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POLICE DISCIPLINE*

G. Douglas Gourley

G. Douglas Gourley has recently been promoted to the rank of Captain in the Los Angeles Police Department and placed in command of the Records and Identification Division. Prior to his present assignment, he had served in various supervisory capacities in his department and in addition has been a lecturer in the Law Enforcement program of the School of Public Administration, University of Southern California. As the result of his previous articles which have appeared in this Journal Captain Gourley should be well known to our readers. The problem of Police Discipline is one of the most important administrative subjects in every department, and his present paper ably discusses many of its critical points.—EDITOR.

Probably the most common conception of discipline is in terms of punishment. To the average person, the word "discipline" carries a connotation of arbitrary and severe enforcement of rules and regulations laid down by those in authority. This very narrow conception, which has very appropriately been called "negative discipline,"¹ involves force or external influence and is based on the theory that compliance is obtained by the use of punishment or fear of penalties. This is only partially true, as the use of punishment for the breach of rules and regulations, neglect of duty, or general incompetence, is only one phase of the problem. A broader and much more valuable form of discipline is internal; it is a mental attitude—a habit of obedience. This form of discipline, which has aptly been called "positive discipline,"² is the basis of true democracy, for it means adherence to those rules which man has found best suited to protect the interests and welfare of the group. Positive discipline can be achieved only when the group objectives and procedures are known to all and have become a part of the individual's own actions through indoctrination. The word "discipline" comes from the same root word as the word "disciple," and a disciple is one who follows devotedly the words and actions of a respected leader. A practical police officer has said, "A disciplined patrolman possesses that indefinable something which makes him responsive to order and authority."³

*The opinions expressed in this article are those of the author and do not necessarily represent the policy of the Los Angeles Police Department.

1. C. B. Horrall, Chief of Police of Los Angeles, *Discipline in the Los Angeles Police Dept.*, a talk given at the Second Annual School for Police Executives, conducted by the California State Peace Officers Association, at the Los Angeles Police Academy, April, 1947.

2. *Loc. cit.* note 1.

3. Cornelius F. Cahalane, *The Policeman* (E. P. Dutton & Co., New York, 1923), p. 12.

GENERIC DISCIPLINE

Discipline is generic, for there is a general pattern of discipline applicable to different places and organizations. Much of what can be said concerning discipline will apply equally well to men in the Armed Forces, an industrial plant, a department store, or a police department. This central core of discipline, however, must be modified in its application to fit different groups and situations. For instance, the nature of police work is such that certain unique problems arise when it is attempted to apply these generic concepts. The rank and file policemen are often alone and necessarily beyond official surveillance during much of their tour of duty. Large powers are entrusted to them, and because of this, and the influence of constant association with criminals and delinquents, temptations and opportunities for derelictions are numerous. Moreover, being a uniformed force, they are constantly in the public view, and the slightest misconduct stands out in bold relief. The problem is further complicated by the fact that a standard of conduct is required of the police by the public which is higher than that of the rest of the community.

A CODE OF ETHICS

Police discipline of the past has, at best, been based upon rules and regulations. These rules and regulations are highly desirable, but in and of themselves they are not an adequate base for a sound discipline. The rules and regulations of most police departments are concerned with specific techniques and procedures rather than with general conduct of officers in their many and varied contacts with the public. A real need exists for a code of ethics that will standardize the rules of correct official conduct of police officers—a code broad enough to be applied to all police activities and yet sufficiently exacting that the appropriate rule can be easily associated with any specific activity. A code of this character would outline basic objectives and provide standardized general rules to which the specific rules and regulations of police departments would be obliged to conform.⁴ Such a code of ethics, when generally adopted, would take on the authority of group opinion; and it is a rare man, indeed, who can long hold out against a united group belief or attitude. Rules and regulations imposed from above frequently do not have this strong group backing and are consequently much more difficult to enforce.

4. Don L. Kooen, "Ethics in Police Service," *J. Crim. L. and Criminol.* 38(1):61-74 (May-June, 1947) and 38(2):172-86 (July-Aug., 1947).

