

# TARGETING DISCRETION

A Guide for Command Staff, Frontline Officers, and Students

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Published by:  
University of North Georgia Press  
Dahlonega, Georgia

Printing Support by:  
Lightning Source Inc.  
La Vergne, Tennessee

Cover Photo: Chevrolet Caprice Police Package. Black & White design. Titusville Police Department, Titusville Florida. Shot at the A. Max Brewer Memorial Bridge.

Photographer: Gunner VV

Cover Photo License: CC-BY 2.0

Book design by Corey Parson.

ISBN: 978-1-940771-09-0

Printed in the United States of America, 2016

For more information or other formats, please visit: <http://ung.edu/university-press>

Or e-mail: [ungpress@ung.edu](mailto:ungpress@ung.edu)

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# Acknowledgements

This work is the culmination of an incredibly intense few years. The support I've received and the hard work that others have done in the name of this project is simply amazing. I was very fortunate to have worked with a great editorial team, including editors April Loebick and Corey Parson, who guided me through the intricacies of the review process with grace and patience. I received helpful comments and suggestions from three anonymous reviewers, as well as the UNG Press editorial and faculty boards that left indelible impressions on the final product.

I am grateful for the many people who supported the research that led to the development of this project. My helpful and encouraging Department Chair and Dean, the graduate assistants with whom I had the privilege of working, my colleagues in the political science department, especially the political science department's Office Manager, Gail Ault, and countless members of the university community. Richard R. Johnson, Det. Stephen Johnson, Chief Israel Segers, Chief Chet Epperson, Chief Curt Barker, Brian Frederick, Vladimir Sergevnin, Stephen Taylor, Nikki and Ian MacKenzie, Matt Streb, Chris Bonneau, Julia Albarracin, Craig Tollini, Keith and Sara Boeckelman, Alice Sampson, Barry Friedman, Ross Alexander, Rosann Kent, Tad Scott, Chad Ewing, Jon Day, Erik Brooks, Kim and Tim Rice, Daniel Ogbaharya, Lona Panter, Kyle Rogers, Kurt Thurmaier, Roman Evstifeev and the Russian Academy of National Economy and Public Administration (RANEPA), Curtis Wood, Joe Medina, Josh Peters, Edward C. Peters, Sr., Edward C. Peters, Jr., Roberto Mazza, and Ben Green were instrumental in helping with various stages of the project. Many of these selfless individuals sat and listened as I tried to articulate various ideas in just the right way.

I am grateful for the police chiefs and sheriffs who opened their offices to me to allow for in-depth interviews and preliminary consultation. Moreover, I wish to thank those who responded to surveys I designed and administered with the enormous help of David Rohall and WIU's Western Survey Research Center. The National Association of Counties (NaCO) and WIU's Office of Sponsored Projects provided grant funding at various stages of my research career that allowed me to carry out this work.

Of course, I bear responsibility for any mistakes in the text.

More than anything, I am thankful for my family's support and sacrifice throughout this journey. My loving wife and best friend, Stephanie, listened to all of my concerns along the way and helped me to make sense of things. She paced the floors and chugged coffee with me through every phase of this project, but she also reminded me to have a little fun from time to time. One day, I hope to be the kind of person that she sees in me. Momma and Daddy showed unbridled enthusiasm for the project while my brothers, Cullen and Rodney, were willing to provide earnest feedback about the content and the aim of the project. While all of my aunts, uncles, and cousins also provided key support, Norma White's work in government and politics has been especially influential in my career choices and research interests. Garfield, Sylvester, and Tang always had an extra head-butt or purr when I felt overwhelmed, and my nephews and nieces made sure I always had time to smile. My faith in a just and merciful God has multiplied throughout the course of the project, and I lack the words to express how humble and appreciative I am for having the opportunity to do the job I love day in and day out. I have had the luxury of working with some of the best undergraduate and graduate students one could ever hope for, and I anxiously await the incoming classes!

I sincerely hope this book helps to stimulate discussions about decision-making in local government agencies. In some small way, I hope the tools contained herein are useful to the brave men and women who protect and serve their communities.

