities that are not absolutely necessary.

Other basic needs play into an officer's decision to either take enforcement action or not, particularly with offenses that are viewed as being relatively minor. One officer explained his attitude about enforcement when he needed something to eat:

Patrol Officer #14: Take for example someone running a red light, and you're going to get something to eat. I usually think, "Look, it's something minor, and he didn't hit anybody. It's just a traffic violation, so I'm not going to worry about it. I'm going to get something to eat because

I haven't eaten all day." But you know sometimes when they run the red light, you know what, I'm going to let them have it this time.

The above quote clearly demonstrates that there are times when an officer's personal needs will override their desire to enforce the law. While many officers expressed this type of sentiment, they were consistently clear that only minor offenses could be affected by these types of considerations.

There are sure to be a myriad of practical concerns of a personal nature that could cause an officer to make one decision or another when it comes to enforcement behaviors. An effort has been made here to detail the most common concerns that officers expressed. That said, researchers investigating this area should be aware that it is probably not possible to identify and quantify all possible practical considerations that may affect an officer. When one officer was asked about doing traffic enforcement during inclement weather they simply said, "If it's raining, I'm not going to be out there." In a discussion with another officer about traffic enforcement decisions one consideration was explained by saying, "If you give me your license, and today is your birthday, I'm not going to write you a ticket on your birthday." These last two quotes demonstrate that although there are many practical considerations that appear to be universal to all officers, there are also idiosyncratic concerns that probably vary widely across officers. This is to be expected, because police officers are, after all, human. This is likely to mean that no theory will be able to predict policing decisions with absolute certainty because there are some factors at work that are difficult or impossible to measure.

Summary of Focal Concerns Results

The interview data support the applicability of the focal concerns perspective to policing. It is evident that officers do make some assessment of a suspect's blameworthiness. The interview data indicate that this assessment is influenced by the seriousness of the offense, the offender's attitude and demeanor toward the officer, and the suspect's status as a known repeat offender. The need to protect the community is also a focal concern of police officers. Although the interview data did not readily reveal the antecedents of this concern, statements made by the officers interviewed about protecting victims and preventing crime clearly indicate that they see the protection of the community as one of their primary functions. The interview data revealed three key themes when it comes to an officer's desire to protect the community. First, officer's tended to see their primary goal in this respect as the short-term maintenance of order. Second, several officers indicated that they regularly took proactive steps to prevent victimization if a situation was observed that appeared likely to result in a crime. In addition, when handling calls for service, officers indicated that a consideration of the likelihood of further victimization, after an offense has occurred, is also an important consideration in assessing the appropriate law enforcement action. A third element of an officer's desire to protect the community was the desire to remain visible in the community while on patrol as a deterrent to potential criminal offenses.

Practical concerns are also relevant to police officers. Practical considerations cover a broad spectrum of influences on police officer decision-making including structural, community-level, and personal. The officers interviewed regularly cited maintaining beat integrity, staffing issues and various personal considerations (such as

having to go to court on their day off) as influencing the decisions they make when handling incidents out on the street. They also cited situational and contextual factors (such as the presence of children at a crime scene) as playing a role in how they carry out their job function.

The Theory of Planned Behavior

During the interviews, the officers that took part in this research were asked questions to determine how the mechanisms specified by the theory of planned behavior affected their decision-making process. The mechanisms assessed were officer attitudes towards behavior, the existence of subjective norms regarding behavior, and perceived behavioral control. A discussion of these mechanisms follows.

Officer attitudes about enforcement behaviors.

The theory of planned behavior specifies that attitudes about a specific behavior will be predictive of a person's intent to perform that specific behavior. The theory further specifies that the intent to perform a specific behavior is only predictive of a person engaging in that specific behavior for which the intent was originally formed. With that in mind, this research project used an officer's attitude about enforcement behaviors as being predictive of an officer's intent to apply formal enforcement action. That intent would then predict the actual action taken. To assess these relationships between variables, an effort was made during the interviews to discuss officer attitudes about formal enforcement options such as a issuing a written warning, issuing a copy of charges, or affecting an arrest. Two themes emerged which seemed to be indicative of this construct. First, most officers had definite opinions about the general desirability of engaging in particular enforcement actions (i.e. writing a citation or making an arrest).

Second, all of the officers indicated that the desirability of taking a particular enforcement action was also affected by the context of the situation they were dealing as well as some of their own personal opinions about the offense in question. These themes are detailed below.

Enforcement behaviors in general.

It stands to reason that officers may have varying opinions as to the general desirability of engaging in the enforcement behaviors available to them when handling an incident. The most common statement made by officers about enforcement behavior (with the exception of traffic unit officers) had to do with a general distaste for performing traffic stops and writing tickets. The following statement made by one officer was similar to statements made by several other officers. *CSU Officer #3*: “Many times I’ve gone up to the car and was just going to give them a warning because I’m not a traffic guy.” Another officer seemed to indicate a preference for investigating incidents that were more likely to lead to an arrest over simply writing traffic citations. *CSU Officer #5*: “I’m not a traffic guy. I usually do burglaries, robberies, and drugs. I’m not really a traffic guy.”

The phrase “I’m not a traffic guy” was a common refrain among officers who indicated they did not enjoy doing traffic enforcement or writing tickets. It was clear during the interviews that this phrase was used as a way to say that they personally dislike doing traffic enforcement. As indicated by the second quote, most officers seemed to have a preference for handling what they viewed as more serious crimes because they perceived that to be a more worthwhile pursuit and more in line with the reason they chose to become a police officer in the first place.

Situational influences on attitudes about enforcement behaviors.

While it seems clear that a personal dislike for a discretionary activity is likely to reduce its occurrence, this factor, like others, does not operate independently. Although officers have definite attitudes about the desirability of engaging in certain enforcement behaviors, it is clear that these attitudes can change based on the specifics of a situation. In other words, to fully capture how officer attitudes about enforcement options predict their intent to apply enforcement action, their attitude about an enforcement behavior in a certain situation must also be examined. Consider the following quote from one officer:

CSU Officer #1: I'm not really going to hammer traffic stops. Although, something like a child not being in a proper child seat is a big deal to me. I will stop what I'm doing when I see that and write that ticket because the reason we do tickets is because it's supposed to be a corrective action. I think that is important because you know a child that age, is dependent upon their parents for their safety and that just bothers me. I have a child myself. Most children can't make decisions for themselves.

This quote demonstrates that, even though this officer indicated he has no particular desire to perform traffic stops, his personal feelings about the severity of an offense and the potential risks it poses to an innocent party are enough to motivate him to engage in the enforcement behavior for which he expressed some distaste. The interview data seem to indicate that when it comes to police officer decision-making, an officer's opinion about an offender's behavior as well their opinion about the desirability of different enforcement behaviors will partially determine which types of discretionary enforcement an officer will engage in.

Personal influences on attitudes about enforcement behaviors.

As discussed previously, the legal seriousness of a crime is an important factor in the decisions that officers make about enforcement. Another important factor to consider is how serious an officer perceives an offense committed by a citizen to be, independent of its legal seriousness. It is quite possible that what most people would consider a minor offense may be particularly irritating to an officer for a variety of reasons and may elicit harsher enforcement action than would normally be expected. The opposite is also a possibility. Some more serious offenses may seem mundane to some officers and elicit less of an enforcement response than might be expected. Evidence was found in the interview data to support the occurrence of both of these possibilities. Consider the following:

Patrol Officer #2: I'm a stickler for certain things, for instance red lights.

I usually write tickets for red lights. If you just blow through a red light, I'll write you a ticket. But, equipment violations like headlights and taillights, most people don't even know about those, so I rarely write those tickets.

This statement made by one officer seems to indicate that a personal distaste for a particular violation, running a red light in this case, is at least partly responsible for the decision to write a citation when a driver is pulled over for it. Conversely, equipment violations are deemed to be of little consequence by the officer, so those tickets are rarely written. This demonstrates the need to evaluate an officer's opinion of various violations in determining how a decision was reached because in the example cited here, running a red light and an equipment violation are of equal severity in a strictly legal sense

(misdemeanor traffic violations) although one poses a decidedly greater risk to the public than the other.

The personal opinions of officers also may hold some sway over the enforcement decisions made for offenses of greater severity than traffic offenses. One officer had this to say about enforcing the state drug laws:

Traffic Officer #4: Take marijuana for example. Yes, it is illegal in this state, but if someone has some marijuana on them I'm very likely not to charge them just due to my personal beliefs. I wonder if it should be legal or not. It may not be appropriate but that's how I do it.

It seems clear that the personal opinions held by officers about a wide variety of situational factors has an influence on the enforcement decisions they make, however, there is also evidence in the interview data that this influence has limits. It is evident that most officers recognize that there are limits to the legitimacy of letting personal feelings dictate how they do their job. While the foregoing quotes deal primarily with the decision of whether or not to engage in an activity that was entirely discretionary for the officers interviewed, statements like the following were common when officers were asked how their personal feelings about behaviors affected their general proclivity to take harsh enforcement action against someone.

Patrol Officer #1: My personal feelings don't enter into this job, because if I start letting that happen, then I'll start making choices on personal feelings, and then I start getting into trouble and I lose my job. Then I'd have to explain to my kids that we can't do certain things. My personal feelings as far as enforcement is concerned don't really enter into it.

Given statements such as the one above, future research will need to assess the strength of personal feelings in predicting their effect on enforcement decisions. No definitive statement can be made here because this is an empirical question requiring quantitative assessment.

Subjective norms.

Where legal requirements and department policies represent formal procedures an officer is generally required to follow, the construct of subjective norms deals more with how an officer might perceive that taking (or not taking) a particular course of enforcement action will be received by those around him or her, particularly supervisors and coworkers. For the officers in the study sample, the existence of subjective norms did not appear to be influential in regards to enforcement decisions. When one officer was asked if he considered how his supervisor's or coworkers' might react to the decisions he makes out on the street, he said:

Patrol Officer #3: “Not really. I’m not concerned about how other people think I do my job. I’m concerned about doing it right in a legal sense, so no, I really wouldn’t say so.”

This was a typical response to questions about this issue. Most officers expressed that their department generally gave them wide latitude in their discretion and indicated that their decisions were rarely questioned by supervisors or commented on by coworkers. Despite this finding, there still existed among officers a sense that some supervisors had particular expectations versus others. Another officer offered the following:

Patrol Officer #2: Yeah, you have certain supervisors that require or expect a certain way of doing things. That’s just part of the job. You are

under their command, so you have to do certain things their way, but you still have discretion.

After making this type of statement, officers were asked if they could provide specific examples of these types of supervisor expectations, and few were able to do so. A few officers related specific examples of an incident that a supervisor responded to and given instructions as to how the incident should be handled, but these cases seemed to be the exception rather than the rule.

Although the existence of subjective norms regarding enforcement decisions did not seem to play an overwhelming role in the decision-making process, there was one area in which there seemed to be an exception that was meaningful to a study of police officer decision-making. Every officer interviewed indicated that, in the absence of a specific legal requirement, one of the biggest determinants of whether someone was taken to jail or released on a copy of charges was whether the offense committed was a misdemeanor or a felony. Without exception, every officer said that if a person committed a felony, they would definitely go to jail whereas for misdemeanors they may or may not. Some of the reasons for this are discussed in other sections of this paper, but as this issue relates to subjective norms, an effort was made during the interviews to determine why this practice was so universal. Interestingly, the only explanation officers had for this practice was that it was how they were trained, and they assumed that it was always required to be done that way. Upon further questioning about the practice, officers indicated that taking a suspected felon to jail is not a written department policy, it is not required by law, nor had anyone in the chain of command issued a verbal edict regarding this issue. One officer described it the following way:

Patrol Officer #1: I guess that's just what I learned from observation, because I was never told, I've never been specifically taught, well I was never taught or told by my Field Training Officer that you could specifically copy someone on a felony. I've never done it, and I don't know anybody that has ever done it because I've just assumed that due to the seriousness of the crime, if it's a felony, you need to be in jail.

Another officer discussing the same issue said this:

Patrol Officer #9: I'm not sure if it's written in our general instructions, but we would be questioned by our lieutenant on a decision to release a felon on a copy of charges, especially if we know it was a felony. They'd probably ask, "Well, what happened here? Why would you write somebody a citation for a felony? You better go on and take them to jail." Most citations that we write and let go, they would be misdemeanors.

Although most officers indicated that how their coworkers or supervisors perceived their decisions did not affect their enforcement decisions, the previous quote clearly demonstrates that this is not the case when it comes to the decision to take someone to jail when they have committed a felony. The most interesting aspect of this finding is that no officer was able to clearly articulate why a suspected felon had to be taken to jail, other than perhaps a vague reference to the seriousness of the crime. Upon further probing, this norm which puts pressure on officers to make a physical arrest for all felonies appeared to have no distinctions made between violent and non-violent felonies or any other classifications.

Perceived behavioral control.

Perceived behavioral control generally refers to the degree to which a person feels capable of carrying out a particular action. For a police officer, this is related to the level of discretion an officer perceives is available in any given situation. The interview data indicate that the amount of discretion an officer feels they have is tied heavily to the seriousness of the offense. That topic has already been covered in this paper (see the section on blameworthiness) and will not be repeated here, but it should be kept in mind that an officer's perceived behavioral control is strongly tied to the seriousness of an offense in addition to the new topics covered in this section. Another conception of perceived behavioral control, proposed by the theory's author, is the degree to which a person feels a duty to act in a particular way. This section will detail the interview data related to that topic.