RULES AND REGULATIONS

Failure to supply the rank and file policemen with up-to-date copies of departmental rules and regulations often leads to friction between patrolmen and their supervisors. Rules of conduct, methods of procedure, and the authority of the various ranks, should be made available to each officer in such a form that new regulations can be currently added. All men should be familiarized with the contents of this manual or rule book. Policemen are frequently heard to complain that they have not been informed of their duties or standards of conduct expected of them. Too often, rules and regulations are filed away in the captain's or lieutenant's desk only to be brought out as a basis for negative discipline, when it becomes necessary. It cannot be expected that all policemen will intuitively know how to conduct properly themselves without adequate training; therefore, our policemen must be so indoctrinated with these standards of conduct, and rules and regulations, that they not only will know what they should do under a given set of circumstances but will feel impelled to do the right thing in the right way. There exists an urgent need in both our recruit and in-service or continuation classes for more emphasis to be placed on ethics, public relations, and civil rights.

ORGANIZATION

In the past, too little attention has been given to the subject of police organization; it has been considered a theoretical question and frequently ignored. As a matter of fact, organization, or the lack of it, has a vital effect upon the discipline of a police force. For example, if the basic principle of "unity of command" is violated, by dividing police disciplinary authority between the chief administrative officer and a police commission, or other board or council, the influence and effectiveness of the Chief will be greatly weakened. Policemen cannot successfully serve two masters—the Chief and the members of a board. Without authority there can be no control and no discipline. The sphere of authority of a board or commission should be confined to the formulation and maintenance of broad general policies, the internal management of the department being left entirely in the hands of the Chief. It is not meant to imply that the Chief should not use trial boards or investigative committees to assist him in his disciplinary responsibilities. In the larger departments these boards are a necessity and even in the smaller departments have proven very useful in maintaining discipline and building morale. What is meant is that no one should be given the power to veto disciplinary action taken by the Chief.

Violation of other of the basic principles of organization such as span of control, division of work, or delegation of authority and responsibility will, likewise, result in inadequate discipline.⁵

TENURE OF POLICE ADMINISTRATORS

Frequent changes in police administrators has retarded the development and maintenance of good discipline. Many police administrators arrive and depart from public office with a rapidity, as Bruce Smith says, which is "kaleidoscopic."

A survey of 556 cities with populations between 10,000 and 30,000 and covering a twenty-one year period shows that the average tenure of the police chief is slightly over four years, while in cities of over 500,000 population the average tenure is only two and one-half years.⁶ The rank and file cannot be expected to have great respect for, or confidence in, a leader who will probably be in office for such a short period of time.

A head of a police department should be given tenure which is as permanent as that of the rank and file. He should be appointed for an indefinite term and provision made for his removal only upon adequate grounds. When a police administrator is looked upon as other than a temporary figure, progress will be made toward good discipline.⁷

RECRUITMENT

Proper recruiting methods is the first line of defense against inadequate discipline. To wait until men have been recruited, trained, and placed in actual service before removing incompetents is inefficient and costly. Bruce Smith feels very strongly on this subject. He says:

"Even a stern discipline and a most vigorous weeding out of ineffective or undesirable members cannot offset palpable weaknesses in the system of selection now employed. The elimination of an undesirable applicant before appointment, or shortly thereafter, probably has more value in maintaining the morals of such a body than the most unrelenting system of disciplinary penalties."⁸

The personal factor of greatest importance to police discipline, and the one we know least how to measure, is that of temperament. It is very seldom that a policeman becomes a disciplinary problem because

5. For a concise discussion of the general principles of organization, see *Municipal Police Administration* (International City Managers Association, Chicago), pp. 68-74.

6. *Report on Police* (National Commission on Law Observance and Enforcement, 1931), p. 51.

7. William P. Rutledge, "Some Problems of Police Administrators," *Proceedings Twentieth Annual Meeting of the Government Research Association* (Buffalo, N. Y., 1931), pp. 17-18.

