

Perspectives on Police and Violence

Lawrence W. Sherman

Annals of the American Academy of Political and Social Science, Vol. 452, The Police and Violence. (Nov., 1980), pp. 1-12.

Stable URL:

 $\underline{http://links.jstor.org/sici?sici=0002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%28198011\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3C1\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29450\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29452\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29450\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29450\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%29450\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%2940\%3APOPAV\%3E2.0.CO\%3B2-10002-7162\%2940\%3APOPAV\%3E2.0.CO\%3B2-100000-7160\%2940\%3APOPAV\%3E2.0.CO\%3B2-100000-7160\%2940\%3APOPAV\%3E2.0.CO\%3B2-100000-7160\%2940\%3APOPAV\%3E2.0.CO\%3B2-100000-7160\%2940\%3APOPAV\%3E2.0.CO\%3B2-100000-7160\%2940\%3APOPAV\%3E2.0.CO\%3B2-100000-7160\%2940\%3APOPA-100000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-100000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-10000-7160\%2940\%3APOPA-100000-7160\%2940\%3APOPA-100000-7160\%2940\%3APOPA-100000-7160\%2940\%3APOPA-100000-7160\%2940\%3APOPA-1000000-7160\%2940\%3APOPA-1000000-7160\%2940\%2940\%2940\%2940\%2940\%29400000-7160\%2940\%2940\%2940000-7160\%2940000-7160\%2940\%294000000-7160$

Annals of the American Academy of Political and Social Science is currently published by Sage Publications, Inc..

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at http://www.jstor.org/about/terms.html. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at http://www.jstor.org/journals/sage.html.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

The JSTOR Archive is a trusted digital repository providing for long-term preservation and access to leading academic journals and scholarly literature from around the world. The Archive is supported by libraries, scholarly societies, publishers, and foundations. It is an initiative of JSTOR, a not-for-profit organization with a mission to help the scholarly community take advantage of advances in technology. For more information regarding JSTOR, please contact support@jstor.org.

Perspectives on Police and Violence

By LAWRENCE W. SHERMAN

ABSTRACT: Police and violence are central to our conception of government, yet they form a troublesome paradox: in their efforts to stop violence, police must often be violent themselves. This paradox leads to the three related questions addressed in this volume. First, how can the police act more effectively and justly against violence in society? Second, how can we better understand and reduce the violence committed against police? Third, what accounts for the wide variations in police use of violence, and what can we learn from that variation to reduce police violence to the lowest possible level? The three questions are to some degree artificially distinguished, since most of what they encompass are police encounters with citizens from which violence emerges. But to understand the whole of police and violence, we need first understand its component parts.

Lawrence W. Sherman is an associate professor of criminal justice at the State University of New York, Albany, and is director of research for the Police Foundation. As the executive director of the foundation's National Advisory Commission on Higher Education for Police Officers, he was a senior author of the commission's report, The Quality of Police Education. He is also the author of Scandal and Reform: Controlling Police Corruption and is preparing a book on his two-year study for the National Institute of Mental Health on homicide by police officers. Among other research, he is currently directing an experimental evaluation of police responses to violence between spouses.

The research on which this article is based was supported in part by a grant to the Criminal Justice Research Center, Albany, NY, from the Center for Studies in Crime and Delinquency, National Institute of Mental Health, entitled "Homicide by Police Officers: Social Forces and Public Policy."

THE ESSENCE of government is a monopoly on the nonpunishable use of force, and modern governments delegate that monopoly to police officers. The terms of the modern social contract require each of us to give up our use of force to punish, though not to defend ourselves from those who would harm us. The police hold a subcontract under which we authorize and license them to kill, hurt, and capture nonpolice officers who would cause such harm to others. Like a subcontract to collect garbage, this arrangement makes our lives infinitely more pleasant. But it leaves the police with dirty hands, and leaves us puzzled about why our society has so much violence.1

Violence—defined here as physical harm to others—is wrong, at least under our prevailing norms, but we have thought of few other means of coping with violence than to use violence itself. Some would call that a failure of ethics; others would call it a failure of imagination. Whatever the reason, as citizens we have kept our hands clean by assigning our primitive responses to violence to the police, leaving them to suffer with the paradox of causing harm to stop or prevent harm.