Macomb, IL  
2/10/15

# Introduction

Growing up in a law enforcement family, with a father and two brothers in the profession, ensured that dinner table conversation was never dull. Each night, there would be a series of tales from beyond the blue line. These stories ranged from guffaw-inducing to just plain strange. Some were downright shocking, and some were just sad. Trying to best one another, my father and brothers would take turns telling the exploits of their respective co-workers. Once they told of a time when a tiny senior citizen attempted to smuggle a twenty pound ham under her skirt at the grocery store. Another story was of when police found a lady calmly eating soup, beans, and cornbread at the scene in the aftermath of killing her husband with a series of blows to the head with a cast iron skillet (after being stabbed by the husband, no less)—her only request was to finish her meal before being taken off to jail.

These stories inspired such curiosity that I decided to give the law enforcement career a whirl. In this capacity, I was not disappointed in witnessing stories of my own. My familial background and work experiences raised my curiosity regarding the use of discretion as a backdrop to law enforcement accountability. I decided to devote a great deal of my research agenda to this phenomenon. This book is a result of this decision and will explore several questions piqued by my curiosity and observations. Throughout each chapter, I will operationalize discretion as follows: discretion is a product of the specialized, professional decisions and actions that a public administrator makes or takes in order to manage expectations (demonstrate accountability), fulfill duties (satisfy job responsibilities), and affect what he or she believes is the best possible outcome in a specific situation. While the use of discretion is necessary in every pro-

professional field, this necessity is especially palpable in law enforcement due to the autonomous nature of the job, the constant pressure officers face to make decisions and take actions quickly, and the quite literal life or death consequences that may result from these decisions and actions.

As with other books on discretion, this one may seem, at first blush, to be overly ambitious. How, the reader may rightly ask, can such a complex topic be treated adequately in an academic work? Moreover, how can scholars relate and empathize with the nit and grit of daily decision-making behind the badge? With these questions in mind, some caution may go a long way. The work that follows is not meant to be considered a cure-all for the nuances and dilemmas an officer or command staff member (anyone above the rank of patrol officer) may encounter by the nature of his or her job to make discretionary choices. Instead, this work is intended to provide these officers and managers a common vocabulary that may be used to build trust and mutual understanding at an interpersonal level, one-on-one, and throughout the organization. The Target Model of Discretion is a unique theoretical framework, based on a literal target upon which managers and subordinates visualize priorities related to the use of discretion. While the Target Model of Discretion may be used as a first step toward planning, goal-setting, etc., its most immediate use is in revealing points of divergence between rank levels and helping with organization development efforts to discuss and, sometimes, reconcile these differences. In sum, the Target Model presented is a tool for any given police organization to aid communication, especially between managers and subordinates.

The topic of police discretion has long intrigued members of the academic community and law enforcement practitioners. To provide a sense of the ubiquity with which this term has been studied, a Google Scholar search for “police discretion” yields nearly 10,900 results. A cursory scan of professional association publications such as *Police Chief Magazine* reveals a bevy of articles on this topic. While much has been written on the topic, the academic and professional literatures have left a glaring gap in their work: they have not conceptualized the multiple influences on discretion as operating independently of one another and with disparate importance.

This book is an attempt to create conversations between the academic community and law enforcement practitioners in order to advance our collective understanding of the factors that contribute to discretionary decision-making. The model presented in the pages that follow is designed to link theory and practice in a practical manner that should be implemented with regularity. To help scholars and practitioners, the model’s research is intended to help these groups



identify and categorize various observed types of discretionary decision-making. This theoretical framework allows for real-time comparisons of the determinants of discretion and opens avenues for exploring the roots of differences, especially between rank levels. Beyond this, the model makes an explicit yet simple and intuitive moral claim: managers and subordinates should communicate with each other about sources of discretion and their relative influence. I do not intend to suggest that managers and subordinates (or academics) should all have the same priority rankings when it comes to these sources of influence; one's relative position in an agency and his or her experiences might serve to illustrate the need for differences.