8. Bruce Smith, *Illinois Crime Survey* (Blakely Printing Co., Chicago, 1929), p. 346. One of the best available blueprints for the proper recruiting of policemen is: Richard L. Holcomb, *Selection of Police Officers* (Bureau of Public Affairs, State University of Iowa, 1946).

of a low I.Q.; because his knowledge of police science is inadequate; or because he cannot climb a six-foot wall. He is much more apt to get into trouble because of defects in temperament which lead others to describe him as overbearing, antagonistic, surly, emotionally unstable, daydreaming, weak, or dishonest. William P. Rutledge, at one time Chairman of the Police Committee, International Association of Chiefs of Police, said, "Intelligence, honesty, courage, good nature, and emotional stability are all essentials of a good policeman but are not determined from letters of recommendation, a doctor's examination, or ability to read the rule book."

We attempt to get at these factors of temperament in the oral interview but not too successfully because of the many limitations involved. Paper and pencil tests for temperament, although not as yet widely accepted as being reliable, are being experimented with in several of the larger departments.

The one recourse which is available to all departments is the character investigation. This should not only become a standard recruiting procedure, but the procedure must be refined and intensified. Character letters are in themselves almost valueless. At one time the rules for recruiting policemen in one of the largest cities in the country provided that the candidate must furnish two character references, and if these proved unsatisfactory he must give two more. Under these rules it is difficult to see how anyone could be disqualified from the standpoint of character. A personal investigation should be made, not only through the character references given, but also at the schools attended by the candidate, his previous places of employment, his associates, neighbors, and local businessmen.

No matter what methods are adopted, the police authorities should have the final decision as to the qualifications of a candidate, for no matter how quickly a police department discovers the shortcomings or misconduct of its members, and no matter how completely it applies negative discipline, the damage, so far as public opinion is concerned, will have been already done. It is not enough to remove unsatisfactory policemen from the force, for the bad impression gained from these dismissals persists in the public mind, coloring its attitude toward the entire service.⁹

THE PROBATIONARY PERIOD

The probationary period should be considered a part of the recruiting process; for not until the recruit goes into the firing line of actual police

9. Leonard V. Harrison, *Police Administration in Boston* (Harvard University Press, Cambridge, 1934), p. 81.

duty will we have a real test of his aptitude for police work. Few departments have been sufficiently critical in reviewing their recruits while on probation; and as a result, a golden opportunity is being lost to improve police discipline by weeding out the misfits. There are several possible reasons for the existence of this situation. The customary six months' probationary period is not adequate to obtain an accurate picture of a recruit's abilities and weaknesses—a year is suggested as a more appropriate period of time. Another important reason is that the supervisors have not generally been given adequate tools with which to do the job; for example, few departments make provision for recording favorable and unfavorable incidents, or specific conduct of probationers, much being left to the unsupported opinion of supervisors. Probably the greatest single factor, however, is a lack of courage on the part of supervisors—a desire to be “popular” and to avoid unpleasant situations. This problem is discussed at greater length later in this article under “Courage.”

“SPIT AND POLISH” DISCIPLINE

An important factor in the maintenance of police discipline is insistence upon “smart and snappy” appearance of the men and their equipment. When this good appearance is required, the men feel that they belong to a well-disciplined organization. The Armed Forces, long ago, learned the disciplinary value of “sharp” appearance. In the Navy, men like to be assigned to what they call a “taut” ship. They may gripe good naturedly about scheduled inspections, but if one is called off, they often express keen disappointment. Proper appearance is best maintained by frequent and thorough inspections. A police force that is never inspected soon becomes an undisciplined group of men; a police station that is never inspected will become dirty and a disgrace to the community.

There are two principal kinds of inspections: The formal military type with the men forewarned, and the more frequent informal inspections by the supervisors. These inspections usually take place at the time of roll call or later in the field. A third method, employed by the Los Angeles Police Department, is to inspect the man individually in the lieutenant's office, the results being recorded on an inspection record card which contains all the items of required uniform and equipment together with reference to appropriate sections of the departmental uniform specifications.

The value of regular and frequent inspections cannot be exaggerated—their value lies in their regularity—in the fact that the policemen

know that the inspection is inevitable and that the supervisors are experts at discovering those things which are not as they should be.