The duty to act.

It was evident from the interviews that a sense of duty pervades much of the deliberation process in which officers engage as they go about their daily work. One officer stated this idea succinctly when asked how a victim's input affects the enforcement of the law when a crime has been committed:

Patrol Officer #6: You've got a duty regardless of what they say, because you don't know why they say they don't want to prosecute. I took an oath, and you've got to do your duty. You've got to do your job, and it may not please everybody, and it may not be the popular decision, but you've got to do what you've got to do.

Every officer interviewed expressed in some way the need to do what is necessary in any given situation because of some perception of a duty to act. In some cases this was merely a reflection of the responsibility to do their job because they were being paid to perform a particular function and in others it reflected a more deeply held moral conviction that was tied to their status as a public servant. One officer stated:

Patrol Officer #3: I would never, never overlook something where there's a victim or even a situation in which the person is not really a victim of a crime, but somebody who cares enough to call about an issue and they might be affected by it because it's their community or something, their neighborhood. So I would never overlook something that is a concern to them for my own agenda.

Most often, this sense of duty is superseded by the officer's own personal feelings and desires. This can be seen in the following quote from one of the interviews.

Patrol Officer #8: Sometimes you look at things and think, "That's messed up! What this person did shouldn't be that severe of a crime." But then at the end, it's like, "it's my job." So I may have a disagreement with it internally sometimes, but in the end this is what they did, this is the crime, this is the charge. I have to do my job.

While the above cited quotes provide evidence that officers have a strong sense of duty to take enforcement action when required, this is not to say that decisions involving the enforcement of the law are seen as black and white. There are many shades of gray and although officers feel an ever present sense of duty, there are several considerations that affect the way in which that duty is carried out. A more detailed treatment of outside

factors affecting the way an officer fulfills his or her duties will be covered elsewhere in this chapter. As one example at this stage, one officer had the following to say when asked about handling domestic violence calls where both involved parties are guilty of a crime and children are present:

CSU Officer #1: I still have to do my job which is if the crime has been committed, I have to charge them with it, but I don't have to take them both to jail. You know, maybe one can stay with the kids. I may even say to them, "Hey look you're both looking at being charged with a crime. Sir, do you mind if your wife stays with the kids for now?"

This demonstrates that even in a case where both involved parties could, and probably should, be taken into custody, the fact that there are minor children present can affect that decision. These types of situation were discussed in more detail in the section of this chapter dealing with practical considerations, but suffice it to say at this point that there are several circumstances which impact the perceived legitimacy of certain enforcement actions and an officer's willingness to take enforcement action.

Also related to the duty to act is an examination of how the interaction of offense seriousness and offender attitude shapes enforcement decisions. These ideas were discussed previously as they relate to an officer's perceptions of blameworthiness, but the discussion here will be confined to how the seriousness of an offense affects the perception of a duty to take enforcement action and how that association is conditioned by the attitude of the offender.

As offense seriousness increases not only are officers less inclined on a personal level to go easy on an offender, but in some cases they indicated that an offense can be

serious enough that they no longer have much discretion as to the outcome. In other words, as offenses get more serious, an officer has fewer legitimate options available as to the outcome of the incident.

It is worth taking a pause here to interject a note as to how officers perceive the continuum of seriousness when it comes to criminal offenses. As officers discussed these issues, they universally categorized offenses into a dichotomous arrangement of minor and serious offenses (or similar terminology with the same meaning). Officers were not asked specifically how they categorized offenses, but this is the language that was used consistently across the entire study sample. While it would be relatively easy to argue that this dichotomy is too simplistic to capture the full range of criminal possibilities, it appeared that the officers in this study used this dichotomy as a type of mental shortcut to easily and quickly determine what type of response they should give to any particular incident. This is important to understand as it plays a large role in the decision an officer makes as to the enforcement option he or she will decide to implement in any given case.

In terms of the increased severity of an offense affecting the level of discretion an officer has, consider the following three quotes from different officers:

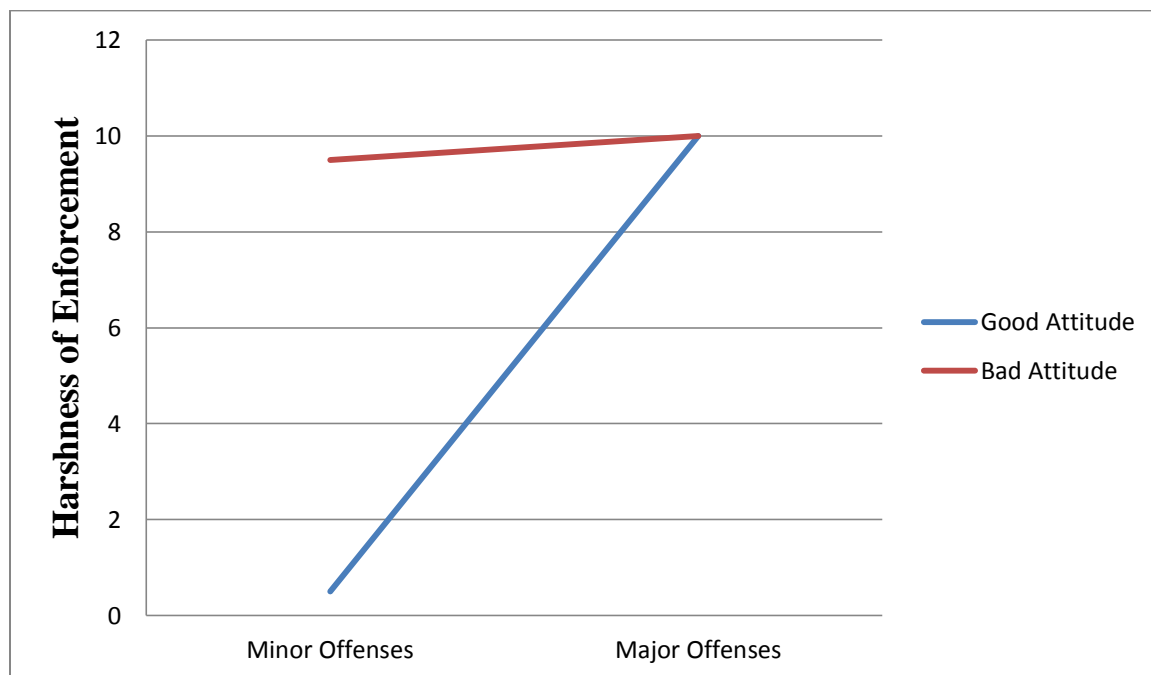
CSU Officer #4: I think with increased severity your discretion gets smaller and smaller. Take for example an armed robber. I can't think of a reason why you would ever write him a copy of charges and cut him loose without taking him to jail.

CSU Officer #5: A felony is a felony. It doesn't matter how nice you are. You're going to jail.

Patrol Officer #5: Marijuana in small quantities, maybe a gram or two is where my discretion ends. I mean if you're rolling a quarter plus, then I will at least release you on a ticket. I mean for a little dime bag or something I'll let him go about his business, but cocaine, methamphetamines, heroin all that kind of stuff and narcotics are different. As we increase the severity, there is no discretion. It's almost an obligation. I feel like my discretion is gone.

All of the information in this section indicates that attitude moderates the association between the severity of the offense and the vigor with which an officer is motivated to enforce the law. An important caveat to this however is that attitude has a threshold effect on this relationship. Once an offense reaches a certain level of severity, attitude no longer plays a role because of the constraints that offense severity can place on the operation of an officer's discretion. To further demonstrate how this works, Figure 4 provides a heuristic tool depicting what this relationship might look like if it were placed on a graph.

Figure 4: *Offender Attitude as a Moderator of the Association Between offense Severity and the Harshness of Enforcement Action*



This chart demonstrates visually what all officers in this study articulated about the effects of an offender's attitude. For minor offenses, an offender's disposition toward the officer can result in a wide range of enforcement options being implemented with the offender's attitude playing a large role in how the scenario will play out. As the severity of the offense increases, an officer eventually reaches a point where all offenders are treated the same, regardless of their attitude, because of the constraints on officer discretion that the serious nature of an offense will produce.

Summary of the theory of planned behavior results.

The interview data support the applicability of mechanisms from the theory of planned behavior to the decision-making process in which police officers engage when making enforcement decisions. The results presented above also lend credibility to the argument that the construct of intent from the theory of planned behavior can serve as a

viable cognitive mechanism through which ideas from the focal concerns perspective can be connected with actual enforcement outcomes. An officer's attitude about enforcement behaviors can come into play as well as situational factors that impact the perceived desirability of certain enforcement action under specific conditions. The existence of subjective norms regarding enforcement behaviors is also important. The interview data provide evidence that the most important aspects of this construct are the supervisor and administrative level expectations of how officers will carry out their job functions. The third construct from the theory of planned behavior, perceived behavioral control, is also plays an important role in the police decision-making process. When faced with a major offense, an officer may feel so constrained as to the legitimate options available that other influences on the decision may become far less important as compared to incidents involving minor offenses. Minor incidents tend to be characterized with high levels of officer discretion. This opens up a much broader choice of options for officers to employ in handling an incident which renders the decision process much more susceptible to being influenced by a wide array of situational, legal, and other factors.

Other Considerations Related to the Decision-Making Process

During the interviews, important factors influencing an officer's decisions were evident that were not tied directly to either the focal concerns framework or the theory of planned behavior. The most salient themes were officer characteristics, offender characteristics, and contextual factors surrounding an incident.

Officer characteristics.

In terms of officer characteristics, officer age and officer assignment appeared to be the most important. The following sections detail how these ideas were manifested in the interview data.

Effects of officer age.

One factor that appears to affect the vigor with which an officer approaches the task of law enforcement is the age of the officer. One officer who participated in this research provided interesting insight into this issue. At the time of the interview, the officer was 51 years old and was scheduled to retire from a career spanning over 25 years after one more week on the job. This officer had this to say about the current stage of his career:

Patrol Officer #6: Age and health, you know you're not as young as you used to be, you're not able to run and chase them you know, but you slow down. These cats [perpetrators], they're getting younger. That's just the process that we all go through. I mean if I have to get out and chase, obviously I will, but you know doing that is a little different now. Yeah, as you go on you mellow out. You know, things don't excite you as much. You're not really out there just trying to knock down walls. You're a little bit different as you go through but even back in the day when I first started, I was doing that running and ripping doing this and doing that.

This quote clearly demonstrates that, at least for this individual officer, getting older affected how he approached his job. An interesting observation in the use of the words

“if I have to” by the officer implies that the officer still has a sense of duty to do what is expected of him regardless of his age, although his physical limitations are different than when he was younger. Another insight from this quote is that not only the officer’s physical ability and overall health have changed over time, but his attitude about the job as well. The officer indicated that over time he “mellowed out” and did not get as excited about things as he used to. When contrasting his stage of life to his younger fellow officers, this officer said:

Patrol Officer #6: Yeah it’s just natural. I mean you get the guys that are fresh out of the academy, and they’re ready to go, and I’m just like, “Hey, I can’t wait to get out of here.” It’s kind of like you go up and then you come back down the hill. I’m coming down the hill, so it’s different. You’ve got guys that are very energetic, and I was that guy twenty something years ago [saying]: “Hey let’s go out here and let’s knock some heads.” And, we would knock heads, and I was that guy. You’ll see these guys that are out here now hopefully will be in my position in twenty years or so.

This officer gave no indication that his age created differences in how he approached the decision-making process when it came to making enforcement decisions. The main role age seemed to play was the quantity of proactive policing activity in which this officer engaged in. As indicated in the quote above, as the officer got older, his desire to engage in extra policing activity that was not required of him was diminished. It has been generally noted that as officers get older and gain more experience, they tend to make fewer arrests. It is reasonable to hypothesize that this may be largely attributed to

slowing down with age rather than a showing of more leniencies toward suspects as time progresses. In an analysis of the interview data by officer age, there was no discernible pattern indicating that younger and older officers evaluated enforcement decisions differently. The primary effect of age appears to be the vigor and frequency with which officers voluntarily engage in proactive enforcement activities, but when confronted with an enforcement decision, they appear to be handled in much the same way by both groups.

Effects of officer assignment.

The officers interviewed for this project were assigned to three different units: uniformed patrol, the crime suppression unit (CSU), and the traffic enforcement unit. The officers who were assigned to the specialized units (CSU and traffic) were able to give insights on how their job functions changed as compared to when they were regular patrol officers. Patrol officers are assigned a beat to be responsible for during their shift and handle the response to any 911 calls that are made in their area. The officers on specialized units can work anywhere in the department's jurisdiction and are usually tasked with specific objectives they are trying to focus on. The officers on the specialized units do not respond to 911 calls, and are entirely proactive in their policing activities.

Patrol officers.