The model's basic premise and its research establishes that law enforcement practitioners (both managers and subordinates) and academics should be able to engage in constructive conversations bent on fostering empathy and understanding about the ways in which discretion is exercised. The latter group, academic scholars, provide a vital linkage between theory and practice. They train public administrators and provide crucial information regarding program design, policy implementation, and public opinion. Too often, a mutual skepticism develops between practicing police workers and scholars. Practitioners have been known to accuse academics of developing theoretical devices that have minimal utility in its real-world application. Academics may be disappointed that practitioners are unaware of empirical discoveries which have the potential to improve agency performance. Demonstrating the potential for a symbiotic relationship between these two groups is the first step in leveraging the value that each may add to the other.

To aid readers and to direct them to parts of this book that might be particularly appealing, I will briefly explain the book's layout. The book is divided into three sections. Part I consists of Chapters One and Two. Chapter One provides a survey of the discretion literature serving two broad purposes. First shown are specific factors important for the development and use of discretion cited in the literature. Afterward is a discussion on how the literature has yet to provide a means by which scholars and practitioners can offer attention to each of these sources simultaneously while also assessing the relative degree of influence they carry.

Next, Chapter Two shows how, in the course of interview research comparing accountability considerations between sheriffs and police chiefs, the Target Model development captures response differences offered by each type of manager. Part I's agenda establishes the foundation which the Target Model's research has been built upon.

Afterwards, Part II, beginning with Chapter Three, showcases the results of three case studies from my consultation with police agencies

in the Midwest and South, exhibiting the Target Model's viability in constructing single case study research pieces. Here, the Target Model also provides practitioners preliminary diagnosis and guidance. Next, demonstrating the theoretical and empirical utility of the Target Model, Chapter Four focuses on the Target Model's use as a survey research tool for aggregate studies involving a large number of agencies. Aided by this preparation, we then can look at the nuts and bolts of applying the model in a real-world organizational setting.

Part III is intended to be the most practical, hands-on portion of the book. Here, readers will find several tools they may use to initiate and provoke discussions of discretion. Part III begins with a short chapter (Chapter Five) which lays out the hands-on process of using the Target Model for asking questions about the sources of discretionary choices, especially between rank levels in a law enforcement agency. An ambitious law enforcement manager can quickly read through this chapter and immediately develop a plan for diagnosing communication about discretion in his or her agency. Similarly, a scholar who wishes to replicate studies using the Target Model can easily design a research project using this simple step-by-step guide.

Subsequently provided in Chapter Six is a basic glossary-style overview of each of the factors cited as influential in discretionary decision-making. Afterward, readers will find a set of reflection questions for each category that may be completed in individual or group settings. Following the questions, readers will then encounter some fictitious scenarios that highlight one category of influence. These scenarios, too, are relevant for individual and/or group training.

The summation of these three parts displays the versatility and flexibility of the Target Model as a diagnostic tool, a training aid, and a theoretical device.

The book's conclusion addresses potential criticisms of the model and discusses some of the model's limitations as a diagnostic device. The conclusion offers readers some ideas about how, with future research and training, the Target Model can be improved and built upon. Preceding the concluding chapter, a practitioner-oriented guide is included for strategic planning that may be used after collecting agency-wide data using the Target Model.

Before beginning, a note of caution is appropriate. Because this text is intended for practical and classroom application, it attempts to strike a balance between these two very different worlds. This is, in many respects, a fundamental challenge in all public administration scholarship. Perhaps more candidly, this book is not designed for use as a stand-alone course text. Instead, the book will serve as a useful supplement to

criminal justice, organization theory, and public administration courses while also retaining its utility in training contexts. While it is true that a wider theoretical net could have been cast, this book is exciting because it demonstrates how the convergence of theoretical frameworks regarding discretion can elicit an intuitive, easily wielded toolkit for students and public managers.



# Part I



# Chapter 1

## The Evolution of Research on Discretion and the Need for the Target Model

<b>Student Learning Outcomes</b>	<b>Practical Learning Outcomes</b>
Students will appreciate the historical trajectory of research on discretion.	Practitioners will see how scholarship related to their work has helped bridge the gap between academia and police work.
Students will understand the need for a more nuanced and more holistic model of discretionary decision-making.	Practitioners will be able to relate their past and future experiences with discretion to the Target Model.
Students and Practitioners will become familiar with the vocabulary used in describing the Target Model guide.	