SUPERVISION

Unquestionably, no other single factor has as much influence upon police discipline as that of supervision! The supervisors must realize that in their relations with the policeman of today, they are dealing with intelligent and ambitious men who, as a rule, are anxious to do a good job. A discipline based largely upon fear will not work well with American policemen who have been reared in an atmosphere of intellectual and personal freedom. The autocratic sergeant or lieutenant who guards his authority jealously and rules his men with an iron hand contributes much to poor discipline. Policemen working under these supervisors usually respond by close cooperation among themselves against the supervisor, or by general group disintegration and lack of discipline.¹⁰

Policemen cannot be coerced into taking proper police action; not being under constant surveillance, they cannot be forced to see a traffic violation or a burglar entering a house. The successful "democratic" supervisor stimulates team work while still encouraging self-development and expression of individual officers. One author has said, in discussing this new approach to supervision, that the appeal of progressive supervisors today is to the inner consciousness of the worker, recognizing him as a human being who desires recognition and status from his fellow men. Instead of goading him into performance by shouting and driving, the new approach is to stimulate him to work by means of leadership, training, example, and respect.¹¹

As a result of a recent series of conferences on supervision, participated in by the sergeants of the Los Angeles Police Department, many ways were suggested by which supervisors could obtain good discipline.¹² It was strongly indicated that a supervisor should always set a good example for his men; for instance, self-control is one of the most important qualities a supervisor must possess, for to command men one must first learn to command oneself. The police supervisor who loses his temper over mistakes of his men, who bawls them out "publicly," or who indulges in sarcastic remarks, sacrifices some of his control over them; the supervisor who "flies off the handle" betrays his inability to

10. Burleigh B. Gardner, *Human Relations in Industry* (Richard D. Irwin, Inc., Chicago, 1945), p. 277.

11. John M. Pfiffner, *Public Administration* (The Ronald Press, New York (Revised Ed.), 1946), p. 321.

12. G. Douglas Gourley, "An Experiment in the Use of the Conference Method for Training Police Supervisors," *J. Crim. L. and Criminol.* 39(3):392-401 (Sept.-Oct., 1948).

discipline himself and consequently his inability to discipline other men. When a police supervisor appears before his men, he is the center of their attention, and any improper appearance of his person, uniform, or equipment, will quickly be noticed. There is scarcely anything more destructive of discipline than the supervisor whose philosophy of life is based upon the principle of "Don't do as I do, do as I say."

The group of Los Angeles Police supervisors pointed out that two of the best tools of discipline are commendations and condemnations. We all like to be well thought of, and to excel from time to time in one way or another. We will work very hard for a word of public praise. Most officers work better and more diligently when they are commended for the performance of good work. For most policemen, commendation acts as a tonic and spurs them on to greater effort. Many supervisors find it difficult to let their men know that a good job has been done. Some of them fear that praise will cause the men to relax and slow up, whereas the opposite is the usual result. One supervisor has advised "two pats on the back for one kick in the pants." It is true that too much praise loses its incentive value, but the danger in police departments is that too little praise will be given, rather than too much.¹³

A few individuals are so self-centered that they will interpret praise as a special preferment by the supervisor and so come to expect special treatment or favors. Where this type of individual is encountered, praise should be used sparingly.

Commendation is usually most effective when given in public so that the entire group will know that good work has been recognized, while rebukes or condemnation should be given in private so that the officer's prestige and status in the group will not be lowered.

The police supervisors felt that good discipline was maintained by supervisors being approachable. It is not intended to imply that supervisors should become intimate with their men. Undue familiarity should be avoided, for it breaks down discipline, but a police supervisor should have a sympathetic understanding of other people's points of view and problems and should encourage, within limits, the confidences of his men. He cannot, however, be "one of the boys" or become too intimate, for by so doing he will soon lose all control over them.

