VIOLENCE AND THE POLICE

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ABSTRACT

A case-study of a municipal police force in the United States suggests that the illegal use of violence by the police is a consequence of their occupational experience and that the policeman's colleague group sanctions such usage. Policemen see this use of violence as morally acceptable and legitimate it in terms of ends defined by the colleague group in preference to legal ends. They see these colleague-group ends as constituting a legitimation for violence which is equal or superior to the legitimation derived from the law. They conceive of violence as a personal property to be used at discretion.

Brutality and the third degree have been identified with the municipal police of the United States since their inauguration in 1844. These aspects of police activity have been subject to exaggeration, repeated exposure, and virulent criticism. Since they are a breach of the law by the law-enforcement agents, they constitute a serious social, but intriguing sociological, problem. Yet there is little information about or understanding of the process through which such activity arises or of the purposes which it serves.

This paper is concerned with the genesis and function of the illegal use of violence by the police and presents an explanation based on an interpretative understanding of the experience of the police as an occupational group. It shows that (a) the police accept and morally justify their illegal use of violence; (b) such acceptance and justification arise through their occupational experience; and (c) its use is functionally related to the collective occupational, as well as to the legal, ends of the police.

The analysis which follows offers both an occupational perspective on the use of violence by the police and an explanation of policing as an occupation, from the perspective of the illegal use of violence. Thus the meaning of this use of violence is derived by relating it to the general behavior of policemen as policemen, and occupations in general are illuminated through the delineation of the manner in which a particular occupation handles one aspect of its work.

The technical demands of a man's work tend to specify the kinds of social relationships in which he will be involved and to select the groups with whom these relationships are to be maintained. The social definition of the occupation invests its members with a common prestige position. Thus, a man's occupation is a major determining factor of his conduct and social identity. This being so, it involves more than man's work, and one must go beyond the technical in the explanation of work behavior. One must discover the occupationally derived definitions of self and conduct which arise in the involvements of technical demands, social relationships between colleagues and with the public, status, and self-conception. To understand these definitions, one must track them back to the occupational problems in which they have their genesis.

1 The writer is indebted to Joseph D. Lohman for his assistance in making contact with the police and for many excellent suggestions as to research procedure and insights into the organization of the police.

This paper presents part of a larger study of the police by the writer. For the complete study see William A. Westley, "The Police: A Sociological Study of Law, Custom, and Morality" (unpublished Ph.D. dissertation, University of Chicago, Department of Sociology, 1951).


3 The ideas are not original. I am indebted for many of them to Everett C. Hughes, although he is in no way responsible for their present formulation (see E. C. Hughes, "Work and the Self" in Rohrer and Sherif, Social Psychology at the Crossroads [New York: Harper & Bros., 1951]).
The policeman finds his most pressing problems in his relationships to the public. His is a service occupation but of an incongruous kind, since he must discipline those whom he serves. He is regarded as corrupt and inefficient by, and meets with hostility and criticism from, the public. He regards the public as his enemy, feels his occupation to be in conflict with the community, and regards himself to be a pariah. The experience and the feeling give rise to a collective emphasis on secrecy, an attempt to coerce respect from the public, and a belief that almost any means are legitimate in completing an important arrest. These are for the policeman basic occupational values. They arise from his experience, take precedence over his legal responsibilities, are central to an understanding of his conduct, and form the occupational contexts within which violence gains its meaning. This then is the background for our analysis.4

The materials which follow are drawn from a case study of a municipal police department in an industrial city of approximately one hundred and fifty thousand inhabitants. This study included participation in all types of police activities, ranging from walking the beat and cruising with policemen in a squad car to the observation of raids, interrogations, and the police school. It included intensive interviews with over half the men in the department who were representative as to rank, time in service, race, religion, and specific type of police job.

DUTY AND VIOLENCE

In the United States the use of violence by the police is both an occupational prerogative and a necessity. Police powers include the use of violence, for to them, within civil society, has been delegated the monopoly of the legitimate means of violence possessed by the state. Police are obliged by their duties to use violence as the only measure adequate to control and apprehension in the presence of counterviolence.