It was not always this way. In Norman England, for example, where the homicide rate has been estimated to have equaled that of Detroit in its "murder capital" years of the early 1970s—about 12 per 100,000²—the responsibility for dealing with violence was shared among the entire community. Whenever violent crimes or other felonies were com-

The dominant principle of justice seemed to have been retribution. making violence in response to violence not only right but mandatory. Whatever residual guilt may have stemmed from its violation of Christian ethics was shared by the whole community and not concentrated upon specialized law officers. Only in the nineteenth century, with the decline of gentlemen bearing arms and dueling, the movement to ban capital punishment, and the rise of the middle class, did violence for any reason acquire great social stigma, 4 creating a true paradox for those expected to enforce the law. And only in the nineteenth century was a specialized career occupation of law enforcement created, with the establishment of the police institution as we know it today.

Even in the nineteenth century, the paradox of policing violence was not always as pronounced as it is today. The first modern police in the United States—at least in the cities—and England faced a gun-free society and worked without guns themselves. However, the invention of the revolver and its widespread manufacture for the Mexican-American War, followed by army surplus—

mitted, all able-bodied males were obligated to form a posse, legally constituted as a "hue and cry," and pursue the suspected offender until he was either captured, killed by the posse—a not uncommon fate—or safely ensconced in the legal sanctuary of the church. Any village that failed to form a hue and cry in response to a felony could be collectively fined by the Crown.³

^{1.} These points are drawn from the work of Kelsen, Muir, Weber, Reiss, Bittner, and Klockars.

^{2.} James Given, Society and Homicide in Thirteenth Century England (Chicago: University of Chicago Press, 1977).

^{3.} William Melville-Lee, A History of Police in England, 1901 (Montclair, NJ: Patterson-Smith, 1971).

^{4.} See, for example, T. A. Critchley, The Conquest of Violence: Order and Liberty in Britain (New York: Schocken Books, 1970).

sale dumping of the guns into the civilian population, put an end to our brief period as a gunless society.⁵ A few years after the Mexican War ended, New York City saw the first American police officer die at the hand of a felony suspect. And while the first English "Bobbie" to be killed by citizens was beaten to death with clubs, the first American "cop" to die was shot to death with a revolver⁶—still the most common instrument in this country's lethal encounters between police and citizens.

Our collective response to the rise of armed criminals and first killings of police officers was as confused then as it is today. Some proposed arming the gunless police, and some police legally armed themselves without official approval. But when the first fleeing felony suspect was killed with a revolver shot by a police officer in hot pursuit, the New York Times launched an editorial attack on the idea of armed police officers. Elected officials simply avoided the issue, letting individual police officers decide whether to carry arms. Not until a half century later did the prevailing police practice receive official approval with the establishment of standard issue police firearms.⁷

The paradox of policing may have been less binding in the first half of this century, as the actual incidence of violent crime in everyday life declined to the lowest levels in our history of crime measurement⁸ and the movement to professionalize the police drew more heavily on a warfare analogy.9 The glorification of police submachine guns and the pitched battles with gangsters between the world wars may have given a high level of social approval to the violence the police used, although the labor movement remained critical of the force used in policing strikes, and the Wickersham Crime Commission made a national scandal out of the brutal third-degree method of interrogation. But by the 1960s. the level of citizen violence had climbed back up to nineteenth-century levels, particularly among racial minorities, and police violence in minority communities was attacked rather than applauded. As the 1980s begin with a major race riot in Miami sparked by the acquittal of several police officers charged with beating to death a black man arrested for traffic offenses, the paradox of police and violence seems to be in full tension.

The paradox is better illustrated by the Los Angeles police killing of Eulia Love, which has kept police community relations there in an uproar for over a year. 10 A black woman on welfare failed to pay her utility bill, and the utility company sent its agents to disconnect service. Ms. Love threatened them with a knife. and they called the police. The police told her to drop the knife, but she threw it at them. Two officers took multiple shots at her while and after she threw the knife. The police chief and prosecutor both found the killing justified in self-defense, but

^{5.} Lee Kennett and James L. Anderson, The Gun in America: The Origins of a National Dilemma (Westport, CT: Greenwood Press, 1975).

^{6.} Wilbur R. Miller, Cops and Bobbies (Chicago: University of Chicago Press, 1977).

^{7.} Ibid.