A good supervisor will be "democratic," but being democratic does not mean being "soft," as the enemies of the United States discovered during the recent war. Merely because a supervisor desires to consider the rights and welfare of his men is no reason why he should allow them to "put it over" on him. A supervisor must be fair and impartial but

13. Ordway Tead, *The Art of Leadership* (Whittlesey House, N. Y., 1935), pp. 169-171.

nevertheless firm. Policemen do not respect a supervisor who lets them "get away" with derelictions. They do not want coddling, laxity, or indifference; what they do want is to know what is expected of them and how they are getting along. They also desire, and have a right to expect, that their supervisors will be fair, impartial, and consistent; that they will not have favorites or "fair-haired boys." The first thing policemen say about a sergeant or lieutenant they like is that he is "square." By this they mean that he treats them all equally, that he tells them what is expected of them, and lets them know "where they stand" at all times.

Good positive discipline is largely the result of proper training, and training is one of the basic responsibilities of a police supervisor; it is, in fact, one of the most important phases of his job. Regardless of how much previous training a policeman may have had, it will be necessary for the police supervisor to give additional on-the-job training, for new orders and regulations are frequently received, and procedures and techniques are constantly changed. Each change involves a new training job and an opportunity to maintain or improve discipline.

In order to encourage positive discipline through good supervision, sergeants must spend most of their time in the field where they come in frequent contact with the men, answering as many calls as time permits. Sergeants should take no active part in the handling of calls, except in major cases where several officers are involved and a director or coordinator of the activities is required. They should, however, observe the actions and demeanor of the officers, but if correction or advice is indicated, it should be given when other persons cannot hear. Sergeants should walk beats with officers and ride in cars with them, for such intimate contacts offer great opportunities for training in positive discipline. There is a reluctance on the part of supervisors to ride with the men, for in many cases they feel it is resented. With more frequent use of this supervisory technique their reluctance will be overcome.

ATTITUDE OF COMMAND

In giving instructions, orders, or commands, the manner of their presentation is as important as the words themselves. Throughout our lives we have depended upon the manner and behavior of others, as well as what they said, to know what was in their minds. A police supervisor is actually giving conflicting orders if his uncertain manner indicates that he does not expect obedience, or that he thinks that he may not be obeyed. A manner that betrays indecision will interfere with discipline, for men often respond to signs of indecision by withholding or

delaying action. A police supervisor should make up his mind and arrive at a decision before he gives commands, for men accept assurance for competence, and they want competence in a supervisor.¹⁴

It is realized that there will be many times when careful consideration and consultation will be advisable, but this estimation of the situation should be had prior to the issuance of the command. If a police supervisor prefaces his instructions with "I think," or if his commands are given in an apologetic manner, it will be no surprise if discipline in his unit is lax.

COURAGE

In order to maintain proper discipline, a police supervisor must often deal face to face with policemen concerning matters which involve unpleasantness and emotion. Many supervisors tend to avoid these issues by pretending to ignore them or by tolerating infractions of rules to build themselves up as "good fellows." The supervisor who would reprimand or discipline a policeman may feel that he is doing an unpopular thing of which other policemen will disapprove. There is a reluctance to go against the real or imagined sentiments of the group. The desire to "belong," to have the personal approval of one's subordinates, are strong motivating influences for a supervisor. As John M. Pfiffner¹⁵ has said, "The real malady lies in the fact that most people are afraid of other people, not afraid in the sense that one is apprehensive of physical jeopardy or loss of property, but afraid of the disapproval of one's own fellows." It requires courage for a supervisor to take action which will be counter to the sentiments of the group. The police supervisor must, however, learn to take this action and to do it with as little disruption to the smooth operation of his unit as possible. Perhaps the first step toward this objective is for the supervisor to realize that his reluctance to face unpleasant disciplinary situations is human and natural—a normal fear to be recognized for what it is, courageously faced, and overcome.

OVER-PROTECTIVENESS

Strongly in the past, and to a somewhat lesser degree today, there exists a highly protective feeling by policemen toward each other—particularly within any given department. Policemen will often jeopardize their own security and welfare to "protect" a brother officer. Per-

14. *Psychology for the Fighting Man* (National Research Council—Infantry Journal, Washington, 1943), pp. 303-306.