When patrol officers were asked to describe their view of the purpose of the police, nearly all replied with some kind of statement involving the need to protect and serve the citizens of their community, but when officers were asked to express their views on this in more practical terms, responses similar to the following were common:

Traffic Officer #2: Answer calls, that's how I saw it on patrol. That's all we had time for. There aren't enough of us to try to deter crime, because we're so widespread in our jurisdiction. There are just not enough of us.

Based on the above quote, one would be led to believe that the patrol officers in this department have little unassigned time in which they can engage in proactive police activity, but this observation can be further refined. Although the department's jurisdiction is divided into several beats, officers also referred to a more broad geographic division: the south side and the north side. The beats in the south side are characterized by high call volume and little down time whereas the north side has lower call volume which allows officers more down time in which they can engage in proactive policing. This situation demonstrates that even within the assignment of patrol, the beat an officer is assigned can have an impact on what types of enforcement they choose to perform and how different activities get prioritized. One officer described this experience as follows:

Traffic Officer #3: I guess the focus for me on patrol depended on what area I worked. If I worked on the north side, I focused on prostitution, the drug dealing, and all of that stuff. On the south side you focus on, for lack of a better term, "baby mama drama" and the handling of the calls because the south side is totally different than the north side. The south side is call to call. On the north side you're being proactive more. You have more time to get down into it.

While this distinction is specific to the department used in this study, it demonstrates that much of what a patrol officer handles may not always be directly within his or her control. Areas characterized by high call volume do not allow for a great deal of

discretion in what the officer will engage in, as most of it is assigned. These types of incidents do not allow for an analysis of how an officer decided to engage in an incident, but how these assigned incidents are handled in terms of their final outcome would still be useful in a study of police officer decision-making. Officers that work in areas allowing for more unassigned time provide the added advantage of being able to study how officers decide which citizens to engage, in what manner the engagement occurs, as well as an assessment of the final disposition of those types of incidents.

Traffic unit officers.

After working in patrol for several years, one option available to officers is to request an assignment with the traffic enforcement unit. Because these officers on the have experience in patrol and the traffic unit, these officers were asked to provide insight on how their role as a police officer changed as a result of the new assignment. The obvious difference is that traffic officers do not respond to 911 calls, although they may assist patrol officers on occasion if necessary. Their primary responsibility lies with the enforcement of traffic laws. This means that a traffic officer will conduct a far larger quantity of traffic stops that the average patrol officer will on any given day. One traffic offer described his view of his assignment as follows:

Traffic Officer #6: We're a traffic unit. We do speed enforcement and we're a traffic fatality unit for those kinds of wrecks. I would probably say our role as far as keeping peace and order isn't the same as when an officer is answering calls, and it's not because we don't want to do it. It's just based upon what are assignments are.

The officers on the traffic unit have a decidedly different view of their job focus as compared to patrol officers. They recognize that most of their enforcement activity is not aimed at “real criminals,” rather their enforcement activities deal mostly with ordinary citizens who were found in violation of some traffic law, whether it be minor or serious. The unique assignment these officers have provides an interesting contrast to the approach most patrol officers have towards traffic enforcement. Most patrol officers in this police department perform relatively few traffic stops as they do not tend to see that as a primary job function, so when patrol officers did perform traffic stops, they tended to be for an offense that the officer deemed somewhat serious in nature that was creating a public safety issue. Even when patrol officers did make a traffic stop, they seemed to express little enthusiasm for actually issuing a citation and indicated that they would frequently let violators go without a ticket if they felt the situation had been adequately dealt with. Traffic officers, on the other hand, indicated a much higher propensity for issuing citations when stops were made. This did not seem to be because the officer particularly enjoyed writing tickets, but it was seen as a primary function of their current assignment. When asked about this issue, *Traffic Officer #1* responded in the affirmative to the following question: “So for the most part, since you’re a traffic officer, do you feel that if you pull somebody over for a traffic violation they’re always getting a ticket?” The affirmative response to this question indicates that although both patrol and traffic officers expressed an allowance for various situational factors in determining whether or not they would issue someone a ticket or not, the traffic officer’s assignment results in a higher tendency to take this type of enforcement action as compared to patrol officers. This demonstrates a need to account for an officer’s specific assignment when studying

the issue of decision-making as it will condition the likelihood of certain responses and reactions from individual officers.

Crime suppression unit officers.

The crime suppression unit (CSU) has a different focus than that of patrol or the traffic unit. This unit is charged with catching individuals responsible for more serious crimes such as armed robbery, burglary, drug dealing, and other serious felonies. The daily operations of this unit are governed by the current crime trends in the department's jurisdiction. Supervisors regularly review the current crime statistics and reports filed by patrol officers and then assign the deployment of CSU officers accordingly. One CSU officer described his job function in the following way:

CSU Officer #4: We're target specific over here. Let me give you an example. We've got to go to a particular beat in the south side. Through working over here, we have found out that the burglars are also the car thieves and are also the armed robbers at night. So say they give us a day time shift we get descriptions on all stolen vehicles from the area. We work out patterns, we look for patterns, we do a lot of homework, do a lot of studying. When we go to this area, we go to look for four specific vehicles. That's how we do it.

Over the course of the interviews with the CSU officers, it was evident that although they are given an area to work in each day and a particular target to look for, there is wide latitude in how each officer actually employs their time while on duty. Although they do have a specific target to look for each day, the likelihood of finding that particular target is usually small, so they spend time patrolling and looking for general

criminal activity as well. Because CSU is assigned to deal with serious crimes, however, their inclinations about how strict to enforce the law in the face of what they consider minor violations is different than most other officers in the department. That said, this does not mean that CSU never enforces minor violations in an aggressive manner as this decision is conditioned by the assignment given by the supervision on any given day.

Consider the following quote from a CSU officer:

CSU Officer #4: Let's say we're out looking for armed robbers in this area and we're watching this area and we've got a few people that have been leaning up against the building, and they've been there twenty or thirty minutes. We will talk to them, you know, have a little conversation with them. Let's say we pat them down and they've got weed on them, but they don't match the description of the people that we're looking for with respect to the robberies. We will most likely write them a ticket for the weed and tell them to show up in court. But, say we're going to an apartment complex where they're selling dope or whatever then we specifically target that area for dope. Everybody in there who we find dope on is probably going to go to jail.

The example of two possible scenarios for a drug case given by the officer is instructive as it illustrates that the harshness of the enforcement action taken in the face of a misdemeanor marijuana possession will likely vary depending upon the assignment the officers were given on that day. Although the officer indicated that in both cases the individual would be charged with the crime, having the assignment of drug enforcement on a given day is more likely to result in people being taken into custody and transported

to jail rather than being issued a citation and being released on the scene. Whether this approach is the most appropriate or not could be debated, but for now, it is sufficient to highlight, once again, that an officer's specific assignment will condition his or her enforcement decisions.

Offender characteristics and incident context.

Offender characteristics and incident context were manifested in the interviews within the idea of what has come to be known as "out-of-place policing." Offender characteristics did not appear to have a direct influence on police decision-making, but officers did express ideas that support the idea that offender characteristics may have an impact depending upon the location of an incident or other contextual factors. A discussion of these ideas follows.

Out-of-place policing: The effects of place and race.

Something that has received increased attention from researchers in recent years is the idea of out-of-place policing. This refers to the practice by police officers of looking for people or things that do not appear to fit into their surroundings and using that as a tool to discover possible criminal activity. One example of this would be an expensive car driving through a run-down neighborhood of a lower socio-economic standing. Such a vehicle may draw the attention of the police because it is unlikely that the person who owns the car lives in the area given the large disparity in the value of the car and the economic means of people in the neighborhood. An officer may reasonably wonder if the person driving such a car is looking for drugs or is engaged in some other illegal pursuit. It is not so much the idea of out-of-place policing itself that scholars are

skeptical of but more the characteristics that police officers use to determine if something fits in or not, most notably the characteristic of race.

During the interviews conducted for this research, issues surrounding the idea of out-of-place policing arose consistently (although officers do not use this terminology themselves). Race and place appear to play a significant role in how an officer forms their initial suspicions about a particular person. It was also apparent in the interviews that neither one of these constructs is sufficient on its own to cause an officer to take special notice of something. It seems to be the interaction of the two that acts to create suspicion (or not) in an officer's mind. It is important to note that what an officer sees as being out of place when it comes to race is contextualized by the area in which they work. As noted previously, the population in the jurisdiction is predominantly Black, so White people are the subject of suspicion more frequently than Black people. However, within the jurisdiction, there are areas that officers think of as predominantly White neighborhoods where Black people are more likely to be thought of as being out of place. One officer described these ideas as follows:

Patrol Officer #6: You get it all of the time up here on the north side where you've got these White guys coming here in fancy cars. It's kind of funny, but if you're on the very north end of the north side, it's predominately Black up in that area because you've got your hotels and your strip bars. It's mostly Black, but if you go down here to the south end of the north side, it's mostly workers, industrial, kind of a mixture, but if you see a White guy up on the north end and he's not at restaurant or

something and he's just riding around, he's probably looking for something he's not really supposed to be looking for.

Another officer related the following from his experience on the job:

CSU Officer #3: Let's say that we're on the south side at the [local convenience store], and there's a White guy over there. There are only two White guys I've ever seen at the [local convenience store] standing out there, and I know those two individuals. If I see another White guy standing out over there, that's suspicious to me because it's not a normal area that White guys hang out. If you get a location, depending on what the crime is for that area, it's an issue, and then it could be a non-crime area with a guy that looks suspicious because he just doesn't look like he fits into that neighborhood. You know it's an upscale neighborhood and he's riding around in a beat up truck with no tag on it. I may ask him, "What are you here for?" He might be doing some work, and that's fine: cutting grass, fixing plumbing, whatever, but he looks suspicious for the area, so we watch him for a while to see what goes on. If he keeps cruising around in the area and does not appear to be going anywhere specific, then I say "Alright, let's stop and talk."

Throughout the discussion of these types of issues, there were two important issues that came to light. First, these types of policing practices appear to be largely independent of officer race. The first quote above was from a Black officer, and the second was from a White officer. The perception of a person as out of place on the basis of race, within the context of a community or neighborhood, appeared to be consistent

across White and Black officers that were part of the study. Second, the officers quoted above and all other officers that discussed these issues, universally indicated that these types of out of place perceptions are not used as the sole basis for a stop because being perceived as out of place has no legal basis for detaining someone. Most officers indicated that a person who appeared out of place would draw their attention, and arouse their suspicion. If contact was made with a subject on the basis of appearing out of place, the officers indicated that the contact would be of a consensual nature and that they would not actually detain anyone on that basis alone. If other suspicious factors were present which gave them reasonable suspicion that criminal activity was about to take place, a more intrusive stop in which a person was not free to leave may be initiated. In continuing a discussion about whether or not someone being out of place would justify a stop, one officer responded this way:

CSU Officer #1: No, it's more on their behavior, the area they are in, and how are they acting. Did he turn around and look at me and then change his direction? Did he immediately turn around and pull up his pants you know maybe like he may be trying to run? Is he coming from behind a business at night that's closed? That tells me more about what's going on.

The interview data obtained during this research indicate that a person appearing out of place, whether on the basis of race, socio-economic class, or physical appearance, provides an initial indicator to officers as to where they should focus some of their attention. Many times they will simply observe a person who appears out of place to see if any further intervention is needed. Frequently, an officer decides that no contact with the person being observed is needed and they move on. When additional suspicions

develop, usually based on some observed behavior, an officer may decide they need to find out more. When an officer decides he or she needs to investigate further, most officers initiate a consensual encounter which requires no constitutional standard to be met because the person is free to leave if they wish at any time. Most of the time, this kind of casual conversation is all that is needed to dispel whatever suspicions the officer had, and the parties go their separate ways. It is worth mentioning that in these types of encounters, the member of the public may feel that they were “stopped” by the police. If an officer begins an encounter with a question such as “Do you mind talking to me for a minute?” and the person responds that are willing to talk, then from a strictly legal standpoint, this is considered a consensual encounter and not a “stop” effected through the exercise of police authority. This being the case, there is presently no restriction on officers as to who they make contact with in this way regardless of the reasons they may have for doing so.

Overall Summary of Results

The results of the interviews conducted for this study appear to support the idea that mechanisms from both the focal concerns perspective and the theory of planned behavior operate at some level in the decision-making process for police officers. In addition to those concepts, other factors were identified that help to take into account how officer and offender characteristics affect the process as well as other contextual and structural factors. The next step is to ascertain how the mechanisms identified function in terms of causal ordering so that a functional theory of police officer decision-making can be constructed. The qualitative data gathered for this study can serve to develop preliminary ideas about how this may work.

Chapter 5- Discussion

The results of this study indicate that although police officers appear to share the same broad focal concerns as judges, the way these concerns manifest themselves in the execution of their duties is different for police officers. The results also indicate that the construct of intent from the theory of planned behavior may possibly be a viable cognitive mechanism to connect ideas from the focal concerns framework with criminal justice outcomes, although other constructs from the theory were only found to be partially applicable. This chapter will discuss how the constructs assessed in the qualitative interviews fit into the overall process.