^{8.} See the research cited in Charles E. Silberman, Criminal Violence, Criminal Justice (New York: Random House 1978), ch. 2.

^{9.} Robert M. Fogelson, Big City Police (Cambridge, MA: Harvard University Press, 1977); Samuel Walker, A Critical History of Police Reform (Lexington, MA: D.C. Heath, 1977).

^{10.} See, for example, Los Angeles Herald-Examiner, 28 June 1980, p. 1.

newspapers and minority group leaders called that use of violence to fight violence excessive and immoral.

Underlying the paradox reflected in this case are three separable questions: what can police do about violence in our society? how can the risk of police injury and death be reduced? and how can police do their work with less injury and death of the citizens they police? Many students of policing are convinced, for example, that cases like the Eulia Love incident can be dealt with in a way that will reduce citizen violence with less risk to both police and citizens. They are convinced, more generally, that there are ways of avoiding the paradox more often, if not of escaping it altogether. But finding those ways will require far more theory, research, and experimentation than we have done to date.

This volume reflects both the current state of knowledge about police and violence and the direction that future research may be heading. It draws on those fields that have paid the most empirical attention to the problems: sociology, psychology, political science, policy analysis, and criminal justice. It neglects the substantial legal scholarship on these questions, as well as the relevant but scattered historical findings that still 'await systematic inquiry. It considers the various dimensions that can affect these problems at three different levels of analysis: differences across individuals, across situations, and across police departments. The focus is as much on providing explanations as upon suggesting solutions, for solutions usually depend on explanations, implicit though they may be.

The three questions the volume addresses are given different priorities by different social groups for ideological reasons. Simply in terms of the number of lives lost each year. the ordering would be police against violence, violence by police, and violence against police.11 Current news media attention seems weighted toward violence by police, though in the early 1970s violence against the police seemed to claim more attention. If we are concerned with the dignity and safety of all persons, however, each question is equal in importance to the others. What is not equal is our knowledge, both theoretical and practical, about each question. We arguably know the most about how to reduce violence by police and the least about how to reduce violence against police, with police methods against violence a close contender for the title of greatest ignorance.

POLICE AGAINST VIOLENCE

A century of murder-mystery novels may have convinced the general public that the police deal quite effectively with violence by finding out "who done it" - with occasional lapses, such as the unsolved murders of Jack the Ripper. The police do solve most murders—or more precisely, most murders solve themselves through on-the-spot confessions, evewitness testimony, and the like—but one may question how much impact the clearance rate for homicide has upon the overall level of violence in a community. Domestic assaults, bar fights, armed robbery, youth gang conflicts, and rapes are by far the more common forms of violence, but many of those offenses

11. With typical annual death tolls of about 12,000, 600, and 100, respectively. Lawrence W. Sherman and Robert H. Langworthy, "Measuring Homicide by Police Officers," *J. Criminal Law and Criminology*, 70(4): 546–60 (1979).

are never even recorded as crimes, let alone "solved."

Police methods against violence. like most police methods, have been based more on common sense assumptions than upon scientific experiments. The few experiments that have been conducted have all shown what does not work, rather than what does. The most widespread and expensive police tactic, "preventive patrol" in automobiles, for example, seems to make little difference in the frequency of violence in residential areas, at least according to a Police Foundation study that systematically altered the frequency of police patrol in 15 areas of Kansas City for one year.12 Other Police Foundation research in Kansas City found that neither concentrated patrol around crime-prone locations nor special surveillance of known criminals produced more arrests than routine police patrol.13

A great deal of enthusiasm developed in the early 1970s for low visibility patrols—police officers in plainclothes and old cars "blending" into a high-crime neighborhood—and police decoys disguised as drunks or vulnerable old people. The evaluation research on these programs, however, has failed to demonstrate their merit, either because the research designs were weak or because the police methods themselves were poorly designed.¹⁴

12. George L. Kelling, Tony Pate, Duane Dieckman, and Charles Brown, *The Kansas City Preventive Patrol Experiment: Summary Report* (Washington, DC: The Police Foundation, 1974).

13. Tony Pate, et al., Three Approaches to Criminal Apprehension in Kansas City (Washington, DC: The Police Foundation, 1976).

14. K. W. Webb, et al., Specialized Patrol Projects (Washington, DC: National Institute of Law Enforcement and Criminal Justice, 1977).