The exercise of discretion by frontline police officers is a commonly cited yet rarely understood phenomenon (Mastrofski, 2004). Scholarship has shown that police officers use discretion in order to: (1) reduce the complexities of their task environment and (2) identify concrete priorities that appear more personally meaningful than the vague, abstract, and often contradictory goals set forth by policymakers and managers (Lipsky, 1980; Maynard-Moody, Musheno, and Palumbo, 1990).

Oberweis and Musheno (1999) argue that a police officer's discretionary behavior is the product of a two-stage process. First, an officer uses mental shortcuts to define those with whom he or she interacts in relation to his or her own identity, defined as the sum of the officer's "multiple and intersecting subject positions," or ever-present roles and group memberships (Oberweis & Musheno, 1999, p. 899).

After developing these mental shortcuts, the officer is able to create mental representations for different types of individuals and apply these to his or her personal moral principles in order to decide upon what he or she believes to be a proper course of action in a given situation. Because every officer has a unique collection of subject positions, the common subject position of police officer is a faulty predictor of an officer's discretionary behavior. That is, even though they share an occupation, their life experiences and demographic characteristics may be sufficiently different to result in discretionary behavior that is not predictable solely based on knowing their occupation.

For instance, Oberweis and Musheno explain that officers whose identity includes certain subject positions (LGBT, minority, female, etc.) may define citizens who share these subject positions in starkly different ways than those officers who do not occupy these subject positions (e.g., heterosexual, Caucasian, male, etc.), leading to different outcomes in police interventions between a given officer and a citizen. These behaviors are characteristic of what Maynard-Moody and Musheno (2003) call a "citizen-agent" model, which the authors argue may complement understandings of frontline discretion derived from the traditional "state-agent" model. The state-agent model centers on how frontline bureaucrats "apply the state's laws, rules, and procedures to the cases they handle." In contrast, the citizen-agent model "concentrates on the judgments that frontline workers make about the identities and moral character of the people encountered and the workers' assessment of how these people react during encounters" (Maynard-Moody & Musheno, 2003, p. 9). In differentiating these two models, the authors explain, "The state-agent narrative is about law abidance, both of citizens and workers; the citizen-agent narrative is about normative or cultural abidance, identifying those who are worthy citizens and colleagues and those who are not" (Ibid, 2003, p. 9).



If identity-based personal morality (the citizen-agent model) is the basis for the officer's choice of action rather than written law (the state-agent model), officers cannot be expected to learn appropriate discretion using the same broad training mechanisms as those used to teach about the law. Throughout his or her pre-employment life, an officer accumulates values, attitudes, and cognitions that are never formally taught and might contrast with agency instruction. These facts may help explain why, to the chagrin of some social scientists, police discretion has come to be seen as a craft rather than a science (Mastrofski, 2004). Still, despite the variety and stability of personal beliefs, values, and prejudices, there are some powerful outside forces that work to shape officer discretion, and these lend themselves to systematic analysis.

## COMMUNITY NORMS

The first of these forces is found in the collective norms of the community in which the agency operates. In essence, these collective norms are agreed upon expectations for what constitutes acceptable behavior. Here, a practice becomes a norm for one of two reasons: "the practice is believed to have inherent value," or "the practice is believed instrumental to accomplishing something that has value" to the community (Mastrofski, 2004). Attention to community norms has become increasingly common in law enforcement management since Wilson's famous "broken windows" thesis was presented (Wilson & Kelling, 1982; LaFrance & Lee, 2010; Russell, 2013; Kappeler & Gaines, 2012). Public intellectual and academic powerhouse, James Q. Wilson, suggested that changing the norms within a community for dealing with minor issues, such as broken windows or graffiti, would result in lower crime rates of this and more serious varieties.