Focal Concerns in Policing

The focal concerns perspective posits that judges, in making sentencing decisions, will consider the blameworthiness of the offender, the need to protect the community, and practical considerations of a sentence, in deciding the fate of someone convicted of a crime (Steffensmeier, 1980; Steffensmeier et al., 1993; Steffensmeier et al., 1995; Steffensmeier et al., 1998). A key research question this study sought to address was how these focal concerns are manifested in policing and whether or not the focal concerns of judges are the same as they are for police officers. The results of this research support the idea that the police also consider the same three focal concerns in their decisions, although they may manifest themselves in slightly different ways for police officers than they do for judges.

It was anticipated that the perceived blameworthiness of a suspect would operate similarly for police officers as it does for judges. The interview data support this hypothesis as the findings show that an increased perception of blameworthiness on the

part of the officer is likely to result in harsher enforcement action being taken in dealing with a criminal offense. A primary determinant of blameworthiness found in this study was the seriousness of the offense. The interview data revealed that offense seriousness is a powerful determinant of what a police officer will decide to do in terms of enforcement. In addition to contributing to considerations of blameworthiness, offense seriousness has direct effects on the amount of discretion an officer perceives they have and the enforcement action ultimately taken. This is consistent with arguments made by Gottfredson and Gottfredson (1988) in which they state that, at a conceptual level, there are two criminal justice systems: one for serious offenses characterized by low discretion for criminal justice actors and one for minor offenses characterized by high levels of discretion.

Other factors affecting an officer's perception of blameworthiness are the offender's attitude and the offender's criminal history. The consideration of criminal history represents a substantive area where there is likely to be some divergence in how police officers and judges treat this aspect. While making sentencing decisions, judges generally have access to a full report of an offender's official criminal history, and sentencing guidelines usually use a person's official criminal history as a key determinant of the harshness of a sentence. Police officers rarely have the luxury of knowing a suspect's official criminal history, nor was there any indication in the interviews that police officers thought having this information was necessary. The interview data suggest that an officer's personal knowledge of an offender's unofficial criminal history can increase the likelihood of harsh enforcement for a current offense. Regardless of whether or not a person was arrested for a past offense, officers clearly indicated that a

personal knowledge of a person's past legal indiscretions gained through repeated dealings with the same person contributed to an increased perception of blameworthiness and responsibility for their current actions. As noted in the results chapter, officers tended to attribute a higher degree of culpability to a person who has committed the same offense numerous times because they supposedly know better and are consciously choosing to break the law. This is consistent with the expectations that a more extensive criminal history, official or unofficial, will result in officers viewing a suspect as being more blameworthy.

An offender's attitude with toward a police officer also impacts perceptions of blameworthiness on the part of the officer. Officers participating in this study universally cited attitude as a key determinant of how they would elect to deal with minor criminal violations. Although few officers were able to put into words exactly why this was the case, it appears to be largely attributed to the notion that if an offender treats an officer, who is just trying to do his or her job, rudely, then they are more deserving of harsher punishment as a demonstration that they need to have more respect for the law and those who are charged with its enforcement. This is consistent with the initial expectations that a more negative attitude on the part of a suspect would be likely to result in harsher enforcement action being taken by an officer when there are multiple legitimate options from which to choose.

The need to protect the community is another construct from the focal concerns framework assessed in this study. It was anticipated that police officers would be just as concerned with protecting the community as judges are, although differences in how this construct manifests itself were expected. The focal concerns literature highlights that the

factors considered by judges in this area have mostly to do with the potential for recidivism after release from prison or within the near term if not incarcerated (Steffensmeier, 1980; Steffensmeier et al., 1993; Steffensmeier et al., 1995; Steffensmeier et al., 1998). It was anticipated that the practical concerns of police officers would be of a more short-term nature than those generally considered by judges at sentencing. The data from the interviews conducted for this study indicate that this is indeed the case. The interview data suggest that police officers tend to be more concerned with the present and near future, rather than considerations of what may happen in months or years. Most of the future considerations seen in the data tended to be limited to what an offender might do during the remainder of the officer's work shift or within several days. The perception of a near-term threat to a possible victim usually creates the feeling of a duty to act on the officer's part and usually results in some form of official action, whether it is ensuring the parties are separated for the night or a harsher action such as arresting the offender. It is worth mentioning that the interview data did not indicate any readily discernible antecedent to an officer's need to protect the community, although all officers indicated that they felt this was an important component of their job. It may be that the job of policing mainly attracts people who have a natural desire to serve and protect the community. This would mean that those who want to protect the community largely self-select into this particular line of work. If this is the case, it would not be surprising to find that a need to protect the community is a dominant concern for those engaged in police work, but this is a research question that future research will need to address as the data collected for this study cannot verify this hypothesis.

In addition to the short-term focus that police officers tend to have when it comes to protecting the community, the interview data also highlights some of the activities in which officers engage to fulfill this goal. One way this is accomplished is by being vigilant for situations which may have a high likelihood of producing victimization of some type. Several officers indicated that some of their contact with the public is made with the aim of getting that person out of a situation which may be dangerous for them, whether they are aware of it or not. Whether the citizens contacted during these engagements receive this help in the spirit in which it was intended is unknown, but officers clearly believe this is part of their obligation in serving the community.

Another activity that officers use to protect the community is being highly visible as they go about their shift. This activity calls to mind ideas from deterrence theory in which officer presence should increase the perceived certainty of being caught if one were to engage in criminal activity. Officers are aware that they can only prevent crime in a relatively small area at any given time in this manner, but the officers participating in this study believe that this is an important part of protecting the community in which they work.

The third component of the focal concerns framework is practical considerations. Although it was expected that practical considerations would affect a police officer's decision-making process, it was anticipated that the types of practical considerations a police officer takes into account would differ from those considered by judges. The focal concerns literature highlights as the primary practical considerations that judges take into account things like how a sentence will impact an offender to get or keep a job, whether or not an offender is a primary caregiver for young children, and the potential

burden on an already overcrowded correctional system (Steffensmeier, 1980; Steffensmeier et al., 1993; Steffensmeier et al., 1995; Steffensmeier et al., 1998). It was anticipated that more complications brought to bear on an enforcement decision through the operation of a wide variety of practical considerations, the less likely formal enforcement action would be to occur. With the exception of the presence of children, the police officers in this study did not indicate that the types of concerns mentioned above had a meaningful impact on how they make enforcement decisions. Although judges and police officers are both affected by the fact that an offender has small children, this concern operates differently for each. Judges tend to be concerned with the long-term care arrangements for children when a parent is facing the possibility of incarceration for an extended period of time. When a police officer is considering the arrest of a parent with small children who are on the scene, the primary concern is for a short-term need for someone to take care of them during the interval between the arrest of the parent and the time at which they may be able to post bail to be released. In the end, most officers indicated that the presence of children would not prevent them from taking enforcement action, but officers indicated that the way the enforcement was carried out might change (i.e. taking out a warrant for later arrest rather than an immediate arrest on the scene).

Other types of practical concerns that officers indicated would affect their decisions about enforcement actions tended to focus on the operational needs of the department at the time the decision was made rather than how an enforcement action directly affected the offender. The considerations mentioned by most officers were staffing levels on their shift, legal requirements and department policies. A factor cited

regularly by officers that was likely to affect an enforcement decision was the staffing level of the shift. If a shift is short on manpower, officers stated that this would be likely to cause them to choose an enforcement option that would not require them to be out of service for an extended period of time so that their coworkers would not have to pick up the slack for them. This speaks to the desire patrol officers have to maintain beat integrity by handling the incidents in their assigned deployment area.

Sometimes, officers are required to handle incidents in a particular way depending upon the legal requirements and/or department policies that relate to the incident at hand. The most notable example of this is in the case of domestic violence cases. The State of Georgia, where this department is located, has mandatory arrest laws that require an officer to make an arrest when there is probable cause that a crime has been committed in a domestic case. These types of restraints, as well as any other practical concerns that limit an officer's discretion, will increase the likelihood of a more severe enforcement action being taken than in cases where discretion is not restricted.

Other practical concerns were those personally affecting the officer. Some of the concerns mentioned by officers were the need to eat, avoiding going to court on their day off, and the desire to get off of work on time. The patrol officers participating in this study work a 12-hour shift. It is probably unrealistic to expect that officers will go 12 hours without eating something. A few officers indicated that if they were planning to get something to eat during some down time, they would be more likely to turn a blind eye to a minor offense if they happened to see it while driving to their meal destination. Several officers also indicated that if they knew a custodial arrest was likely to require their appearance in court on one of their days off, they would be more likely to release

someone on a copy of charges rather than taking them into custody to avoid the encroachment on their personal time. Nearly all of the officers interviewed also said that when it gets close to the end of their shift (within an hour or two) they stop proactively looking for violations to enforce. This would help ensure that they would not get tied up in an incident that would require them to stay at work past their appointed time.

The practical considerations detailed above are not intended as an exhaustive list of practical considerations that might affect an enforcement decision made by police officers. What the interview data do show is that, consistent with focal concerns framework, practical considerations of several kinds have an influence on the decisions made by police officers when it comes to the enforcement decisions they make. The main difference in how this construct operates for police officers versus judges is that the focal concerns framework generally posits that the practical concerns affecting judges the most are those that deal with strain on the criminal justice system and the impact a sentence will have on an offender's ability to fulfill pro-social roles, such as that of a bread winner or care giver. Police officers, on the other hand, seem to be more impacted in their decision-making processes by factors that affect the effective operation of the police department, the effectiveness of their shift, and, occasionally, factors that have a perceived negative effect on the officer on a personal level.

The interview data collected for this study generally support the idea that police officers take ideas into consideration, in their decision-making processes, which are consistent with the three major constructs from the focal concerns perspective. The perceived blameworthiness of the offender, the need to protect the community, and practical considerations all play a part in the deliberative process in which officers

engage as they make enforcement decisions. As researchers continue to study police officer decision-making, it is important to understand how these focal concerns are similar and different in the way they affect police officers as compared to judges. As has been detailed here, police officers have different operational goals as they perform their job as compared to judges. This means that simply transferring the focal concerns that research has identified for judges to police officers is likely to be problematic.

The Theory of Planned Behavior in Policing

Mechanisms from the theory of planned behavior (Ajzen, 1991) have been incorporated into this research in an effort to elaborate on the focal concerns perspective. As detailed previously, the three primary mechanisms from this theory of behavior are attitudes about behavior, subjective norms, and perceived behavioral control. These three constructs are said to predict the intent to act in a certain way which, in turn, would be highly predictive of actual observed behavior. The intent to take action is being enlisted as a potential cognitive mechanism that will aid in expanding the focal concerns framework into a fully elaborated decision-making theory. The interview data collected for this study provide partial evidence for existence of the three constructs from the theory of planned behavior within the context of policing. From the interview data it is also evident that, where evidence of these constructs was found, they appear to have a material impact on the enforcement decisions made by police officers. The constructs from the theory of planned behavior were expected to operate as cognitive mechanisms which help to explain the decision-making process. In the discussion that follows, possible connections between the focal concerns framework and the theory of planned behavior will be highlighted which demonstrate a plausible way in which the theory of

planned behavior might elaborate the theoretical operation of the focal concerns framework. More specifically, based on the interview data, it appears that attitudes about applying formal enforcement and the intent to apply formal enforcement are the mechanisms through which blameworthiness and practical considerations are connected to outcomes. In addition, the need to protect the community appears to connect to outcomes through the duty to act and the intent to apply formal enforcement. These connections were derived from the interview data, but it must be noted that this interpretation is probably just one possibility of many. It seems likely that there are other significant pathways and connections that underlie many of the statements made by the officers interviewed that are not readily discernible within the context of a single qualitative study.

The theory of planned behavior posits that a key predictor of the intent to perform a behavior is a person's attitude about that behavior. For the purposes of this research, officer attitudes about enforcement behaviors were assessed. It was expected that the more favorable an officer's attitude was toward a particular enforcement behavior was, the more likely it would be for them to engage in that behavior. The interview data indicate that attitudes about enforcement behaviors are shaped by two key considerations. First, an officer's opinion about the desirability of engaging in a particular enforcement behavior (e.g. writing a citation or making an arrest) was found to have an impact on the likelihood that an officer would proactively engage in that type of enforcement. Second, and perhaps more importantly, an officer's attitude about engaging in a particular enforcement behavior in a specific situation, was found to strongly influence how an officer perceived the desirability of engaging in any enforcement action. Even officers

who indicated distaste for writing traffic citations indicated that there were certain situations in which their attitude about writing tickets could change if a situation surfaced which caused them to reevaluate that position. These situational influences on an officer's attitude about applying formal enforcement action appear to operate largely through the constructs of blameworthiness and practical concerns from the focal concerns framework. To demonstrate this, quotes cited previously in Chapter 4 should be revisited. CSU officer #4 indicated distaste for writing citations but said he would desire to do it when a child was not in a seat belt. The reason given for this shift in general attitude about ticket writing was the fact that a child depends on a parent for safety and that the parent needed some form of corrective action to ensure they take care of their child appropriately. In a further discussion of ticket writing, Patrol Officer #2 indicated that he had a general attitude of writing tickets for red light violations because the violator clearly knew what they were doing. The same officer indicated that he was generally not inclined to write tickets for vehicle equipment violations (such as a burned out tail light because the violator usually was unaware that their vehicle had a problem. While not explicitly stated as such, these statements are suggestive that an officer's perception of blameworthiness shapes their attitude about the desirability of applying formal enforcement action in any given situation.