Violence in the form of the club and the gun is for the police a means of persuasion. Violence from the criminal, the drunk, the quarreling family, and the rioter arises in the course of police duty. The fighting drunk who is damaging property or assaulting his fellows and who looks upon the policeman as a malicious intruder justifies for the policeman his use of force in restoring order. The armed criminal who has demonstrated a casual regard for the lives of others and a general hatred of the policeman forces the use of violence by the police in the pursuit of duty. Every policeman has some such experiences, and they proliferate in police lore. They constitute a common-sense and legal justification for the use of violence by the police and for training policemen in the skills of violence. Thus, from experience in the pursuit of their legally prescribed duties, the police develop a justification for the use of violence. They come to see it as good, as useful, and as their own. Furthermore, although legally their use of violence is limited to the requirements of the arrest and the protection of themselves and the community, the contingencies of their occupation lead them to enlarge the area in which violence may be used. Two kinds of experience—that with respect to the conviction of the felon and that with respect to the control of sexual conduct—will illustrate how and why the illegal use of violence arises.

1. The conviction of the felon.—The apprehension and conviction of the felon is, for the policeman, the essence of police work. It is the source of prestige both within and outside police circles, it has career implications, and it is a major source of justification for the existence of the police before a critical and often hostile public. Out of these conditions a legitimation for the illegal use of violence is wrought.

The career and prestige implication of
the "good pinch" elevate it to a major end in the conduct of the policeman. It is an end which is justified both legally and through public opinion as one which should be of great concern to the police. Therefore it takes precedence over other duties and tends to justify strong means. Both trickery and violence are such means. The "third degree" has been criticized for many years, and extensive administrative controls have been devised in an effort to eliminate it. Police persistence in the face of that attitude suggests that the illegal use of violence is regarded as functional to their work. It also indicates a tendency to regard the third degree as a legitimate means for obtaining the conviction of the felon. However, to understand the strength of this legitimization, one must include other factors: the competition between patrolman and detectives and the publicity value of convictions for the police department.

The patrolman has less access to cases that might result in the "good pinch" than the detective. Such cases are assigned to the detective, and for their solution he will reap the credit. Even where the patrolmen first detects the crime, or actually apprehends the possible offender, the case is likely to be turned over to the detective. Therefore patrolmen are eager to obtain evidence and make the arrest before the arrival of the detectives. Intimidation and actual violence frequently come into play under these conditions. This is illustrated in the following case recounted by a young patrolman when he was questioned as to the situations in which he felt that the use of force was necessary:

One time Joe and I found three guys in a car, and we found that they had a gun down between the seats. We wanted to find out who owned that gun before the dicks arrived so that we could make a good pinch. They told us.

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Policemen, in the case studied, use this term to mean an arrest which (a) is politically clear and (b) likely to bring them esteem. Generally it refers to felonies, but in the case of a "real" vice drive it may include the arrest and conviction of an important bookie.

Patrolmen feel that little credit is forthcoming from a clean beat (a crimeless beat), while a number of good arrests really stands out on the record. To a great extent this is actually the case, since a good arrest results in good newspaper publicity, and the policeman who has made many "good pinches" has prestige among his colleagues.

A further justification for the illegal use of violence arises from the fact that almost every police department is under continuous criticism from the community, which tends to assign its own moral responsibilities to the police. The police are therefore faced with the task of justifying themselves to the public, both as individuals and as a group. They feel that the solution of major criminal cases serves this function. This is illustrated in the following statement:

There is a case I remember of four Negroes who held up a filling station. We got a description of them and picked them up. Then we took them down to the station and really worked them over. I guess that everybody that came into the station that night had a hand in it, and they were in pretty bad shape. Do you think that sounds cruel? Well, you know what we got out of it? We broke a big case in ———. There was a mob of twenty guys, burglars and stick-up men, and eighteen of them are in the pen now. Sometimes you have to get rough with them, see. The way I figure it is, if you can get a clue that a man is a pro and if he won't co-operate, tell you what you want to know, it is justified to rough him up a little, up to a point. You know how it is. You feel that the end justifies the means.

It is easier for the police to justify themselves to the community through the dramatic solution of big crimes than through orderly and responsible completion of their routine duties. Although they may be criticized for failures in routine areas, the criticism for the failure to solve big crimes is more intense and sets off a criticism of their work in noncriminal areas. The pressure to solve important cases therefore becomes strong. The following statement, made in reference to the use of violence in interrogations, demonstrates the point:
If it's a big case and there is a lot of pressure on you and they tell you you can't go home until the case is finished, then naturally you are going to lose patience.

The policeman's response to this pressure is to extend the use of violence to its illegal utilization in interrogations. The apprehension of the felon or the "good pinch" thus constitutes a basis for justifying the illegal use of violence.