15. John M. Pfiffner, *Study Guide for Human Relations in Management* (University Book Store, mimeographer, University of Southern California, 1948), p. 162.

haps one of the principal reasons for this is a feeling that the public as a group does not like policemen, that they are anxious to see them penalized, and that, therefore, policemen must unite for their own protection. This protective feeling is not confined to the rank and file, for the actions of many supervisors are colored by it. These over-protective feelings, which seem to be a universal experience of minority groups, must be eliminated. The loyalty of police supervisors, as well as all policemen, must be to the group as a whole. An officer's primary concern must be what is best for all policemen, and certainly it is not to the group's advantage to let derelictions go uncorrected, for the entire force is judged by the actions of the few non-conformists. Fortunately for our embryonic police profession this over-protective attitude is weakening. Perhaps at some future date we may even come to think well of police personnel divisions.

GRIEVANCES

Grievances frequently give rise to disciplinary situations. A grievance is anything connected with his work that a policeman thinks and feels is wrong. Usually a grievance is a personal thing, affecting one man or a small group of men. In order for a grievance to exist, there must be a sense of personal injustice or wrong, and it must have generated a certain degree of exasperation or animosity; there is also included an element of repetition, for one episode does not usually create a grievance. The essence of a grievance seems to be that it piles up; grievances are the cumulative results of repeated aggravations. This slow generation of emotional strain is what makes the correct handling of grievances so important.¹⁶

Proper machinery should be established in every police department for the handling of grievances. A recent survey of the large police departments in the United States showed that while 90% of them claimed to have such machinery, 85% of these admitted that the grievances must come "up through channels." The effectiveness of this type of grievance procedure is highly questionable.¹⁷

DISCIPLINE FROM BELOW

From what has been said thus far, it might be assumed that all disciplinary pressure is exerted downward, but this is not so, for a certain

16. Albert Walton, *Do You Want to Be a Foreman?* (McGraw-Hill Co., N. Y., 1941), p. 145.

17. G. D. Gourley, "Recognition and Status for Rank and File Policemen," *J. Crim. L. and Criminol.* 40(1): (May-June, 1949).

discipline is imposed upward. If a police supervisor is not playing the game according to the rules, his subordinates have many effective ways of indicating their displeasure. Among these are the withholding of production or the retention of information that would be of value to the supervisor. Another is sometimes called the "silent treatment," in which the men speak only when asked a direct question. On the other hand, they will actually cooperate with, and lighten the work of, a supervisor who they feel is doing a good job and who they like. In these, and many other subtle ways, policemen influence the conduct of their supervisors.

A MODERN APPROACH

In the field of criminal justice, the concept of punishment to fit the crime has been changed to the concept of treatment to fit the individual offender. This change should also be applied to the disciplining of policemen. The police supervisor should have a wide range of possible alternatives so that action can be made to fit the individual officer and the circumstances. The first step in arriving at a solution of a disciplinary problem is to get all of the facts, including the officer's past history, and the underlying causes of the misconduct.¹⁸

Disciplinary interviews should be held in private, but interviews with the supervisors should become so routine and matter of fact that other officers will not immediately suspect the nature of the interview. This can be achieved by using the same procedure to give instructions, make commendations, et cetera. The supervisor should listen, talking only enough to stimulate the officer to unload his mind. Questions should be asked, rather than accusations made. The supervisor should listen patiently, without displaying anger or irritation, and should refrain from moralizing, rendering judgment in advance, or jumping to conclusions. He should attempt to look beyond the actual conversation in an attempt to discover what bothers the officer, for frequently the causes of derelictions are entirely different than they appear to be on the surface. Even where there is a clear case of neglect of duty, it is much better to have the officer voluntarily tell about it. A good technique is to state that certain things have happened and that the supervisor would like to get the officer's version of the circumstances. If a reprimand or corrective advice seems advisable, it should be directed at the officer's work or conduct rather than at the officer himself.¹⁹

18. *Municipal Police Administration* (International City Managers Association, Chicago), p. 145.