Practical considerations also appear to shape an officer's attitude about the desirability of applying formal enforcement action. Officers regularly cited considerations such as staffing levels, the presence of children at a crime scene, and other concerns as having an influence of their decisions about responses to a criminal violation. It is plausible to attribute some of the variation in officer attitudes about applying formal

enforcement action to changes in the presence or absence of these practical considerations in addition to perceptions of the blameworthiness of the offender and their own general attitudes about specific enforcement behaviors. It is also plausible that officer attitudes about enforcement will be informed by their perception of the blameworthiness of the offender, relevant practical considerations, and their general attitude about the desirability of the enforcement behavior under consideration (i.e. citation, arrest, etc.), although there may be other influencing factors not highlighted in the data collected for this study.

It should be pointed out that a limitation of this research lies in the fact that officers were not directly asked about their attitudes about making an arrest, but they did make several statements expressing varying levels of preference for other enforcement activities, such as writing tickets and doing traffic enforcement. Some inference was still required to evaluate this construct; however it seems reasonable to assume that police officers would generally exhibit positive attitudes about making an arrest because this is a known primary function of the police when a person applies for the job. If someone held negative attitudes about arrest, it seems unlikely that they would enter the field of police work, but future research should explore these attitudes in a more direct way to discover if this assumption is warranted. Despite the limitations in this area, it is believed that the interview data shed some light on officer attitudes about enforcement behaviors and that these attitudes have an impact on their intent to perform that behavior. Overall the data show that the more favorable an officer's attitude about taking an enforcement action is in a particular situation, the more likely they are to engage in that action. This

observation is best characterized as a useful departure point for future research rather than a definitive statement on the issue.

Another mechanism from the theory of planned behavior is subjective norms. This construct deals primarily with how a person believes others will react if they perform a particular behavior although it has been suggested that this construct could also be construed as the perception of a duty to act in a certain way (Ajzen, 1991). For the purposes of this research, subjective norms and the duty to act are treated as two separate constructs that both influence the intent of an officer to apply formal enforcement action and, in turn, actual enforcement behavior. The separation of these constructs, as well as their impact on the intent to engage in a behavior, is generally supported by the data, although not precisely as proposed by the theory. For example, the theory of planned behavior specifically states that subjective norms are concerned with outside pressures to perform or avoid a behavior. Ajzen (1991) posits that subjective norms can be equated with the duty to act within the framework of the theory of planned behavior. The interview data gathered for this study indicated that the duty to act is more of an internal pressure that officers place on themselves, as opposed to an influence derived from external sources. For this reason, it seemed inappropriate to collapse this construct under the heading of subjective norms. This leads to the conclusion that the theory of planned behavior, as originally formulated, does not entirely conform to the observations noted in the results of this study. It was expected that the more favorable that an officer perceived that coworkers, supervisors, and citizens would view a particular course of action when handling incidents, the more likely it would be that the officer would take an action that would conform to those pressures. When it comes to subjective norms, the interview data

indicate that the officers in this study have little concern for what their coworkers think of how they do their job or how people on the scene of an incident react to their decisions. What may have more of an impact on the decision-making process is an evaluation of a supervisor's reaction and/or informal expectations. Thus, supervisor expectations appear to be the only subjective norm that would impact intent and actual behavior in a meaningful way.

As previously mentioned, the duty to act is treated as a separate construct from subjective norms. It was expected that the stronger the duty to take enforcement action became in a certain situation, the more likely it would be that the enforcement action would be taken. During the interviews, officers were asked about perceptions of a duty to act in certain cases. All officers indicated that many of the enforcement actions they take are linked to a feeling of duty. In large part, this duty to act appears to be a result of the officer's desire to protect the community from harm. All of the officers interviewed recognized that if they failed to take action when someone had been victimized, or was about to become a victim, that this would represent a failure on their part to serve the community in the way that was expected by others and themselves. Although the duty to act did not fit as neatly into my data as was predicted by the theory of planned behavior, it still appears to be an important concept that deserves more attention in trying to explain police behavior. Future empirical research should be able to disentangle this concept and how it fits into the decision-making process to a larger extent than this study was able to accomplish.

Another construct from the theory of planned behavior is perceived behavioral control. This reflects a person's perception of their ability to complete a particular

behavior, or not. For this research, perceived behavioral control is characterized as an officer's assessment of the amount of discretion available to them in any given situation. Ajzen (1991) posits that this may be the most important factor to consider in predicting behavior because if a person does not believe they are capable of performing a particular action, other predictors become irrelevant. This is applicable to policing because in instances where circumstances limit the number of legitimate options to an officer in terms of incident outcomes, the effects of other predictors of police behavior may be reduced in their impact or may become irrelevant all together. This assertion from the theory of planned behavior was generally supported by statements made by several of the officers participating in this study indicating that as their perceived discretion was reduced, other influences such as considerations of blameworthiness, offender attitude, or any variety of practical concerns became irrelevant to the decision at hand. The most salient influence on perceived behavioral control, or discretion, was the seriousness of the offense. Officers indicated repeatedly that when offense seriousness rose to a certain level, other considerations were less important due the constraints put on the legitimate option available to them in resolving an incident. It was expected that the more restricted an officer's discretion was perceived to be in any situation, the less important other influences would become. More specifically, the mechanism of intent is unlikely to have much effect on action taken when legitimate options are constrained by low perceived behavioral control. The interview data indicate that the constraining effect on discretion is particularly strong when it comes to the seriousness of an offense. Officers regularly reported that the seriousness of an offense was a powerful restrictor of discretion, thus limiting the legitimate options available to them in deciding how to handle an incident.

Consistent with Ajzen's (1991) original formulation of the theory of planned behavior, perceived behavioral control is seen as having direct effects on the intent to apply enforcement action as well as actual enforcement action.

The interview data from this study partially support the idea that constructs from the theory of planned behavior are applicable to police work and that they have an effect on the decision-making process in which police officers engage. The three mechanisms detailed previously appear to be related to the intention that an officer forms to apply vigorous enforcement action which, in turn, should be predictive of actual enforcement action, consistent with the predictions of the theory of planned behavior. With further research in this area, the constructs discussed here may yet prove to be useful tools for elaborating the focal concerns framework so that a more fully developed theoretical model of police officer decision-making can be constructed. More specifically, the construct of intent from the theory of planned behavior may be a suitable mechanism to explain more fully how ideas from the focal concerns perspective are translated into actual enforcement actions. This is important in terms of theoretical development because a cognitive mechanism connecting the three focal concerns with criminal justice outcomes has yet to be fully detailed. Given the empirical history of the focal concerns perspective, it is clear that there is an empirical pattern of blameworthiness, protection of the community, and practical considerations to have the expected effects on criminal justice outcomes, but beyond discussions of racial and gender stereotypes, the sentencing literature has not precisely explained why these empirical patterns exist or by what mechanisms they operate. The present research had the dual aim of exploring the mechanism of intent from the theory of planned behavior as a possible cognitive

mechanism as well as the application of the focal concerns perspective to the context of policing. While the data collected for this study do not seem to warrant making definitive statements about the decision-making process, there are still some observations which may serve to provide a level of theoretical guidance in assessing this topic in the future. One plausible interpretation of the data is that officer attitudes about applying formal enforcement and the intent to apply formal enforcement may act as a cognitive mechanism which connects perceptions of blameworthiness and practical considerations to policing outcomes. The need to protect the community from focal concerns seemed to have a connection with policing outcomes through the mechanisms of the duty to act and the intent to apply formal enforcement action. While it is certainly possible that other mechanisms may be discovered that provide more explanatory power than the focal concerns perspective presently wields, the proposition here is that attitudes and the intent to act show promise as mechanisms which can fill the role just described. In addition, the concept of the duty to act, while not an explicit part of the theory of planned behavior, appears to be related to ideas associated with subjective norms and may prove, with further research, to be a viable mechanism to connect the need to protect the community to intentions and the ultimate outcome of a policing incident. Future research employing mixed methods and quantitative methods should continue to assess the viability of constructs from the theory of planned behavior to act as cognitive mechanisms that more fully elaborate the focal concerns perspective.

Other Factors Affecting the Intent to Apply Formal Enforcement Action

In addition to the information gathered from the interview data regarding the construct from the focal concerns perspective and the theory of planned behavior, other

factors that do not fit neatly into either theoretical perspective were identified in the data that also appear to have a material impact on the mechanism of intent to apply formal enforcement action. Two factors were readily apparent after coding the data: officer characteristics and neighborhood context.

Officer characteristics.

There have been several studies that examined the effect of officer characteristics on policing outcomes, but no consistent findings have emerged from this line of inquiry, and there is little agreement about which officer characteristics, if any, are relevant to a prediction of policing enforcement outcomes (Finckenauer, 1976; Regoeczi & Kent, 2014; B. W. Smith et al., 2005). This research identified two officer characteristics that may be important in helping to explain decision-making behaviors in police officers. The first characteristic was officer age. There was some indication in the interview data that older officers (in their 50's) tended to engage in less proactive enforcement than their younger more energetic counterparts. This conclusion should be viewed cautiously however because only two officers were interviewed who were 50 years old or older. The data indicate that the older officers weigh many of the same considerations in the evaluation of an enforcement decision as younger officers did, but a tendency toward less proactive enforcement activity is relevant to police decision-making theory because although a considerably less visible decision, the decision to not engage in proactive enforcement is still a decision regarding enforcement action. It seems reasonable to expect that as an officer ages, the natural decline in physical vitality has an influence on an officer's intent (the mechanism) to engage in formal enforcement action.

An additional caution about conclusions about officer age from this study is that it is not entirely clear if age and years of experience as an officer are interchangeable. In terms of quantitative measurement, these two indicators may be viable proxies, but care must be taken to not confound one with the other. There are older officers who get into policing later in life and may have few years of experience even though they are older than the average officer. The opposite can be true as well. There are some officers who get into policing at a young age and can have many years of experience on the job at a relatively young age. The data gathered from this study are not sufficient to make any definitive statements as to whether age is the driving force behind changing intent or whether it is just time on the job. Future research will have to determine which indicator is the most compelling.

The second officer characteristic identified in this study as being important is the current assignment of the officer making the enforcement decision. Because officers were interviewed from three different units (patrol, traffic, and crime suppression), the interview data did allow for rich insight into how this officer characteristic affects the intent to apply formal enforcement and actual enforcement behavior. The three units on which officers were interviewed have decidedly different operational goals, and it is the focus on the operational goals of the unit which affect an officer's intent to apply formal enforcement action in a variety of situations. One of the primary operational goals for patrol officers is the handling of calls for service. When the time required to carry out potential enforcement actions threatens to interfere with that goal, that is weighed heavily in the decision process, particularly in the face of minor violations which are characterized by high levels of discretion.

In contrast to patrol officers, traffic officers and crime suppression officers are highly mission driven in their daily activities. Traffic unit officers are tasked with enforcing traffic laws through issuing citations. This operational goal has the effect of increasing those officers' intent to apply formal sanctions through the issuing of citations as compared to patrol officers who report writing relatively few traffic citations in comparison to traffic officers. Similar effects were seen for crime suppression unit officers. If they are assigned to patrol a certain area for drug violations, their intent to apply formal enforcement action for drug violations is increased while their intent to apply enforcement action to other crimes may be reduced. As progress is made in the area of police officer decision-making theory, officer assignment should be included as part of the analysis to further refine the assessment of the impact this variable has on an officer's intent to apply formal enforcement action.

Neighborhood context.

Another factor that emerged from the interview data as impacting the police decision-making process was that of neighborhood context. This specifically relates to the race of a suspect in comparison to the dominant race of the residents where contact with the police occurs. The emergence of this theme was not entirely unexpected as the racial profiling literature and the emerging out-of-place policing literature provide some guidance in this area (Novak & Chamlin, 2012; Petrocelli et al., 2003; Rojek et al., 2012). Generally, the assertion made in this literature is that someone who appears "out of place" because their race does not match that of the dominant race of the neighborhood is more likely to be subjected to police scrutiny and harsher enforcement action compared to those who are of the same race as the dominant neighborhood demographic. The

interview data collected for this study largely support that assertion. The appearance of being out of place on the basis of race was identified by several officers as something that would cause them to have a heightened suspicion of an individual. If their increased attention to the out of place person yielded anything noteworthy, officers indicated that they would be highly likely to engage that person in some way to determine what they were up to. In light of this finding, it seems reasonable to posit that the more out of place a person appears to be, the higher the intent will be on the part of an officer to apply formal enforcement action to a suspect.

Putting it All Together

The purpose of this research was to elaborate on the focal concerns perspective, using mechanisms from the theory of planned behavior and other mechanisms identified through qualitative research methods. It would have been desirable if the data collected would have allowed for the development of a preliminary theoretical model of police officer decision-making that would aid in explaining how policing outcomes are achieved when an enforcement decision is being made. In the end, I determined that the data collected, while providing valuable insights into the decision-making process, was simply too incomplete to warrant the construction of a model that was sufficiently robust. It is still useful, however, to explore the key variables highlighted by this study and the associations they have with the decision-making process. The data also give sufficient reason to further explore the ability of the theory of planned behavior to provide the cognitive mechanisms that could serve to elaborate the focal concerns perspective.