One southern city, for example, organized its plainclothes and decoy antirobbery squad to work Monday through Friday, 9:00 A.M. to 5:00 P.M., hardly the same hours most robbers work.

Perhaps the most encouraging finding about police methods against violence is that police can implement and cooperate with a legislative crackdown on the illegal carrying of guns. Several studies of the Bartley-Fox statute mandating a one vear minimum prison sentence for anyone convicted of carrying an unlicensed gun have shown that the statute was not subverted through police discretion, as many had feared, and that violent gun crime in Massachusetts declined significantly after the statute became effective. 15 As Mark H. Moore suggests in this volume, however, the police have yet to adopt a systematic strategy of reducing the presence of illegal guns in their communities, a strategy that could substantially reduce the lethal consequences, if not the frequency, of violence among citizens.

Many of the lives to be saved through reducing the availability of guns are those of quarreling lovers who may use whatever weapon is readily at hand. ¹⁶ But in domestic violence as in other areas, police strategies have been influenced more by political pressures and even fads than by empirical knowledge. Their generally lax approach to enforcing assault laws among intimates

^{15.} David Rossman, Paul Froyd, Glen L. Pierce, John MacDevitt, and William J. Bowers, *Impact of the Mandatory Gun Law in Massachusetts* (Boston: Boston University School of Law, 1979).

^{16.} Franklin H. Zimring, "The Medium is the Message: Firearm Caliber as a Determinant of Death from Assault," *J. Legal Studies*, 1: 97-123 (1972).

and relatives was challenged in the early 1970s by clinical psychologists. who spread "family crisis intervention training" to hundreds of police departments with the help of federal funds. The training discouraged the use of both arrest and the laissezfaire approach, urging police to take an active role in dealing with the content of disputes, and not just their physical expression, through mediation, counseling, or referral to social work agencies.¹⁷ In the middle 1970s, feminist groups urged police to use the opposite approach of arresting domestic assailants as often as possible and even managed to have state legislatures increase police arrest powers in such cases. But as James Q. Wilson suggests in this volume, neither crisis intervention nor arrest has ever been properly evaluated for their impact on the subsequent frequency and seriousness of assaults between disputing intimates.18

To be sure, the police have made great strides in recent years in some aspects of dealing with violence. Even if police still know little about how to reduce the frequency of rape, for example, their responses generally appear to show greater sensitivity to the plight of the victim—rather than implying that the victim invited the attack. The hostage negotiation techniques of patience with a large show of force, developed in New York City under Police Commissioner Patrick V. Murphy, have

17. Morton Bard, "The Role of Law Enforcement in the Helping System," in *The Urban Policeman in Transition: A Psychological and Sociological Review*, eds. J. R. Snibbe and H. M. Snibbe (Springfield, IL: Charles C Thomas, 1973).

18. Under a grant from the National Institute of Justice, however, the Police Foundation will undertake such an experiment in a midwestern city in 1980.

prevented any hostage deaths in that city since 1972, and the techniques have spread to other cities.

Nor should the blame for our general ignorance about what the police can do to fight violence be attached to the police alone. Some of the fault lies with criminological theory, which has focused, as basic research should. on those variables that seem to provide the best explanations for variation in violence.19 Many of those variables, however, such as class and culture, are beyond the reach of policymakers and police. While basic research on the causes of crime in its infancy compared to most areas of health research—still needs to continue, more applied or clinical research on variables that police can control needs to be done as well.20 It is on this point that the police may share responsibility for our ignorance, however, for few police departments have been willing to undertake the risks involved in systematic experimentation with the methods they use to combat violence. An experiment with metal detectors, as Mark H. Moore suggests, might show how police can reduce the carrying of guns without violating people's privacy, just as airports do. But many police executives might avoid such an experiment for fear of the political controversy it might raise.

Basic research on the police themselves has helped to explain police reluctance to experiment. William Westley's classic analysis of how the police in one city saw the public as

^{· 19.} See, for example, Graeme Newman, Understanding Violence (Philadelphia: J. B. Lippincott, 1979).