19. John M. Piffner, "An Outline of a Supervisor's Job," *Personnel* (Nov. 1946), p. 164.

A good supervisor can reprimand in such a way that the policeman understands exactly wherein he has transgressed and feels that the reprimand was deserved. The officer knows, too, that unless the offense is repeated, nothing more will ever be said. No threats should be made, for the policeman knows what the supervisor's disciplinary powers are. Before the interview is closed, the officer should admit directly or indirectly that he has been at fault, or the interview will not have accomplished its purpose. The supervisor should also endeavor to convince the officer that there are no hard feelings and that the matter will be forgotten.

FORMAL ALTERNATIVES

It is not the severity of punishment that restrains men, but the certainty of it. When negative disciplinary action become necessary, it should be taken promptly; problem cases should be dealt with firmly from the start, rather than by trying to ignore them. Generally the following official alternatives are available: Oral reproof, written reprimand, demerits, fines, suspension without pay, extra duty, demotion, or removal from the service.²⁰

Oral reproof is the least severe of all possible penalties, but it may serve to prevent the officer from exposing himself to more severe measures. A sympathetic interview at this point may send the officer back to his job with a new perspective, and a desire to avoid similar errors in the future. This form of discipline should be extensively used.

A written reprimand which becomes a part of the officer's personnel record is a mild form of punishment which also serves as a record for consideration in case of later derelictions.

In some departments, demerits, which affect service ratings, are given for minor offenses, such as tardiness, unexcused absences, dirty uniforms, smoking in public, et cetera. Demerits may materially affect future promotions and should therefore be used with caution.

Fines are sometimes used, but to a lesser extent than formerly, for it is realized that a money penalty penalizes the officer's dependents. It is true that the same can be said of any penalty that affects promotion or advancement, but these effects are more remote. Fines collected are usually paid into a pension fund.

One of the most common forms of severe punishment is suspension without pay. This is usually the most drastic punishment that the Chief can impose without some sort of a hearing or trial. Although

20. William E. Mosher and J. Donald Kingsley, *Public Personnel Administration*, Revised Ed. (Harper & Brothers, N. Y., 1941), pp. 934-6.

it is usually limited to thirty days, such a punishment involves heavy financial loss, and greatly lowers the prestige of the officer.

The assignment of the officer to extra duty, or overtime without pay, is an excellent form of negative discipline, for it overcomes the weaknesses of fines and suspensions, and has a lasting effect, not only upon the officer being disciplined, but also upon others who know of it, for they are reminded each time they see the officer performing the extra duty.

Demotion with a reduction in pay is a very serious penalty and is seldom used. A police supervisor who is demoted not only suffers a continuing economic penalty, but the stigma is great and the new duties to which he is assigned may be much less desirable. As demotion usually results in greatly lowering the officer's morale, dismissal may be preferable in cases of serious neglect of duty.

Dismissal from the department is the most extreme form of negative discipline, outside of actual criminal prosecution. It not only results in loss of income and status, but in many cases of pension privileges as well. Regardless of these facts, the step should be taken courageously by police supervisors, whenever it is clearly indicated.

DISCIPLINARY PROCEEDINGS

The negative disciplinary authority of each level of supervision should be clearly established and recorded. Good discipline receives a severe set-back when action of supervisors is overruled. In modern police departments, the power of the lower supervisors to take disciplinary action is usually limited. Sergeants, for instance, are usually limited to giving oral reprimands, or to referring the matter to a higher supervisor. As a rule, no supervisor other than the Chief can suspend a man without pay, and in many police departments authority to dismiss a policeman has been taken entirely away from the Chief and given to a trial board or Civil Service or other commission.

A penalty involving loss of pay should probably be reviewed at a central location, in an effort to arrive at some uniformity in light of the offense involved, past derelictions, et cetera. In the larger departments this will be done by the Director of the Personnel Division, and in the smaller departments by the Chief. Many departments provide means whereby decisions in this type of case can be appealed to a trial board of Civil Service Commission. The problem is to ensure an impartial decision without, at the same time, undermining the disciplinary authority of the Chief.