According to the data collected in this study, the blameworthiness of an offender is largely derived from the seriousness of the offense, the officer's knowledge of a

person's criminal past, and the offender's demeanor toward the officer. In an effort to elaborate the focal concerns perspective with ideas from the theory of planned behavior, the mechanism of intent is proposed as a viable means of connecting an officer's perception of the blameworthiness of an offender and actual enforcement actions. The more blameworthy an offender is perceived to be, the stronger the intent becomes on the part of the officer to apply vigorous enforcement options. This intent should be predictive of actual enforcement actions taken.

In the interviews conducted, no antecedents of an officer's desire to protect the community were clearly articulated. This desire may be an innate characteristic of the type of people who decide to become police officers, but the data collected for this study cannot confirm this. What was clear, however, was that this desire and obligation to protect the community from harm produces a strong sense of duty in officers.

This sense of a duty to act has been conceptualized as distinct from the existence of subjective norms. Subjective norms in the theory of planned behavior refer to outside pressures from other people to act in a certain way whereas the sense of duty that was conveyed by officers during the interviews was clearly more of an internal pressure that officers place on themselves. In connecting this sense of duty to actual enforcement actions, the interview data show that the stronger the feeling a duty to act becomes, the stronger the intent becomes on the part of the officer to apply formal enforcement action which, in turn, predicts actual actions taken.

The existence of practical concerns surrounding an enforcement action also appears to influence an officer's intent to apply enforcement action. The four specific concerns that are supported by the data collected in this study were the presence of

children, legal requirements, shift staffing levels, and self-interested concerns which affect an officer directly. The mechanism of intent is a viable link between the existence of these practical considerations and actual enforcement outcomes. The more complications that arise for an officer due to a variety of possible practical considerations that present themselves, the weaker the intent will be to apply formal enforcement action in the face of a criminal offense.

Although the practical considerations listed above were the primary concerns that officers in this study discussed, it is recognized that there could be other practical concerns that will impact the intent to apply enforcement action that did not show up in this research effort. This is an area that future research could probe more deeply to see if there are other concerns, beyond the four identified in this study, that play a significant role in the police decision-making process. In terms of theory testing, it is possible that this construct could be measured as a single scale by combining several indicators or it may be more useful to measure a few key practical considerations as individual items. This is a methodological issue that future research will need to address.

To summarize the foregoing discussion, intent appears to be a viable mechanism for making connections between the three focal concerns of blameworthiness, protection of the community, and practical considerations and enforcement outcomes in a policing context. The interview data support the argument that perceptions of blameworthiness and practical concerns can directly affect an officer's intent to apply formal enforcement actions. The need to protect the community also affects the intent to apply formal enforcement action, but this association appears to be mediated by the sense of a duty to act on the part of officers. Elaborating the focal concerns framework with the mechanism

of intent from the theory of planned behavior renders the framework more useful from a theoretical perspective in explaining policing outcomes. This study provides a starting point for a theoretical elaboration effort, but much refinement is still needed in articulating the causal pathways in the decision-making process.

Shifting the focus to concepts from the theory of planned behavior, officer attitudes about enforcement behaviors are also characterized as a possible antecedent to the intent to apply formal enforcement action. Officer attitudes about applying formal enforcement in a situation are seen as being shaped by their perceptions of the blameworthiness of the offender, practical concerns, and their general attitude about the enforcement behavior being considered. The theory of planned behavior specifically states that attitudes about a specific behavior will only accurately predict the intent to engage in that specific behavior. One of the contributions of this research is the illumination of how officers form these attitudes. A key element highlighted by the data is that simply measuring an officer's attitude about making an arrest or writing a ticket is not sufficient to capture the complexity of police officer decision-making. Their general attitudes about these behaviors do matter, but their attitudes about applying formal enforcement actions are also informed by their perceptions of the blameworthiness of the offender and the practical considerations surrounding an incident. Based on the observations made in this study, one plausible conclusion is that an officer's attitude about applying enforcement action can be expected to shape their intent to perform the behavior which, in turn, should directly predict the likelihood of the officer actually engaging in the behavior in question.

Subjective norms were also included in the study analysis as a direct influence on the intent to apply enforcement action. The data in this study seem to support the idea that informal supervisor expectations are a key antecedent to this construct. The officers interviewed for this study seemed to communicate that the stronger they perceive that a supervisor will either approve or disapprove of a particular enforcement outcome; the stronger their intent will be to engage in or refrain from taking a specific enforcement action, respectively. Although the interview data appear to support the existence of this construct within a policing context, the data did not support a connection between this construct and any of the ideas from the focal concerns perspective. It is conceivable that subjective norms could tie into the shaping of attitudes about enforcement, but the data collected for this project did not warrant making this connection. Future research may be able to better connect this construct to the focal concerns framework, but such a connection was not deemed to be justified here.

Perceived behavioral control (discretion) is another element that appears to have a direct effect on the intent to apply enforcement action, but similar to the results for subjective norms, no direct connection to the focal concerns framework was supported by the data collected for this study. The data did support offense seriousness as a predictor of perceived behavioral control. Offense seriousness also affects perceptions of blameworthiness but the way offense seriousness constrains police discretion is a distinct consideration.

Consistent with the formulation of the theory of planned behavior, statements made by the officers interviewed were largely consistent with the idea that perceived behavioral control has an effect on actual enforcement action. This is a reflection of

Ajzen's (1991) statement that if perceived behavioral control is low enough, other predictors would become unimportant because a person is highly unlikely to engage in a behavior that they do not believe they can accomplish or are physically incapable of completing. In terms of policing, when presented with a scenario in which the perceived level of discretion an officer is extremely low, other predictors may not matter much because the restrictions on an officer's legitimate options dictates the outcome of the incident. The officers in this study consistently identified the seriousness of an offense as the dominant factor in determining how much discretion they feel they have in handling an incident. This being the case, it is reasonable to hypothesize that offense seriousness will have direct effects on enforcement action although in some circumstances. One of the difficulties in mapping out the direct association between offense seriousness and enforcement behavior is that the data do not conclusively establish exactly where the causal pathways lie. It is possible that offense seriousness impacts outcomes through the officer's perception of reduced discretion when seriousness of the offense escalates, but it is also reasonable to surmise that the association between offense seriousness and enforcement outcomes is also affected by supervisor expectations. The officers interviewed did not frame this relationship in those terms, but it seems unlikely that supervisor expectations and department policies and norms are completely unrelated to this aspect of the decision-making process. Further research in this area is needed to be able to specify how these variables relate to each other in producing policing enforcement outcomes.

In a further examination of the data related to the direct effects of offense seriousness on enforcement behaviors, it was clear that this association is moderated by

the offender's attitude toward the officer they are dealing with as previously detailed in Figure 4. Offenders with a rude or confrontational attitude towards the police tend to be recipients of harsher enforcement actions across all levels of offense seriousness.

Suspects who take a more polite stance with the police generally tend to be treated more leniently when it comes to minor offenses for which an officer has a high level of discretion as to the outcome. When offense seriousness rises to a certain level, a polite attitude seemingly cannot overcome the effects that offense seriousness has on shaping the outcome of a law enforcement situation, and a harsher enforcement option is likely to be employed despite a suspect's polite disposition.

Overall, the data collected for this study support the applicability of the theory of planned behavior to the context of police officer decision-making, however the applicability of theory of planned behavior constructs as cognitive mechanisms to elaborate the focal concerns framework only found partial support. The ideas drawn from the theory of planned behavior that had the best support in the data were attitudes about enforcement behaviors and the duty to act. It is argued here that attitudes are viable mechanisms which serve to connect perceptions of blameworthiness and practical concerns to actual police decision-making outcomes. The duty to act serves as a viable mechanism to connect the need to protect the community with outcomes. The mechanism of intent to perform an action has the potential to serve as a focal point at which all of the mechanisms and constructs converge as a strong predictor of actual enforcement action taken. Although some limitations were found in applying theory of planned behavior constructs directly to ideas from the focal concerns framework, the

results of this research are an important first step in elaborating the theoretical operation of the focal concerns framework.

Limitations of the Study

The primary limitation of this study is that it only includes interviews with officers from one police department. Due to the similarities in policing goals and practices across jurisdictions, there may be some reason to expect that many of the ideas expressed by the officers interviewed may be universal to all police officers, but the current study design cannot verify this. Thus, the generalizability of these results to other police departments is limited. This limitation is only of modest concern due to the fact that the primary goal of this research is theoretical development. This project assessed the applicability of the focal concerns framework and the theory of planned behavior to policing as a starting point for a theory of police decision-making. This study aims to start this conversation rather than provide a definitive final word on the subject.

A second potential concern lies with the sample size of 25 officers. While this group is deemed representative of the department included in the study, it would be unwise to assume that these 25 officers represent the views of all police everywhere. While there are certain to be similarities in many of the opinions and beliefs held by police officers nationwide, there are also certain to be significant differences that would emerge across jurisdictions and various situational and structural contexts. That said, it is believed that 25 officers provides a reasonable starting point for a study of this type and provides the ability to draw conclusions that will be applicable beyond this research project. In addition, as mentioned previously, because theoretical development is a primary goal of this research, twenty-five officers provided a sufficient sample to achieve

theoretical saturation regarding the topics addressed in the interviews. While some may argue that a larger sample size would be beneficial, it is believed that the sample size chosen for this project was sufficient to accomplish the goals of the study.

Another potential limitation is the fact that there is little variation in the race of people that the officers at this department tend to deal with. The population of the jurisdiction within which the department being studied operates is predominantly African- American with a relatively small percentage of the population being White or Hispanic (approximately 15%). Most interactions these officers have with the public are with Black individuals, thus any conclusions drawn about how race impacts the decision making process should be viewed with caution due to the lack of variation in this area.

Another potential limitation of this research is the fact that the project grew out of a larger project which had a different substantive focus. Because this project was separate and distinct from the larger data collection effort, new measures and concepts had to be developed for use in this research. Every effort was made to define the constructs used in accordance with their original meaning from the theories from which they were originally derived, but the potential for error always exists in these types of endeavors.

There may also be limitations which stem from the qualitative methods employed. It is likely that police officers would be naturally suspicious of outsiders coming into their department and asking them a lot of questions, the answers to which may not always cast themselves or their department in the best light. This may have caused the officers to hold back in some of their responses or to conceal the truth. To overcome this limitation as best as possible, efforts were made to build a good rapport with the officers

and to fully disclose the purpose of the research being conducted. As previously noted, I am a former police officer, and this fact was disclosed to the officers participating in the study. This allowed for rapport to be built more quickly and diffused some of the suspicion officers had about a research project involving their department. The confidential nature of the information disclosed in the interviews was also stressed to encourage candid responses as much as it was possible.

A final limitation of this study is that it does not employ any data on actual officer behavior. It is likely that what officers say they would do in a particular situation might differ from what they actually do. While this type of limitation is somewhat inherent in qualitative methods, this limitation was addressed by asking officers for examples of what they did in real situations they have faced in addition to questions about predicting what they might do in hypothetical situations. Future research should employ a mixed-methods approach that employs a quantitative element based on actual officer behavior to better address this issue.

Conclusion

This research has provided some theoretical guidance as to which variables may be the most important in specifying a statistical model that has policing outcomes as its dependent variable. Up until now the literature has been largely devoid of qualitative explorations of how police officers make the decisions they make. This remains an important area of study as it helps to explain why the policing outcomes we see happen the way they do.

The overall conclusion drawn from this research is that the focal concerns perspective and the theory of planned behavior can make important contributions to our

understanding of how enforcement outcomes are derived in a policing context. The data collected support the existence of influences from both theoretical paradigms. It also appears that the addition of the mechanism of intent could be successful in elaborating the focal concerns perspective into a full theory.

Theoretical implications.

The focal concerns perspective has a long history of having some explanatory power in the examination of sentencing disparities and outcomes, but little work has been done in utilizing this framework to explain policing outcomes. One of the primary arguments for engaging in the current research was that the assumption that judicial concerns can be directly imputed to police officers is probably a poor one. Although the focal concerns perspective has been useful in many respects in advancing our understanding of sentencing outcomes, this research serves as a starting point for applying this framework directly to policing outcomes by providing an understanding of how focal concerns operates differently for police officers as compared to judges. As far as the author was able to determine, this research effort is the first thorough qualitative exploration of the focal concerns of police officers. As such, this research should provide many rich theoretical avenues to explore that will continue to expand our understanding of policing outcomes.

The incorporation of the theory of planned behavior represents an interdisciplinary approach to theory generation in this important area of inquiry. The primary deficiency of the focal concerns framework in terms of its theoretical utility is that it lacks detail on mechanisms which connect focal concerns ideas with actual outcomes. This research evaluated the ability of the mechanism of intent from the theory

of planned behavior to fill the role of the missing mechanism under the focal concerns framework. The argument advanced as a result of this research is that intent shows promise as a viable cognitive mechanism to fill in the gaps of the focal concerns perspective. In addition, other constructs from the theory of planned behavior (attitudes about behavior, subjective norms, and perceived behavioral control) also appear to be useful elaborations of the focal concerns framework to add further explanatory power to a theoretical model of police officer decision-making.