^{20.} See the case for more "tractable" variables in Robert Scott and Arnold Shore, Why Sociology Does Not Apply (New York: Russell Sage Foundation, 1979).

the "enemy"—a pattern later discovered to affect U.S. Presidents and other powerwielders as well-suggests the importance of avoiding criticism. To experiment is to admit ignorance, but since J. Edgar Hoover's huge public relations success with the FBI, the public image law enforcement officials generally prefer is omniscience rather than ignorance, certainty rather than questioning. Here again there are increasingly frequent exceptions among police executives. But until the general public allows the police to liberate themselves from the rhetoric of total competence, it will remain difficult for police officials to admit the lack of knowledge and to undertake widespread clinical experimentation on the scale of, say, the nation's health establishment.

In the meantime, the prevalence of violence that police cannot reduce will continue to confront police with frequent problems of doing harm to stop harm, or what Carl B. Klockars has much more systematically and thoroughly analyzed in this volume as the Dirty Harry problem. In a greatly shortened version of his original contribution to both the ethics and the sociology of the police, Klockars demonstrates the personal and institutional consequences of the moral dilemma we have delegated to our police. All that the police do and do not do to combat violence must be understood in the light of the Dirty Harry problem, for it dominates all police thinking about violence.

One can extend Klockars's argument to show the way around more, though not all, cases of the problem. If a moral dilemma arises only when harm itself is the only effective way to prevent harm, then the development of alternative, nonharm-

ful or less harmful strategies of prevention and response to citizen violence can forestall the dilemma. Police weapons, for example, have remained essentially unchanged for over a century. The recent development of large nets to capture violent. mentally ill people is but one example of how methods other than violence can be developed to respond to violence. The other way out of the dilemma, as I suggest in the following pages, is for communities to decide to live with the harm the police do not stop, if that harm is less serious than the harm police would cause using the only available, effective means to stop it.

The best way around the Dirty Harry problem will always be the prevention of violence in the first place, which is why research on what police can do to prevent violence is so critical. Forestalling Dirty Harry problems not only protects inocent citizens, it protects police officers and the suspects they pursue as well.

VIOLENCE AGAINST POLICE

As little as we know about how to do police work to reduce civic violence, we know even less about how to reduce violence against the police. The ignorance is surprising given the great official attention and funding the issue has received. Responding to a rash of police murders in 1971, President Nixon pressed Congress to establish a federal pension fund for the widows—and now widowers—of police officers killed by felons. Millions of dollars have since been spent on supporting the widows, but barely any federal funds have been spent on research to discover how to prevent such deaths. Nor have social scientists, perhaps for ideological reasons, initiated much of their own research on violence against the police.

What research there is relies almost exclusively on official police reports, which creates several obstacles to useful research findings. Perhaps the most important problem is the absence of what social scientists call "baseline" data, or a set of denominators for which incidents of violence against police can be the numerators. We know how many police officers are killed during routine traffic enforcement each year, for example, but we do not know how many times police stop cars for traffic violations each year. Without knowing the number of times police engage in certain types of activity—the denominator—there is no way to compute the rate of attacks for each type of activity. Thus we may know that many police are killed in traffic stops, but it does no one any good to conclude from that fact as the Supreme Court recently did that traffic stops are a dangerous police activity.21 Since traffic enforcement is one of the most common police activities, it may in fact have one of the lowest rates of violence against police.

The absence of data for rate bases extends beyond the mere categories of police activity. Without knowing the dynamics of how police deal with different kinds of mundane situations, from approaching a front door to separating two quarreling friends, there is no way to compare the rates of violence against the police among different situational methods. One can analyze what happens in those incidents in which police are killed or injured, but there are no comparison data

available to use to distinguish what the police did in those incidents from what they do in incidents producing no violence against police. The "mistakes" police officers make might be induced by common sense and police experience through analysis of the violent incidents, but the conclusions can be no more than hunches and hypotheses. That is hardly a firm basis for designing training programs and police procedures.

The reliance on official reports also limits research in another way. If, as Albert I. Reiss has suggested, many police die through what might be viewed as rather stupid and obvious mistakes, the official reports on the incident might possibly be distorted, even if only in very minor ways, to protect the dignity of the slain officer. What may be a service to the few slain officers may also be a disservice to their many living colleagues, for in disguising even minor aspects of the events the reports might hinder whatever research can be done on the official reports. I should stress that there is no evidence to suggest that such distortion actually occurs, but every data collection system can profit from reliability checks through independent research.