## FORMAL TRAINING

Another mechanism that shapes discretion is formal training concerning specific situation types (e.g., hostage negotiation). As mentioned above, broad training cannot account for every situation that officers encounter. Furthermore, some values and attitudes are so deeply ingrained in the mind of a new officer that no amount of training will change them. Despite the limitations, training does have a role in orienting a new officer to specific boundaries of discretion in certain situations (Gaines & Ricks, 1978). In fact, some scholars argue that appropriate discretionary boundaries are "hazy" because law enforcement managers fail to "take the initiative in carefully identifying the goals

(and order of priority among them) that should be served during police actions,” and these managers fail to “specify with any precision the best means of accomplishing these goals” (Fyfe, 1996, p. 184). Thus, Fyfe (1996, p. 199) argues, law enforcement managers who have “taken the lead in formulation and enforcement of policy to define and limit line officers’ discretion” have been very successful. Continual training sessions beyond the initial academy experience provide the opportunities necessary for chiefs and sheriffs to clarify their goals and inform officers of discretionary imperatives and boundaries in certain situations. Thus, while no amount of training will be able to account for every situation an officer faces, training centered on specific issues (domestic violence, hostage negotiation, racial profiling, etc.) can be helpful to new officers. More importantly, such training can limit the police organization’s legal liability in the event that a court decides that an officer’s discretionary behavior was out of bounds (Clarke & Armstrong, 2012; Lee & Vaughn, 2010).

## EXTERNAL SYSTEMIC ACTORS

A third source of influence on officer discretion is found in external criminal justice system actors. Nillsson (1972/1978) suggests that just as all law enforcement organizations have a unique informal culture, they also have a series of relationships with other actors in the criminal justice system (e.g., judges, prosecutors, etc.), and cues from these actors can influence officer discretion. For instance, a prosecutor’s reluctance to try sexting offenses might curtail an officer’s motivation to arrest or cite offenders for sexting (Walsh, Wolak, & Finkelhor, 2013).

## PEER INFLUENCE, MENTORSHIP, AND THE INFORMAL ORGANIZATION

Another force that helps to shape discretion surfaces is the informal organization. The informal organization is the system of expectations among workers that develops separately from codified organizational rules or standards. Management scholars have long considered the informal organization as a source of cues about unwritten agency policies and norms (Barnard, 1938; Roethlisberger & Dickson, 1929; Mayo, 1933). In local law enforcement, an officer learns the imperatives of the informal organization through peer interaction and mentorship between officers (Maynard-Moody & Musheno, 2003). Matrofski (2004, p. 104) contends that this leads to a “punitive bureaucracy” that curtails undesirable behavior but does little to “promote desired [behaviors].” Furthermore, the influence of the informal organization leads Bordua and Reiss to write that “internal solidarities create special barriers to the effective exercise of

command over and above the features of task organization . . . the police commander ignores this internal culture at his peril. It can confront him with an opposition united from top to bottom” (1966/1978, p. 218).

Thus, Mastrofski (2004, pp. 104-105) contends that the “police culture” should be “assessed as an independent influence on the exercise of discretion.” Because each agency has an informal organization based on peer cohesion (More, Wegener, Vito, & Walsh, 2006) and the need for acceptance, it is a common source of discretionary influence (Reiser, 1974/1978). Law enforcement officers must be attuned to this informal organization in order to survive (Reiner, 2010; Crank, 2010; Sampson, 2011).

## EXPERIENCE

A final determinant of officer discretion is an officer’s experience. Despite each new officer’s unique composite of subject positions and values, it is common for new officers to perceive situations only in black and white and to vigorously enforce the law. This has come to be called the “John Wayne Syndrome” (Reiser, 1974/1978). As Reiser explains,

[T]he symptoms of this malady are cynicism, over-seriousness, emotional withdrawal and coldness, authoritarian attitudes, and the development of tunnel vision . . . [leading to a perception that] there are only good guys and bad guys and situations and values become dichotomized into all or nothing. (1974/1978, p. 244)

This “syndrome,” Reiser notes, is essentially a defense mechanism used to “protect the young officer against his own emotions as well as outside danger while he is maturing and being welded by experience” (1974/1978, p. 244). In previous research that I conducted, a sheriff used an analogy to explain why new employees have minimal value to his agency during this phase (in this instance, he replaced “John Wayne” with “Wyatt Earp,” but the reader will note that the sentiment is similar to what Reiser describes). This sheriff spoke in terms of imaginary “degrees” that his staff earned after serving for specific periods of time, saying,