Whatever authority is considered desirable to give to each level

of supervision should be established in writing and made known to all. Because this has not been done in many cases in the past, police supervisors frequently complain that they do not know their authority. The Los Angeles Police Department has handled this situation by setting forth in its Personnel Manual the disciplinary authority of each level of supervision.²¹

BUILDING A CASE

Many police supervisors hesitate to take negative disciplinary action which will require their appearance before a trial board or committee. They complain that under these circumstances they themselves are too often "placed on trial." Supervisors who have this attitude are often the ones who go before boards or commissions with no evidence other than their unsupported opinions. The same supervisors would not think of going to trial in a criminal case, or permitting one of their men to do so without gathering, in advance, all available facts to prove the case. In disciplinary matters, to wait until the hearing has been scheduled to gather such evidence, will be too late, for it must be recorded as it takes place. A record should be made of actual incidents, events, or offenses as they occur; for modern disciplinary procedure requires the preparation of cases in a manner similar to that used in preparation of criminal cases for trial. To assist supervisors in the constant accumulation of such evidence, proper forms should be provided. A form now being used in the Los Angeles Police Department is called an "Incident Report." It is used by the supervisors to record all outstanding incidents involving officers, both favorable and unfavorable. Such forms, which are retained by the division commanders, may be of great assistance in assigning service ratings to the men.

Too often negative disciplinary action is taken as a result of repeated infractions, none of which have been discussed with the offender. Civil Service and other trial boards want not only to be presented with specific infractions of the rules at particular dates, times, and places, but also, they want to be assured that the supervisors have taken every opportunity to warn, reprimand, and rehabilitate the offender. If supervisors have not lived up to their responsibilities in this respect, they have only themselves to blame for their embarrassment. The maintaining of records required for legal proof will result in the supervisors doing those things that too often they do not do, to wit, using warning interviews and notices of unsatisfactory conduct.

REINSTATEMENTS

An unjustified reinstatement tears down positive discipline, for where

21. *Manual of Police Procedure—Personnel* (Preliminary draft) (Los Angeles Police Dept. 1949), pp. 401-407.

the unsuitability of a policeman has been acknowledged by his dismissal, his later reinstatement undermines the authority of the supervisors who were responsible for his dismissal. Very few officers who are discharged should ever be reinstated, because it is seldom that those whom it has been necessary to discharge will ever be good officers; also, these reinstatements have a demoralizing influence upon the rest of the force. In the same category are officers who resign while charges are pending against them, for many of these resignations are accepted by the Police Chief to avoid having to prove the case in a prolonged hearing before a board or Civil Service Commission, where there is always a possibility of the case being lost. The accused knows that a new Chief will soon be in power and feels that his chances of reinstatement will be better if his record does not show a dismissal.

The personnel files of police departments reveal men who have been discharged and reinstated many times.²² Many of these cases can be charged to a changing political situation, but also Police Chiefs have often been too indifferent to reinstatements and their effect upon discipline. If a dismissed officer makes application for reinstatement, the decision should be placed entirely in the hands of the Chief, who should be the final and only authority. In all but the most exceptional cases such applications should be denied.

CONCLUSION

Bruce Smith²³ has said that "A sound discipline will probably contribute more to the solution of our municipal police problems than any other single recourse now available." In building up a well disciplined police force, both aspects of discipline must be utilized—the positive aspect, based upon mental attitudes and habits of obedience, and the negative one, based upon external force and fear of penalties. Negative actions should be taken only after all possible positive approaches have been attempted. For this disciplinary program to be effective, police supervisors must feel secure in their ability to carry through the proper actions; they must be assured that their honest and competent efforts to do a good job will be backed up by their supervisors. They must know that they will get encouragement and approval for acting correctly, and just criticism and penalties for acting wrongly. They must have confidence that if disciplinary matters are taken before boards or committees, that they will be judged on their merits rather than on sentimentality or legal technicality. In short, to be at all successful, a police disciplinary program must receive the complete and active support of top administrative officers.

22. Bruce Smith, *Missouri Crime Survey* (The MacMillan Co., N. Y., 1926), p. 37.

23. Bruce Smith, *Police Systems in the United States* (Harper Brothers, N. Y., 1940), p. 171.