One of the most appropriate uses for the official data on violence against police—regularly published by the FBI—is comparative research across cities, since cities vary widely in this respect. Very little of this research has actually been done, however. We know little about either the social factors—the ethnic and demographic structures and unemployment rates—or public policy variables—aggressiveness of police activity, organization of the patrol force, foot patrol versus motorized patrol, and one versus two officers

^{21.} Pennsylvania v. Mimms, 434 U.S. 117 No. 76-1830 (1977).

in each car—associaed with higher or lower levels of violence against police. One obvious factor, the availability of guns in the population, has been completely overlooked, although my own preliminary research shows that it is a moderately good predictor (r = .5) of the rate at which police are assaulted with guns.

This volume represents some of the best empirical material now available on violence against police. Hans Toch draws on his research with, not on, police officers in Oakland to show how police experience can be the basis for more useful research on how to reduce violence against police. Mona Margarita reports on the first systematic and fine-grained analysis of the circumstances surrounding police killings and in the process deflates the myth that many officers are killed in family fights. James J. Fyfe shows how the prevailing practice of arming police off duty may do more harm than good to both police officers and their fellow citizens.

All of these contributions build on what is known to point toward directions for future research. William K. Muir provides a theoretical perspective for that future research, one that focuses on how police use their power in potentially violent situations. His close analysis of the successful handling of a neighborhood "beef" also provides a model for comparing those situations in which police are not assaulted with those in which they are.

All of these scholars would probably agree, however, that there is little basis in research for telling police executives what they might do tomorrow to reduce violence against their officers. No administrative strategy, no training program, no police procedure—not even bulletproof vests—has ever been

shown to reduce violence against police. Yet that is not the case for violence by police.

VIOLENCE BY POLICE

The problem with our knowledge about violence by police is not so much producing it as disseminating it. While the knowledge is still meager by absolute scientific standards, it is bounteous compared with most of what is known about the police. We have, for example, a major finding replicated in two other cities—with more replications in progress—a study that compares the relative explanatory power of different levels of analysis, and we have a rich tradition of basic research using a wide variety of research methods. What this adds up to is a basis in research for showing how policy changes that could be made tomorrow would start saving lives.

The major finding is that a more restrictive administrative posture and policy on the use of deadly force can reduce the number of citizens shot and killed by police. without any attendant increase in crime or injury to police officers or a decline in police arrest activity. The finding was first discovered by James J. Fyfe in his analysis of all records of police firearms discharged in New York City from 1971 to 1975: a mild restriction on the policy of firearms use with a new review procedure for shootings in 1972 was followed by a statistically significant decline in the monthly frequency of police shootings.22 My own research replicated the finding for the period 1972 to 1978 in Kansas

22. James J. Fyfe, "Administrative Interventions on Police Shooting Discretion: An Empirical Examination," J. Criminal Justice, 7: 309-23 (1979).

City, Missouri, where a new chief imposed a stricter shooting policy in 1973, and in Atlanta from 1971 to 1978, where a new black mayor elected in 1975 on a campaign platform critical of police shootings of blacks appointed a new police executive who imposed both a stricter shooting policy and a review procedure.²³

None of these "stricter" policies diverges very far from the so-called common-law fleeing-felon rule, which holds that police may kill any felony suspect if that is the only means available to apprehend him. The merits of this rule—which apparently was never really part of the English common law but was treated as such here because it was in Blackstone's commentaries—have been debated at length in the legal literature.24 Despite recent arguments that the rule sanctions unconstitutional deprivation of life without due process and even despite some federal case law to that effect.25 the law in most states still employs either the all-felony rule or some restricted version of it, such as only shooting fleeing felons the police believe to be dangerous.

Opposition to this rule has been growing steadily for the past decade, both in and out of law enforcement. The three cities cited previously were not the only ones to bind their officers beyond the terms

23. Lawrence W. Sherman, "The Effects of Firearms Policies: A Longitudinal Analysis" (Paper presented to the American Society of Criminology, 10 November 1979, Philadelphia, Pa.)

24. See, for example, Comment, "Deadly Force to Arrest: Triggering Constitutional Review," Harvard Civil Rights-Civil Liberties Law Review, II: 361 (1976).