2. Control of sexual conduct.—The police are responsible for the enforcement of laws regulating sexual conduct. This includes the suppression of sexual deviation and the protection of the public from advances and attacks of persons of deviant sexual tendencies. Here the police face a difficult task. The victims of such deviants are notoriously unwilling to co-operate, since popular curiosity and gossip about sexual crimes and the sanctions against the open discussion of sexual activities make it embarrassing for the victim to admit or describe a deviant sexual advance or attack and cause him to feel that he gains a kind of guilt by association from such admissions. Thus the police find that frequently the victims will refuse to identify or testify against the deviant.

These difficulties are intensified by the fact that, once the community becomes aware of sexual depredations, the reports of such activity multiply well beyond reasonable expectations. Since the bulk of these reports will be false, they add to the confusion of the police and consequently to the elusiveness of the offender.

The difficulties of the police are further aggravated by extreme public demand for the apprehension of the offender. The hysteria and alarm generated by reports of a peeping Tom, a rapist, or an exhibitionist result in great public pressure on the police; and, should the activities continue, the public becomes violently critical of police efficiency. The police, who feel insecure in their relationship to the public, are extremely sensitive to this criticism and feel that they must act in response to the demands made by the political and moral leaders of the community.

Thus the police find themselves caught in a dilemma. Apprehension is extremely difficult because of the confusion created by public hysteria and the scarcity of witnesses, but the police are compelled to action by extremely public demands. They dissolve this dilemma through the illegal utilization of violence.

A statement of this "misuse" of police powers is represented in the remarks of a policeman:

Now in my own case when I catch a guy like that I just pick him up and take him into the woods and beat him until he can't crawl. I have had seventeen cases like that in the last couple of years. I tell that guy that if I catch him doing that again I will take him out to those woods and I will shoot him. I tell him that I carry a second gun on me just in case I find guys like him and that I will plant it in his hand and say that he tried to kill and that no jury will convict me.

This statement is extreme and is not representative of policemen in general. In many instances the policeman is likely to act in a different fashion. This is illustrated in the following statement of a rookie who described what happened when he and his partner investigated a parked car which had aroused their suspicions:

He [the partner] went up there and pretty soon he called me, and there were a couple of fellows in the car with their pants open. I couldn't understand it. I kept looking around for where the woman would be. They were both pretty plastered. One was a young kid about eighteen years old, and the other was an older man. We decided, with the kid so drunk, that bringing him in would only really ruin his reputation, and we told him to go home. Otherwise we would have pinched them. During the time we were talking to them they offered us twenty-eight dollars, and I was going to pinch them when they showed the money, but my partner said, "Never mind, let them go."

Nevertheless, most policemen would apply no sanctions against a colleague who took the more extreme view of the right to use violence and would openly support some milder form of illegal coercion. This is illustrated in the statement of another rookie:
They feel that it’s okay to rough a man up in the case of sex crimes. One of the older men advised me that if the courts didn’t punish a man we should. He told me about a sex crime, the story about it, and then said that the law says the policeman has the right to use the amount of force necessary to make an arrest and that in that kind of a crime you can use just a little more force. They feel definitely, for example, in extreme cases like rape, that if a man was guilty he ought to be punished even if you could not get any evidence on him. My feeling is that all the men on the force feel that way, at least from what they have told me.

Furthermore, the police believe, and with some justification it seems, that the community supports their definition of the situation and that they are operating in terms of an implicit directive.

The point of this discussion is that the control of sexual conduct is so difficult and the demand for it so incessant that the police come to sanction the illegal use of violence in obtaining that control. This does not imply that all policemen treat all sex deviants brutally, for, as the above quotations indicate, such is not the case. Rather, it indicates that this use of violence is permitted and condoned by the police and that they come to think of it as a resource more extensive than is included in the legal definition.

**LEGITIMATION OF VIOLENCE**

The preceding discussion has indicated two ways in which the experience of the police encourages them to use violence as a general resource in the achievement of their occupational ends and thus to sanction its illegal use. The experience, thus, makes violence acceptable to the policeman as a generalized means. We now wish to indicate the particular basis on which this general resource is legitimated. In particular we wish to point out the extent to which the policeman tends to transfer violence from a legal resource to a personal resource, one which he uses to further his own ends.

Seventy-three policemen, drawn from all ranks and constituting approximately 50 per cent of the patrolmen, were asked, “When do you think a policeman is justified in roughing a man up?” The intent of the question was to get them to legitimate the use of violence. Their replies are summarized in Table 1.