You’re not worth much to us when we hire you until you get five years on the street. Then, we think you’ve got your BA degree. You don’t have your master’s or PhD yet. But, at five years, we ought to know who you are and . . . that you understand how to do your job and treat people and how you fit into the system. . . . You ought to understand more about the subject matter you’re dealing with. You’ve already worked through the Wyatt Earp syndrome, the

black and white syndrome, the no grey syndrome . . . and you've done those things that people normally do, but at five years, you're of some value to us.

Fortunately, the John Wayne syndrome only lasts for the first three to four years, according to Reiser, or five years, according to this sheriff. Once officers have passed this stage, they are more capable of seeing grey areas within the law, and are said to be “functioning as a professional” (Reiser, 1974/1978, pp. 244-245).

Because new officers in both sheriffs' offices and municipal police departments are vulnerable to the lessons garnered from experience, I expect managers will agree upon the role of experience in cultivating officer discretion (LaFrance & Day, 2013; Tillyer & Klahm, 2011).

## AN AGENCY'S NEED FOR STANDARD OPERATING PROCEDURES

In describing the typical characteristics of bureaucracies, Weber explains that “[t]he management of the office follows general rules, which are more or less exhaustive, and which can be learned” (1946, p. 50). These general rules, often called standard operating procedures (SOPs), are necessary because they serve to mitigate organizational complexity and coordinate work toward common organizational missions or goals (Gulick, 1937; Romzek & Dubnick, 1987). Thus, in the view of early management scholars such as Frederick Taylor, individual talent is worthless “unless every man on the team obeys the signals or orders of the coach and obeys them at once when the coach gives those orders” (Taylor, 1911).

In addition to coordinating effort effectively to ensure efficiency, standard operating procedures serve to limit an agency's perceived legal liability because case law changes are incorporated into the SOPs (Romzek & Dubnik, 1987). This consideration is especially pertinent to the local law enforcement manager because agents are granted the power and authority to suspend an individual's freedom, to search and seize property, and to use various levels of force, including deadly force, to gain compliance from the public. With this in mind, local law enforcement managers must keep a keen eye on case law and court rulings throughout the nation, and consistently revise their policy manuals to remain compliant (Caplan, 1967; Ward, 2002; Ashworth, & Horder, 2013; Skolnick, 2011).

Thus, I expect that law enforcement agencies proactively craft SOPs for two complementary reasons: to articulate expectations in order to coordinate effort toward a common organizational end (what behavioral psychologist B.F. Skinner calls a positive reward perspective), and to avoid legal sanctions (what Skinner calls a negative reward perspective) (Skinner, 1957).

Whether a given policy is written out of a desire to earn a reward or to avoid punishment, it is impossible for even the most comprehensive policy to account for the unique nature of some of the situations a patrol officer or deputy sheriff might encounter. As one sheriff explained in an interview,

What's the most complicated job in the world? I'll submit that it's being a police officer or deputy sheriff, and I'll tell you why. It's not because we have to be rocket scientists. It's because our subject matter is human beings, and they are the most complicated things we know with all kinds of variance capabilities within their reaction[s].

Beyond the limitations of a given policy, there is another reason that public managers may be leery of overemphasizing the importance of the SOP. As Merton (1940) argues, too great an emphasis on agency rules can lead bureaucrats to displace the actual goals of the organization and make following these rules their goal. Following the rules for the sake of following the rules, Merton continues, can hamper an employee's ability to think creatively or even think as an individual. This line of thought led one sheriff to conclude, "I'd rather have a band of rogue pirates out there investigating crimes than a bunch of officers who are afraid to do anything because they might be caught outside of the operating parameters of the policy and procedure manual." Statements to this effect suggest that there is more to an officer's job than simply complying with an agency's policy manual; these statements highlight the need for some degree of professional autonomy, allowing the officer to make discretionary decisions based on the officer's particular expertise (Davis, 1996).