Disparities of several kinds in criminal justice outcomes have been well documented, but comparatively little is understood about why these disparities exist. Although this research did not directly address racial, gender, or socio-economic disparities in the criminal justice system, it is anticipated that the results of this project will provide information that may lead to a better theoretical explanation for understanding why these disparities occur. One of the aims of this project was to elucidate the decision-making process in which police officers engage so that the impact of race, sex, and socio-economic status on that process might be better understood. Attributing disparities in the criminal justice system to personal bias or prejudice on the part of individual actors is generally seen as too simplistic of an explanation for large disparities in the system. That said, disparities certainly exist, so the task becomes to figure out why and to develop sound theory that will advance this area of study.

Another aim of this study was to make a contribution to the building of criminal justice theory. As detailed in Chapter 2, the criminal justice field has been accused of being devoid of sound theoretical development procedures. The results of this study should aid in providing theoretical guidance when it comes to variable selection in

quantitative models designed to predict policing enforcement outcomes. As one example of how the present research can help to illuminate these issues, consider the problem of racial disparities in policing outcomes. Regoeczi and Kent (2014) found that a good attitude on the part of a violator was predictive of getting a warning during a traffic stop for both Blacks and Whites, however, the effect was much stronger for Whites than for Blacks. In a more detailed analysis, they found that, of the drivers that exhibited a bad attitude toward the police officer who stopped them, Black people were much more likely than Whites to exhibit their negative demeanor early in the stop, whereas Whites were more likely to start out politely and become hostile towards the end of the stop if they did not like the outcome. This finding combined with the findings regarding attitude in the present study can provide a sound theoretical explanation for racial disparities in traffic stop outcomes that goes beyond a simple statement about a person's race. These combined findings would lead to the conclusion that people who exhibit rudeness to an officer prior to a decision being made about enforcement outcomes are likely to create a heightened perception of blameworthiness in the mind of an officer which will in turn increase the officer's intent to apply a harsher form of formal enforcement action. This increased intent will in turn predict a higher incidence of traffic citations being issued. This is one possible explanation which demonstrates the need to identify key intervening variables that clarify the associations between race and a variety of criminal justice outcomes.

Another issue of theoretical importance highlighted by this study is the impact that offense severity has on the decision-making process in terms of enforcement. In line with the assertions of Gottfredson and Gottfredson (1988), criminal offenses tend to be

viewed by officers in terms of a dichotomy of minor and serious offenses. This creates some challenges in the development of a single theoretical model of decision-making because when offense seriousness rises, many of the situational and contextual influences surrounding an incident become somewhat irrelevant to the decision being made. In contrast, situational and contextual factors seem to play a major role in shaping the outcomes of minor incidents characterized by high levels of discretion. One possible solution to this issue would be the construction of two separate theoretical models, one detailing the decision-making process for minor incidents and the other detailing more serious offenses. This avenue would sacrifice parsimony, but the gains in precision may be worth the effort.

Another issue of theoretical importance for this study is the question of temporal ordering. One of the difficulties in creating a theoretical model of decision-making is that any such model would have to account for the temporal ordering of factors as they affect the process. While it is tempting to assume that everything related to policing decisions happens simultaneously, this is simply not the case. It is true that perceptions may be formed and decisions made quite rapidly, but there is still a temporal order to the process. This study was not designed in a way that allowed for the teasing out of nuanced temporal ordering concerns in the decision-making process, but this is an important area of inquiry because the order of events after an officer arrives on a scene matters in shaping the outcome of the incident (Regoeczi & Kent, 2014).

Another important issue highlighted by this study is the need to examine different types of policing and the decision-making processes unique to each. Examining policing as if it were a homogenous endeavor made by all officers is probably a poor approach to

the topic. The findings related to officer assignment in this study highlight the fact that not all policing strategies are created equal. When officers are on specialized units with mission-driven objectives to accomplish, the way enforcement decisions are made is different than for the average patrol officer handling an assigned beat area. This is an area that presents further challenges for the creation of a single theoretical model because, although officer assignment can be included in a quantitative model, that approach may not be sufficiently detailed to fully explain why observed differences between types of policing are occurring.

Directions for future research.

Because this project was just one study with one police department, future research should replicate this study in other geographical areas using other police departments to determine if the important variables identified here are applicable to all police officers in general or if there are important differences that need to be accounted for by location. In addition, it should be noted that this study was largely exploratory in nature. Careful quantitative work will need to be done in the future to see if the theoretical propositions derived from the interview data will hold up under further empirical scrutiny.

For researchers desiring to undertake further qualitative exploration of the current topic, care should be taken in constructing the interview content to fully explore the specific concepts trying to be captured. Admittedly, some of the interpretation of results of this study required some inference due to inadequacies in a few of the interview questions that did not fully capture specific ideas from the theoretical frameworks being used. The content areas in which this occurred during this research were not so large as

to create a lack of confidence in the results, but this remains a limitation of the study that should be noted.

Another suggestion for future research is the quantitative exploration of the theoretical ideas presented here. This is a needed next step in this line of inquiry to see if there is support for the theoretical propositions advanced here. This would also serve to determine which of all the variables highlighted in this study are the most salient in developing a more parsimonious model of police officer decision-making. Although many themes were explored in this project, it is recognized that future work would possibly eliminate some of the variables discussed due to their modest or weak effects on the phenomenon being studied. The largest difficulty in carrying out this type of quantitative analysis is likely to be the acquisition of a data set that would allow for the appropriate testing of the hypotheses that flow from this project. This would likely entail a new data collection effort as it seems unlikely that an existing data set could be found that was well suited to testing all of the constructs under consideration in this research project.

Future research should also address some of the issues discussed in the previous section. Specifically, an examination of the temporal ordering inherent in the decision-making process should be explored more fully to determine how officers arrive at perceptions blameworthiness, discretion levels, and ultimately arrive at an enforcement decision. A detailed examination of different types of policing strategies and the factors influencing each would also be a valuable addition to the literature. This is an area that future research should address in an effort to more fully explain policing outcomes. In addition, if the theory of planned behavior is to be used as a means of elaborating the

focal concerns framework, more research needs to be done to tease out more nuanced relationships among key variables than this study was able to do. The most important future work in this area would most likely lie with making more solid connections between the mechanisms specified in the theory of planned behavior and the focal concerns framework.

This study was designed in a way that the decision-making process was evaluated from the point at which an officer has already established probable cause for a criminal violation. The interviews were designed to evaluate the decision-making process from that point forward, hence the focus on enforcement decisions. It is recognized that this is not the only decision point of importance. There are likely to be many decisions and issues weighed prior to an officer deciding whether or not probable cause exists. This would include issues such as the perceived credibility of people on a scene that an officer is interviewing, an officer's previous experience with the people involved with an incident, and a host of other considerations. A particularly important area of study in this regard is the strength of evidence in a case. The strength of evidence perceived by an officer is likely to have an impact on decisions made prior to any enforcement action being taken as well as on the actual enforcement decision itself. The officers interviewed for this study did not discuss how the strength of evidence relates to their decision-making process, but this is most likely due to the interview design in which the questions asked largely assumed that probable cause had already been established in discussions of handling criminal violations. In order to more fully detail the decision-making process of police officers, future research should endeavor to explore a variety of decision points and influences on those decisions. This would be a valuable addition to the literature in

detailing how police officer decision-making operates beyond the narrow context of enforcement decisions addressed by this study.

As a final suggestion for future research, more could be done to elucidate why disparities exist in the criminal justice system and how decision-making processes affect them. Although this project did not specifically set out to explore this question directly, an example was given above of how this type of research can illuminate this subject. More research in the area of criminal justice decision-making can further our understanding of how and why racial and gender disparities occur in the criminal justice system. Further inquiry into this area would be well served to include a data collection effort that attempted to tap into the way that personal biases and prejudices play a role in the decisions that criminal justice actors make. The collection of that type of data was beyond the scope of the present project, but it is recognized that these are influences that could have confounding effects on many of the variables identified as important in this study.

Appendix: Police Officer Interview Guide

Topic 1: Background Information

- Time on the force
- Career profile (assignments)
- Shift assignment
- Family situation (married, single, kids, etc.)

Topic 2: General Attitudes about Law Enforcement

- Role of the police
- Primary concerns, roles, and functions of the police
- Approaches to policing at FCPD with officer assessments as follow up
 - Reactive 911 model
 - Proactive variations
 - Community policing
 - Problem-oriented policing
 - Intelligence-led policing
 - COMPSTAT
 - Hot spots
 - Proactive in general

Topic 3: Officer Discretion

- Importance of discretion to the job
- Biggest factors affecting the exercise of discretion
 - Officer attitude about a behavior versus legal seriousness (TPB)
 - Social pressure from peers or supervisors to handle incidents a certain way (TPB)
 - How duty to act impacts decisions (TPB)
 - What affects latitude in discretion (TPB)
- Perceived markers of criminality
 - People
 - Vehicles
 - Locations
- Traffic stops- citation versus warning (verbal or written)
 - Which vehicles to stop
 - How much scrutiny to apply
- Suspicious person checks
 - Deciding who should be stopped
 - Deciding how much scrutiny to apply
- Deciding where to focus patrol efforts within an assigned area
- Arrest/no arrest decisions

Topic 4: Blameworthiness (relevance of the following factors in discretion)

- Known criminal history
- Seriousness of the current offense
- Victim-offender relationship
- Type/amount of harm caused to victim
- Perceptions of the victim “asking for it”
- Offender’s attitude

Topic 5: Protection of the Community

- How do the police best protect the community?
 - Patrol in assigned area
 - Traffic stops
 - Stopping suspicious people
 - Perceptions of likelihood of future offending in making decisions
- How do police seek to take care of one another?
 - Response to foot or car chase
 - Officer in distress call
 - Backing up on calls or traffic stops
 - How does protecting other officers rank in importance to protecting the community?

Topic 6: Practical Considerations

- How do the following factors affect discretion?
 - Offender’s family situation (kids/no kids)
 - Offender’s employment status
 - Previous time served or current probation (ability to do time)
 - Offender’s network of family or community support
- Officer and departmental practical considerations
 - End of shift/week
 - How many officers on duty
 - Crime hot spots/spike
 - Department wants/needs
 - Department SOP
 - Supervisor preferences

References

- Ajzen, I. (1991). The theory of planned behavior. *Organizational Behavior and Human Decision Processes*, 50, 179-211.
- Ajzen, I., & Fishbein, M. (1969). The prediction of behavioral intentions in a choice situation. *Journal of Experimental Social Psychology*, 5, 400-416.
- Ajzen, I., & Fishbein, M. (1977). Attitude-behavior relations: A theoretical analysis and review of empirical research. *Psychological Bulletin*, 84, 888-918.
- Albonetti, C. A. (1986). Criminality, prosecutorial screening, and uncertainty: Toward a theory of discretionary decision making in felony case processings. *Criminology*, 24(4), 623-644. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=16305359&site=ehost-live>
- Albonetti, C. A. (1991). An integration of theories to explain judicial discretion. *Social Problems*, 38(2), 247-266. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=CJACD00000028634&site=ehost-live>
- Alpert, G. P., Dunham, R. G., Stroschine, M., Bennett, K., & MacDonald, J. (2004). *Police officers' decision making and discretion: Forming suspicion and making a stop*. Retrieved from Washington D.C.:
- Armitage, C. J., & Conner, M. (2001). Efficacy of the theory of planned behaviour: A meta-analytic review. *British Journal of Social Psychology*, 40, 471-499.
- Barnes, K. Y. (2005). Assessing the counterfactual: The efficacy of drug interdiction absent racial profiling. *Duke Law Journal*, 54(5), 1089-1141.
- Berg, B. L. (1989). *Qualitative research methods for the social sciences*. Needham Heights, MA: Allyn and Bacon.
- Bernard, T. J., & Engel, R. S. (2001). Conceptualizing criminal justice theory. *Justice quarterly*, 18(1), 1-30. Retrieved from /sfx_gsu1?ctx_ver=Z39.88-2004&url_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&ctx_id=10_1&rft.auinit=T&rft.volume=18&rft.issn=0741-8825&rft.genre=article&rft.issue=1&rft.eissn=1745-9109&rft_id=info%3Aid%2F**Error! Hyperlink reference not valid.**
- Bernard, T. J., Paoline, E. A., & Parea, P. P. (2005). General systems theory and criminal justice. *Journal of Criminal Justice*, 33(3), 203-211. doi:10.1016/j.jcrimjus.2005.02.001
- Bertalanffy, L. V. (1968). *General System Theory: Foundations, Development, Applications*. New York: George Braziller, Inc.
- Black, D. (1976). *The Behavior of Law*. New York: Academic Press.
- Brown, R. A., & Frank, J. (2005). Police-citizen encounters and field citations: Do encounter characteristics influence ticketing? *Policing*, 28(3), 435-454. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=20171476&site=ehost-live&scope=site>
- Cihan, A., & Wells, W. (2011). Citizens' opinions about police discretion in criminal investigations. *Policing*, 34(2), 347-362. Retrieved from