**TABLE 1**

**BASES FOR THE USE OF FORCE NAMED BY 73 POLICEMEN**

<table>
<thead>
<tr>
<th>Type of Response</th>
<th>Frequency</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>(A) Disrespect for police</td>
<td>27</td>
<td>37</td>
</tr>
<tr>
<td>(B) When impossible to avoid</td>
<td>17</td>
<td>23</td>
</tr>
<tr>
<td>(C) To obtain information</td>
<td>14</td>
<td>19</td>
</tr>
<tr>
<td>(D) To make an arrest</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>(E) For the hardened criminal</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>(F) When you know man is guilty</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>(G) For sex criminals</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>73</td>
<td>100</td>
</tr>
</tbody>
</table>

* Many respondents described more than one type of situation which they felt called for the use of violence. The “reason” which was either (a) given most heatedly and at greatest length and/or (b) given first was used to characterize the respondent’s answer to the question. However, this table is exhaustive of the types of replies which were given.

An inspection of the types and distribution of the responses indicates (1) that violence is legitimated by illegal ends (A, C, E, F, G) in 69 per cent of the cases; (2) that violence is legitimated in terms of purely personal or group ends (A) in 37 per cent of the cases (this is important, since it is the largest single reason for the use of violence given); and (3) that legal ends are the bases for legitimation in 31 per cent of the cases (B and D). However, this probably represents a distortion of the true feelings of some of these men, since both the police chief and the community had been severely critical of the use of violence by the men, and the respondents had a tendency to be very cautious with the interviewer, whom some of them never fully trusted. Furthermore, since all the men were conscious of the chief’s policy and of public criticism, it seems likely that those who did justify the use of violence for illegal and personal ends no longer recognized the illegality involved. They probably believed that such ends
fully represented a moral legitimation for their use of violence.

The most significant finding is that at least 37 per cent of the men believed that it was legitimate to use violence to coerce respect. This suggests that policemen use the resource of violence to persuade their audience (the public) to respect their occupational status. In terms of the policeman's definition of the situation, the individual who lacks respect for the police, the "wise guy" who talks back, or any individual who acts or talks in a disrespectful way, deserves brutality. This idea is epitomized in admonitions given to the rookies such as, "You gotta make them respect you" and "You gotta act tough." Examples of some of the responses to the preceding question that fall into the "disrespect for the police" category follow:

Well, there are cases. For example, when you stop a fellow for a routine questioning, say a wise guy, and he starts talking back to you and telling you you are no good and that sort of thing. You know you can take a man in on a disorderly conduct charge, but you can practically never make it stick. So what you do in a case like that is to egg the guy on until he makes a remark where you can justifiably slap him and, then, if he fights back, you can call it resisting arrest.

Well, it varies in different cases. Most of the police use punishment if the fellow gives them any trouble. Usually you can judge a man who will give you trouble though. If there is any slight resistance, you can go all out on him. You shouldn't do it in the street though. Wait until you are in the squad car, because, even if you are in the right and a guy takes a poke at you, just when you are hitting back somebody's just likely to come around the corner, and what he will say is that you are beating the guy with your club.

Well, a prisoner deserves to be hit when he goes to the point where he tries to put you below him.

You gotta get rough when a man's language becomes very bad, when he is trying to make a fool of you in front of everybody else. I think most policemen try to treat people in a nice way, but usually you have to talk pretty rough.

That's the only way to set a man down, to make him show a little respect.

If a fellow called a policeman a filthy name, a slap in the mouth would be a good thing, especially if it was out in the public where calling a policeman a bad name would look bad for the police.

There was the incident of a fellow I picked up. I was on the beat, and I was taking him down to the station. There were people following us. He kept saying that I wasn't in the army. Well, he kept going on like that, and I finally had to bust him one, I had to do it. The people would have thought I was afraid otherwise.

These results suggest (1) that the police believe that these private or group ends constitute a moral legitimation for violence which is equal or superior to the legitimation derived from the law and (2) that the monopoly of violence delegated to the police, by the state, to enforce the ends of the state has been appropriated by the police as a personal resource to be used for personal and group ends.

THE USE OF VIOLENCE

The sanctions for the use of violence arising from occupational experience and the fact that policemen morally justify even its illegal use may suggest that violence is employed with great frequency and little provocation. Such an impression would be erroneous, for the actual use of violence is limited by other considerations, such as individual inclinations, the threat of detection, and a sensitivity to public reactions.

Individual policemen vary of course in psychological disposition and past experience. All have been drawn from the larger community which tends to condemn the use of violence and therefore have internalized with varying degrees of intensity this other definition of violence. Their experience as policemen creates a new dimension to their self-conceptions and gives them a new perspective on the use of violence. But individual men vary in the degree to which they assimilate this new conception of self. Therefore, the amount of violence which is
used and the frequency with which it is employed will vary among policemen according to their individual propensities. However, policemen cannot and do not employ sanctions against their colleagues for using violence, and individual men who personally condemn the use of violence and avoid it whenever possible refuse openly to condemn acts of violence by other men on the force. Thus, the collective sanction for the use of violence permits those men who are inclined to its use to employ it without fear.