## AN OFFICER'S NEED FOR PROFESSIONAL DISCRETION

Why do few people visit an auto mechanic for diagnosis or a doctor for medication when they fall victim to influenza? Why are there so few calls placed to the parks and recreation department when a building catches fire? These illustrative questions are easily answered in the context of professional expertise. These questions remind the reader that we often take for granted that someone wearing a police officer's uniform is expected to perform specific duties based on specialized training. Thus, residents expect a police officer to demonstrate competence, familiarity with a variety of situations, and a unique capacity for problem-solving, which are all dimensions of what social and organizational psychologists John French and Bert Raven (1959) call "expert power."

As discussed above, however, law enforcement officers are also expected to follow agency rules and regulations, most of which are written so broadly that they fail to give step-by-step instruction for the officer's behavior in a given situation (Lowi 1969). Furthermore, in moments of crisis, these officers are often forced to make split-second decisions with potentially life-altering consequences with no time to flip through the policy manual. In less adventurous circumstances, officers may find that the policy manual is too restrictive to allow them to perform their professional duties (Lipsky 1980; Maynard-Moody & Musheno 2003), and that broad agency rules fail to account for the interpersonal dynamics inherent in the service provider's relationship with a client (Harmon 1981).

In instances such as these, the previously described rationale behind creating and implementing a collection of standard operating procedures may come in conflict with the autonomy a professional officer expects to be afforded. Even more troubling, according to many respondents, is that the proper application of discretion only comes with experience. Thus, officers cannot competently exercise this important tool immediately upon graduating from a police academy. On-the-job experience is crucial to the development of discretion because it allows an officer to appreciate the grey areas of law enforcement (Reiser 1974/1978), and as one sheriff explained, "You can't read it in a book or buy it at the drug store. You have to learn it through experience."

## THE ROOTS OF DISCRETION

To summarize, the roots or determinants of discretion for any given officer are numerous. An officer's collection of "subject positions" and personal values influence discretion by helping the officer differentiate between those believed to be "good guys" and those viewed as "bad guys" (Maynard-Mooney & Musheno, 2003; Oberweis & Musheno, 1999). External systemic actors (Nillsson, 1972/1978), community norms (Mastrofski, 2004), and lessons learned via formal training (Fyfe, 1996; Gaines & Ricks, 1978) are notable influences on discretion. While all of these factors are present in the development of officer discretion, the influence that each exerts varies with the law enforcement context in which these factors operate.

## DEFINING THE BOUNDARIES OF PROPER DISCRETION

The primary difficulty in studies of discretion is ascribing relative weights to each source of influence. A frequently visited starting point for such discussions comes from legal scholar Ronald Dworkin's (1977)

“doughnut model” of discretion. In the doughnut model, the doughnut hole is the sphere of appropriate discretion an officer may use. The doughnut ring serves as a “surrounding belt of restriction” (Dworkin 1977, p. 31). In discussing the doughnut ring, criminal justice scholar John Kleinig (1996, p. 3) explains that this model presents appropriate discretion as a relative phenomenon because “the standards relevant to judging exercises of discretion will . . . be relative to the norms that are implicit in that particular ring—the ring of norms governing legal, judicial, police, or other practice.” To exacerbate matters, Kleinig continues, stating that discretion is not a “univocal concept,” (1996, p. 3) meaning that not everyone speaks of discretion or conceptualizes it with the same words or in the same fashion.

Professor Kleinig is certainly correct that scholars of police discretion have yet to agree upon a universal definition of, or common philosophy about, the appropriate use of officer discretion. Normative viewpoints about the use of discretion abound, some agreeing and others conflicting. Thus, it is unlikely that any permanent consensus can be reached in this realm. Progress can be made in regard to understanding officer discretion by observing how it does operate rather than how it should operate.

Designing an empirical model of discretion requires that we revisit Dworkin’s (1977) doughnut model. This model is useful because it demonstrates that discretion is bound by a ring of norms. However, this model is misleading in two key respects. First of all, with regard to any set of norms, discretion is bound by only one ring at a time in the doughnut model. This seems to suggest that any view of discretion must only consider one source of influence at a time. Secondly, assuming Dworkin’s doughnuts are all the same size, the doughnut model suggests that each set of norms offers the exact same amount of space within the hole of discretion. That is, each set of norms provides the same boundary as the others.