- <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=60974603&site=ehost-live&scope=site>
- Cooper, J. A., & Worrall, J. L. (2012). Theorizing criminal justice evaluation and research. *Criminal Justice Review (Sage Publications)*, 37(3), 384-397. doi:10.1177/0734016812442940
- Crow, M. S., & Adrion, B. (2011). Focal concerns and police use of force: Examining the factors associated with taser use. *Police Quarterly*, 14(4), 366-387. doi:10.1177/1098611111423740
- Damron-Martinez, D., Presley, A., & Zhang, L. (2013). A study of undergraduate student intent to minor in business: A test of the theory of planned behavior. *Journal of Education for Business*, 88(2), 109-116. doi:10.1080/08832323.2012.657262
- Donohue, J. J., & Levitt, S. D. (2001). The impact of race on policing and arrests. *Journal of Law & Economics*, 44(2), 367-394. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=11487167&site=ehost-live&scope=site>
- Ebbesen, E. B., & Konecni, V. J. (1985). Criticisms of the Criminal Justice System: A Decision Making Analysis. *Behavioral Sciences & the Law*, 3(2), 177-194. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=12584413&site=ehost-live>
- Engel, R. S., Calnon, J. M., & Bernard, T. J. (2002). Theory and racial profiling: Shortcomings and future directions in research. *JQ: Justice Quarterly*, 19(2), 249. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=7037751&site=ehost-live&scope=site>
- Engel, R. S., Sobol, J. J., & Worden, R. E. (2000). Further exploration of the demeanor hypothesis: The interaction effects of suspects' characteristics and demeanor on police behavior. *Justice quarterly*, 17(2), 235-258.
- Farrell, R. A., & Holmes, M. D. (1991). The social and cognitive structure of legal decision-making. *Sociological Quarterly*, 32(4), 529-542. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=9705111758&site=ehost-live>
- Feeley, M. M. (1973). Two models of the criminal justice system: An organizational perspective. *Law & Society Review*, 7(3), 407-425. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=11870852&site=ehost-live>
- Finckenauer, J. O. (1976). Some factors in police discretion and decision making. *Journal of Criminal Justice*, 4, 29-46.
- Fishbein, M., & Ajzen, I. (1975). *Belief, attitude, intention, and behavior: An introduction to theory and research*. Reading, MA: Addison-Wesley.
- Fiske, S. T., & Taylor, S. E. (2013). *Social cognition: From brains to culture* (2nd ed.). Los Angeles, CA: Sage Publications.
- Fridell, L. (2004). *By the numbers: A guide for analyzing race data from vehicle stops*. Retrieved from Washington D.C.:
- Glaser, B. G. (1978). *Theoretical sensitivity*. Mill Valley, CA: Sociology Press.

- Glaser, B. G., & Strauss, A. L. (1967). *The discovery of grounded theory*. Chicago, IL: Aldine.
- Gottfredson, M. R., & Gottfredson, D. M. (1988). *Decision Making in Criminal Justice: Toward the Rational Exercise of Discretion* (Vol. 3). New York: Plenum Press.
- Hagan, J. (1989). Why is there so little criminal justice theory? Neglected macro- and micro-level links between organization and power. *Journal of Research in Crime & Delinquency*, 26(2), 116-135. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=5546388&site=ehost-live>
- Heerwegh, D., & Loosveldt, G. (2009). Explaining the intention to participate in a web survey: A test of the theory of planned behaviour. *International Journal of Social Research Methodology*, 12(3), 181-195. doi:10.1080/13645570701804235
- Higgins, G. E., Vito, G. F., & Grossi, E. L. (2012). The impact of race on the police decision to search during a traffic stop: A focal concerns theory perspective. *Journal of Contemporary Criminal Justice*, 28(2), 166-183. doi:10.1177/1043986211425725
- Klinger, D. A. (1994). Demeanor or crime? Why "hostile" citizens are more likely to be arrested. *Criminology*, 32(3), 475-493. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=9409061249&site=ehost-live&scope=site>
- Klinger, D. A. (1997). Negotiating order in patrol work: An ecological theory of police response to deviance. *Criminology*, 35(2), 277-306. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=9708245685&site=ehost-live>
- Langan, P. A., Greenfeld, L. A., Smith, S. K., Durose, M. R., & Levin, D. L. (2001). *Contacts between police and the public: Findings from the 1999 national survey*. Retrieved from Washington D.C.:
- Lipsky, M. (1980). *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.
- Marenin, O., & Worrall, J. (1998). Criminal justice: Portrait of a discipline in process. *Journal of Criminal Justice*, 26(6), 465. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=1312153&site=ehost-live>
- Mastrofski, S. D. (2004). Controlling street-level police discretion. *Annals of the American Academy of Political & Social Science*, 593, 100-118. doi:10.1177/0002716203262584
- Mastrofski, S. D., & Parks, R. B. (2003). *The myth of reactive policing*. Paper presented at the 13th World Congress of Criminology, Rio de Janeiro, Brazil.
- Mastrofski, S. D., Worden, R. E., & Snipes, J. B. (1995). Law enforcement in a time of community policing. *Criminology*, 33, 539-563.
- Meehan, A. J., & Ponder, M. C. (2002). Race and place: The ecology of racial profiling African American motorists. *JQ: Justice Quarterly*, 19(3), 399. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=7703077&site=ehost-live&scope=site>
- Morrison, D. M., Lohr, M. J., Beadnell, B. A., Gillmore, M. R., Lewis, S., & Gilchrist, L. (2010). Young mothers' decisions to use marijuana: A test of an expanded theory

- of planned behaviour. *Psychology & Health*, 25(5), 569-587.
doi:10.1080/08870440902777554
- Novak, K. J. (2004). Disparity and racial profiling in traffic enforcement. *Police Quarterly*, 7(1), 65-96. doi:10.1177/1098611102250359
- Novak, K. J., & Chamlin, M. B. (2012). Racial threat, suspicion, and police behavior: The impact of race and place in traffic enforcement. *Crime and Delinquency*, 58(2), 275-300. doi:10.1177/0011128708322943
- Packer, H. L. (1968). *The Limits of Criminal Sanction*. Stanford, CA: Stanford University Press.
- Petrocelli, M., Piquero, A. R., & Smith, M. R. (2003). Conflict theory and racial profiling: An empirical analysis of police traffic stop data. *Journal of Criminal Justice*, 31(1), 1. Retrieved from
<http://ezproxy.gsu.edu:2048/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=8667159&site=ehost-live>
- Phillips, S. W., & Sobol, J. J. (2012). Police decision making: an examination of conflicting theories. *Policing*, 35(3), 551-565. doi:10.1108/13639511211250794
- Rabe-Hemp, C. E. (2008). Female officers and the ethic of care: Does officer gender impact police behaviors? *Journal of Criminal Justice*, 36(5), 426-434.
doi:10.1016/j.jcrimjus.2008.07.001
- Regoeczi, W. C., & Kent, S. (2014). Race, poverty, and the traffic ticket cycle Exploring the situational context of the application of police discretion. *Policing*, 37(1), 190-205. doi:10.1108/PIJPSM-06-2013-0060
- Riksheim, E. C., & Chermak, S. M. (1993). Causes of police behavior revisited. *Journal of Criminal Justice*, 21(4), 353. Retrieved from
<http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=9401195916&site=ehost-live&scope=site>
- Rojek, J., Rosenfeld, R., & Decker, S. (2004). The influence of driver's race on traffic stops in Missouri. *Police Quarterly*, 7(1), 126-147.
doi:10.1177/1098611103260695
- Rojek, J., Rosenfeld, R., & Decker, S. (2012). Policing race: The racial stratification of searches in police traffic stops. *Criminology*, no-no. doi:10.1111/j.1745-9125.2012.00285.x
- Schafer, J. A., Carter, D. L., Katz-Bannister, A. J., & Wells, W. M. (2006). Decision making in traffic stop encounters: A multivariate analysis of police behavior. *Police Quarterly*, 9(2), 184-209. doi:10.1177/1098611104264990
- Schuman, H., & Johnson, M. P. (1976). Attitudes and behavior. In A. Inkeles, J. P. Coleman, & N. Smelser (Eds.), *Annual review of sociology* (pp. 161-207). Palo Alto, CA: Annual Reviews.
- Skolnick, J. H. (1966). *Justice Without Trial: Law Enforcement in a Democratic Society*. New York: Wiley.
- Smith, B. W., Novak, K. J., & Frank, J. (2005). Explaining police officer discretionary activity. *Criminal Justice Review (Sage Publications)*, 30(3), 325-346. Retrieved from
<http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=CJA0380020000614&site=ehost-live&scope=site>

- Smith, D. A. (1986). The neighborhood context of police behavior. In A. J. J. Reiss & M. Tonry (Eds.), *Communities and Crime, Crime and Justice: A Review of Research (Vol. 8)*. Chicago: University of Chicago Press.
- Smith, M. R., & Petrocelli, M. (2001). Racial profiling? A multivariate analysis of police traffic stop data. *Police Quarterly*, 4(1), 4. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=5812098&site=ehost-live&scope=site>
- Sniehotta, F. (2009). An experimental test of the theory of planned behavior. *Applied Psychology: Health & Well-Being*, 1(2), 257-270. doi:10.1111/j.1758-0854.2009.01013.x
- Steffensmeier, D. (1980). Assessing the impact of the women's movement on sex-based differences in the handling of adult criminal defendants. *Crime and Delinquency*, 26(3), 344. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=5280945&site=ehost-live&scope=site>
- Steffensmeier, D., Kramer, J., & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, 31(3), 411-446. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=9311090348&site=ehost-live&scope=site>
- Steffensmeier, D., Kramer, J., & Ulmer, J. (1995). Age differences in sentencing. *JQ: Justice Quarterly*, 12(3), 584-601. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=CJACD00000018090&site=ehost-live>
- Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36(4), 763-797. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=1267963&site=ehost-live>
- Strauss, A. L. (1987). *Qualitative analysis for social scientists*. New York, NY: Cambridge University Press.
- Tillyer, R., Klahm, C. F., & Engel, R. S. (2012). The discretion to search: A multilevel examination of driver demographics and officer characteristics. *Journal of Contemporary Criminal Justice*, 28(2), 184-205. doi:10.1177/1043986211425721
- Tillyer, R., & Klahm IV, C. (2011). Searching for Contraband: Assessing the Use of Discretion by Police Officers. *Police Quarterly*, 14(2), 166-185. doi:10.1177/1098611111404178
- Ulmer, J. T. (2012). Recent developments and new directions in sentencing research. *JQ: Justice Quarterly*, 29(1), 1-40. doi:10.1080/07418825.2011.624115
- Varano, S. P., Schafer, J. A., Cancino, J. M., & Swatt, M. L. (2009). Constructing crime: Neighborhood characteristics and police recording behavior. *Journal of Criminal Justice*, 37(6), 553-563. doi:10.1016/j.jcrimjus.2009.09.004
- Weber, M. (1954). Rational and Irrational Administration of Justice. In M. Rheinstein (Ed.), *Max Weber on Law in Economy and Society*. Cambridge: Harvard University Press.
- Whitaker, G. (1982). What is patrol work? *Police Studies*, 4, 13-22.

- Wicker, A. W. (1969). Attitudes versus actions: The relationship of verbal and overt behavioral responses to attitude objects. *Journal of Social Issues*, 25, 41-64.
- Willbanks, W. (1987). *The myth of a racist criminal justice system*. Monterey, CA: Brooks/Cole.
- Wilson, J. Q. (1978). *Varieties of police behavior*: Harvard University Press.
- Worden, R. E. (1989). Situational and attitudinal explanations of police behavior: A theoretical reappraisal and empirical assessment. *Law and Society Review*, 23, 667-711.
- Zatz, M. S. (1984). Race, ethnicity, and determinate sentencing. *Criminology*, 22(2), 147-171. Retrieved from <http://ezproxy.gsu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=cja&AN=16363818&site=ehost-live&scope=site>

Vita

Glen A. Ishoy
124 Sydney Summit
Villa Rica, GA 30180

Glen A. Ishoy was born on October 30, 1969, in Cedar City, Utah. He graduated from Bonanza High School in Las Vegas, NV in 1987 and completed a Bachelor's degree in finance at the University of Utah in 1994. After working in the financial services industry for ten years, Glen decided to pursue a career in law enforcement. He worked as a police officer for the Cobb County Police Department in Georgia from 2002 until 2012. Glen completed a Master's degree in criminology at the University of West Georgia in May 2012. After receiving his Master's degree, Glen left policing and was accepted at Georgia State University into the Ph.D. of Criminal Justice and Criminology program. Glen graduated from Georgia State University with a Ph.D. of Criminal Justice and Criminology in December 2015.

Glen's major areas of research include criminological theory, the impact of parenting practices on juvenile delinquency, judicial sentencing decision-making processes, and policing. Some of Glen's publications in these areas include *Exploring Morality as a Mediator of the Association Between Parenting Practices and Violent and Property Offending Among a Sample of Juvenile Delinquents* (forthcoming in a future edition of *Crime and Delinquency*), *Reassessing The Purpose of Punishment: The Roles of Mercy and Victim-Involvement in Criminal Proceedings* (published in *Criminal Justice Ethics*, volume 33, 2014), and *An Officer's Guide to Dispute Resolution: Using Principled Negotiation as a Framework for Handling Routine Contact with the Public in Policing* (forthcoming in a future issue of *ACJS Today*).