25. Lawrence W. Sherman, "Execution Without Trial: Police Homicide and the Constitution," Vanderbilt Law Review, 33 (1): 71-100 (1980).

of state law. By 1980, Houston; Newark, New Jersey; Los Angeles; Birmingham; San Jose; and many others had joined them. The National Organization of Black Law Enforcement Executives passed a resolution in 1978 recommending limiting police use of deadly force to those situations in which it is necessary to defend against an immediate threat to life. A National Conference of minority group organizations sponsored by the U.S. Department of Justice in late 1979 produced the same recommendation.

The research findings from New York, Kansas City, and Atlanta are all the more striking since none of those cities adopted a defense-oflife policy; all three allowed killing to arrest in some circumstances. But it was clear from the disciplinary posture established by the police executives in those cities that there was to be less shooting, and that message was obeyed. The administrative posture appears all the more important because of the trend found in Kansas City: after the outside chief who had imposed the stricter policy left the department, the policy remained the same but the frequency of police shootings went back up to the same level as before the policy was changed.

The International Association of Chiefs of Police is now gathering more data under a National Institute of Justice grant that may add more cases to the record of what happens when police shooting policies are restricted. In the meantime, three successful "experiments" provide a firmer basis in research for taking action than can be found on most police issues. The findings are especially important in the light of a strong basic research tradition, continued in this volume by Peter K. Manning and John Van Maanen,

which holds that the police occupational culture holds violence as a basic value that is unlikely to be changed by external intervention. The values may not change, but the evidence suggests that the behavior may well change.

The articles in this volume by Albert I. Reiss and by Arnold Binder and Peter Scharf suggest additional ways in which police behavior might be changed to reduce injuries to citizens. Both articles move the analysis of the actions police take in confrontations with citizens back in time, showing how prior decisions can constrain the options an officer has by the time a confrontation develops. This kind of analysis provides another way around the paradox of police and violence, the same way that is implicit in the restriction of shooting policies. By moral flat and presumably with community involvement in the decision—police policy can hold that the harm done in letting a fleeing burglar escape or in temporarily letting a citizen defend with threats her utility connection is a tolerable harm compared with the harm required to stop it. This approach abandons the full-enforcement conception of policing and implies the peace-keeping model of police work suggested by Egon Bittner and critically analyzed by Carl Klockars in this volume.

A declining frequency of police injuries and killings, or even of confronting the Dirty Harry problem, may do little good for police relations with minorities if minorities continue to absorb the brunt of violence by police. Over half the citizens killed by police nationwide are minority group members, and that disproportionate involvement may remain even if the number of killings declines. Whether that indi-

cates racial discrimination by police in their use of violence is an extremely difficult matter to resolve, however. Marshall W. Meyer brings some of the best available data to bear on the question, but leaves the conclusion open to the reader.

A final sign of the growing maturity of research on violence by the police is our ability to question and reject prevailing theories. Robert I. Friedrich's article does just that with a wide range of hypotheses and the only systematic observation data on violence by police that have ever been reported. While he concludes that we might discard most of the individual and situational level theories of police behavior as possible explanations for police violence, he does find support for one of the leading theories of nonlethal police force: a citizen's verbal disrespect for police is clearly related to police use of force, just as it is for other aspects of police discretion. The implications of this finding for police training programs and disciplinary procedures still await development.

Conclusion

That we know something about how to reduce violence by the police is encouraging. But our knowledge in that area, as in the other two, is still far from satisfactory. Any separation of the problems of police and violence into component parts, however necessary for analysis, is ultimately artificial. All three questions are linked by the concrete situations from which they arise: encounters between police and citizens that result in, or fail to prevent, violence. All three are linked by the paradox of the police charge to use violence to stop violence in society. And all three are linked by an unfortunate possible consequence

of that paradox that both Manning and Klockars address: police may misuse their violence license for their own ends and justify that misuse with a manufactured need to fight violence. Any research or action programs on any of these three questions must ultimately join all three together.

Police research has grown substantially over the last decade, but has still only scratched the surface. It is no accident that much of what research has been done addresses this problem. Despite the tremendous variety and complexity of the many tasks and roles the police perform, violence and its threat are always present, lending what Bittner calls "thematic unity" to police work.²⁶ The task of police research is now to synthesize these three questions, providing practical guidance with the same thematic unity.

26. Egon Bittner, *The Functions of the Police in Modern Society* (Bethesda, MD: National Institute of Mental Health).