Rather than looking at boundaries on discretion as an assortment of doughnuts, I suggest a single metaphor that will help capture the relative importance of each set of norms (boundaries) simultaneously. Here, rather than a doughnut, I suggest another visual image associated with police work: a target.

The target is a more useful metaphor for two reasons. First, the target’s multiple rings allow us to represent multiple sets of norms or boundaries at once. Second, each ring’s distance from the bull’s-eye (discretion) allows us to represent the level of constraint each ring has upon officer discretion. Therefore, the outermost rings have the least ability to constrain discretion whereas the innermost rings have the most. It is important to note that though this model is useful, the distance of a given ring from the center of the target is not stagnant. For instance, an officer threatened with a lawsuit

may begin to consider legal boundaries as more constraining than some other set of norms that once occupied a space close to the target's center.

This is also heartening for law enforcement managers because they may be able to help individual officers to rearrange rings (priorities) through training, emphasis, and other mechanisms. Thus, we can conceptualize a manager's struggle with the discretion used by officers as a struggle to impress his or her view of the discretion target upon the officers. The distance from the center that each manager attributes to a given set of norms tells a great deal about the level of importance the manager places upon each boundary.

Like most managers, local law enforcement managers must communicate their expectations of employee behavior via a written statement of their agency's standard operating procedures. However, the nature of the law enforcement profession makes it all but impossible to plan for every possible situation, thus making it necessary for officers to develop and use professional discretion on a daily basis (Goldstein, 1963; Lipsky, 1981). As a result, the use of discretion can sometimes undermine the written SOPs, the chain of command, and the ability of management to control frontline bureaucrats (Coe & Wiesel, 2001; Lipsky, 1981; Mastrofski, 2004; Maynard-Moody & Musheno, 2003).

This problem, according to Coe and Wiesel (2001, p. 726), reflects the idea that "police departments are a bit schizophrenic" because

On the one hand, they are quasi-military organizations with a distinct chain of command and very detailed rules and regulations . . . [while] on the other hand, research has conclusively demonstrated the high degree of personal discretion exercised daily by police officers.

The root of this problem according to Davis (1996) surfaces when one considers the inescapable tradeoffs in managing members of every profession. Davis continues,

A manager cannot have the advantages of someone's [professional] judgment and completely control what they decide. Insofar as someone must work to rule (that is, exercise only 'necessary discretion'), he cannot rule his work (have 'decisional autonomy'); insofar as he does rule his work, he cannot simply work to rule. If we agree that police officers know much that their superiors do not, and that we want that knowledge to enter appropriately into their decision making, we have already agreed that we do not want them to work to rule. If we want



their discretion . . . we must move away from the military style, command-and-control hierarchy of today's police organization. We must leave police room for (something like) professional judgment (Ibid, 1996, p. 29).

If we (scholars, practitioners, and the general population) agree that discretion is necessary, it makes sense that we want a deeper understanding of the ways in which discretionary decisions are made. Moreover, we may want to know whether rank influences these decision patterns. This book aims to help police managers, frontline officers, and scholars explore discretion by exposing readers to a detailed treatment of the components that make up discretionary choices, and how these components vary between frontline and command staff. In addition, this book is focused on real-world analysis and improvement of discretionary priorities for single and multiple agencies.

## SUMMARY

As this chapter has illustrated, discretion is imperative in the realm of local law enforcement. Previous research on discretion revealed a host of variables which influence discretionary decision-making. More recent research has added to our awareness of other factors that affect discretion, such as race and gender, supervisorial influence, and voter demands (Briggs, 2013; Nowacki, 2011; Tasdoven & Kapucu, 2013; Regoeczi & Kent, 2014; Baldi & LaFrance, 2013). The Target Model presented herein is unique in that it allows the reader to assess the relative degree of influence each variable has on these choices. The next chapter will use in-depth interviews with police chiefs and sheriffs to argue that even in a command and control environment premised on standardization and uniformity, room for discretion is a necessity.