All policemen, however, are conscious of the dangers of the illegal use of violence. If detected, they may be subject to a lawsuit and possibly dismissal from the force. Therefore, they limit its use to what they think they can get away with. Thus, they recognize that, if a man is guilty of a serious crime, it is easy to "cover up" for their brutality by accusing him of resisting arrest, and the extent to which they believe a man guilty tends to act as a precondition to the use of violence.

The policeman, in common with members of other occupations, is sensitive to the evaluation of his occupation by the public. A man's work is an important aspect of his status, and to the extent that he is identified with his work (by himself and/or the community) he finds that his self-esteem requires the justification and social elevation of his work. Since policemen are low in the occupational prestige scale, subject to continuous criticism, and in constant contact with this criticizing and evaluating public, they are profoundly involved in justifying their work and its tactics to the public and to themselves. The way in which the police emphasize the solution of big crimes and their violent solution to the problem of the control of sexual conduct illustrate this concern. However, different portions of the public have differing definitions of conduct and are of differential importance to the policeman, and the way in which the police define different portions of the public has an effect on whether or not they will use violence.

The police believe that certain groups of persons will respond only to fear and rough treatment. In the city studied they defined both Negroes and slum dwellers in this category. The following statements, each by a different man, typify the manner in which they discriminate the public:

In the good districts you appeal to people's judgment and explain the law to them. In the South Side the only way is to appear like you are the boss.

You can't ask them a question and get an answer that is not a lie. In the South Side the only way to walk into a tavern is to walk in swaggering as if you own the place and if somebody is standing in your way give him an elbow and push him aside.

The colored people understand one thing. The policeman is the law, and he is going to treat you rough and that's the way you have to treat them. Personally, I don't think the colored are trying to help themselves one bit. If you don't treat them rough, they will sit right on top of your head.

Discriminations with respect to the public are largely based on the political power of the group, the degree to which the police believe that the group is potentially criminal, and the type of treatment which the police believe will elicit respect from it.

Variations in the administration and community setting of the police will introduce variations in their use of violence. Thus, a thoroughly corrupt police department will use violence in supporting the ends of this corruption, while a carefully administrated nonpolitical department can go a long way toward reducing the illegal use of violence. However, wherever the basic conditions here described are present,
it will be very difficult to eradicate the illegal use of violence.

Given these conditions, violence will be used when necessary to the pursuit of duty or when basic occupational values are threatened. Thus a threat to the respect with which the policeman believes his occupation should be regarded or the opportunity to make a "good pinch" will tend to evoke its use.

CONCLUSIONS

This paper sets forth an explanation of the illegal use of violence by the police based on an interpretative understanding of their occupational experience. Therefore, it contains a description and analysis of their interpretation of their experience.

The policeman uses violence illegally because such usage is seen as just, acceptable, and, at times, expected by his colleague group and because it constitutes an effective means for solving problems in obtaining status and self-esteem which policemen as policemen have in common. Since the ends for which violence is illegally used are conceived to be both just and important, they function to justify, to the policeman, the illegal use of violence as a general means. Since "brutality" is strongly criticized by the larger community, the policeman must devise a defense of his brutality to himself and the community, and the defense in turn gives a deeper and more lasting justification to the "misuse of violence." This process then results in a transfer in property from the state to the colleague group. The means of violence which were originally a property of the state, in loan to its law-enforcement agent, the police, are in a psychological sense confiscated by the police, to be conceived of as a personal property to be used at their discretion. This, then, is the explanation of the illegal use of violence by the police which results from viewing it in terms of the police as an occupational group.

The explanation of the illegal use of violence by the police offers an illuminating perspective on the social nature of their occupation. The analysis of their use of brutality in dealing with sexual deviants and felons shows that it is a result of their desire to defend and improve their social status in the absence of effective legal means. This desire in turn is directly related to and makes sense in terms of the low status of the police in the community, which results in a driving need on the part of policemen to assert and improve their status. Their general legitimation of the use of violence primarily in terms of coercing respect and making a "good pinch" clearly points out the existence of occupational goals, which are independent of and take precedence over their legal mandate. The existence of such goals and patterns of conduct indicates that the policeman has made of his occupation a preoccupation and invested in it a large aspect of his self.

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