

1971

## College Education for the Patrolman--Necessity or Irrelevance

Robert J. Jagiello

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

---

### Recommended Citation

Robert J. Jagiello, College Education for the Patrolman--Necessity or Irrelevance, 62 J. Crim. L. Criminology & Police Sci. 114 (1971)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

## COLLEGE EDUCATION FOR THE PATROLMAN—NECESSITY OR IRRELEVANCE?

ROBERT J. JAGIELLO

Robert J. Jagiello is Assistant Professor of Police Science at Sacramento State College, Sacramento, California. He holds a law degree from Loyola University Law School and a master of law from Yale University. He is currently pursuing advanced academic work at Wesleyan University in addition to his teaching duties.

In his book *Police Power* Paul Chevigny maintains that academic training for patrolmen is largely irrelevant.<sup>1</sup> He offers three reasons and one example in support of his position: first, college education is unnecessary for patrol purposes; second, police academies provide adequate technical training; third, the authoritarian aspects of police work will, in any event, overwhelm any liberal impulses derived from a college experience; and, finally, by way of example, a hapless law trained police officer is brought on the scene as a paradigm of educational failure.

The purpose of this article is to challenge Mr. Chevigny's assertion by examining: (1) the portrait of an ideal police officer, inferred from Mr. Chevigny's criticisms of police conduct, (2) the nature of police functions; (3) professions engaged in making decisions similar to those made by police; (4) the conclusions of advocates for police education; (5) police education in the academy; (6) the values and attitudes developed in college, their enduring power, the impact of bureaucratic organizations on such values and the probable direction of organizational change resulting from an increased level of education among employees; (7) the validity of Mr. Chevigny's legally-trained officer as a paradigm.

An ideal type of patrol officer can be inferred from an examination of Mr. Chevigny's book. For purposes of discussion his criticisms have been divided into three broad categories: legal, non-legal, and a third group in which both legal and non-legal elements play an important part. The obvious overlapping is unavoidable.

The book catalogues police failures in non-legal interaction with the community. Racial slurs, police-mob violence, hothead tactics and behavior best described as foolish and provocative are common-place forms of police conduct. The police believe in conventional wisdom, are intolerant of

deviance and actively suppress legitimate political activity. The legal posture of the police and their understanding of the larger criminal legal process of which they form only a part are deficient in the extreme. Ignorant disciples of law and order, simultaneously demanding and abusive, they exercise power both arbitrarily and unconstitutionally.

We are told that the police are authorized enforcers of societal intolerance, men of crushing arrogance, following a self-ordained system of ethics and law, operating in secrecy on behalf of the questionable goal of social bigotry and destroying respect for the law and hence its usefulness as a social tool.

By negative implication an ideal type patrol officer emerges from the book. Such a man is tolerant of deviance, enjoys broad social vision, is schooled in the complexities of the political processes in a pluralistic society, educated in the law and the competing values it serves, dispenses evenhanded justice, stands secure against the impulses of prejudice and bigotry and commits himself to the preservation of law as an effective social arbiter.

Where will this ideal man come from? Why, high school, of course! If this notion is too optimistic why, then, we will add a dash of police academy training before we put him on parade.

Mr. Chevigny's statement that "academic training for policemen . . . is a little beside the point" is based on scant evidence. In addition, the reasons offered to support his judgment are also subject to challenge. Before discussing the validity of the offered reasons, we ought to consider arguments which support the position that a college education is not only an advantage but also a necessity. Thereafter, we will analyze the propositions asserted by Mr. Chevigny in support of his conclusion.

The first argument advanced to support the need for academic exposure at the college level is

<sup>1</sup> PAUL CHEVIGNY, *POLICE POWER* 272, 273 (1969).

based on function. A partial list of a patrolman's activities will begin to indicate the complexity of the decision-making process required by his role. Broadly, he is expected to apprehend and prosecute persons engaged in criminal conduct. This conduct can be divided into two categories: conduct which the community clearly wants to control, ranging from petty theft to murder; and conduct about which the community is ambivalent. Apparently, the community does not want all of its laws regulating gambling, narcotics, or sexual contact enforced every time a violation comes to the attention of the police. The community is ambivalent, and expects the police to exercise discretion with at least some sensitive appreciation of the social values involved.

Patrolmen are expected to be more than law enforcement officers. As suggested by Michael Banton, police function in the role of peace officers.<sup>2</sup> They are expected to contain riots and control disorders, many of which stem from the current social revolution. The "Report of the National Advisory Commission on Civil Disorders" gives some idea of the prominence of the police role in urban disorders and by inference demonstrates the need for critical decision-making skills by on-the-line police officers: "[M]any disturbances studied by the commission began with a police incident. . . . They were routine, proper police actions such as stopping a motorist or raiding an illegal business."<sup>3</sup> Ordinary police patrol activities take on a different cast when viewed against a backdrop of social upheaval.

The containment of dramatic disorder is the paradigm of peace-keeping efforts by the police. However, many patrol officers face a daily routine of peace-keeping activities of the more ordinary variety. As Egon Bittner pointed out in his article "The Police on Skid-Row: A Study of Peace Keeping:" In these circumstances, policemen act as all-purpose and terminal remedial agents, and the confronted problem is solved in the field. If these practices stand under any kind of review at all, and typically they do not, it is only through internal police department control."<sup>4</sup> (Emphasis added). In their occupational routine as peace-keepers the

police are expected to formulate and execute policies for the resolution of those problems which do not offer the prospect of future disposition in the courts.

If we add to the described functions the obligation to keep the political processes viable by preserving the right to speak freely and engage in political activity, and further, give some recognition to the function the police perform in providing emergency services because they are *the* twenty-four hour agency, we can begin to appreciate the dimensions of the role assigned to the ordinary patrol officer in an urban area. Is college largely beside the point for him?

Another way to approach the issue is to compare the police function with decision makers who make roughly the same kinds of decisions—district attorneys and criminal court judges. Three criteria have been selected to measure the relative importance of their roles: impact on community members, power, and discretion.

What is the comparative impact of police, prosecutors, and criminal judges on the community in terms of number of community members affected? The whole community is the patrol officer's domain. He can and does intervene in a citizen's life in many situations and on a number of justifications—some lawful and some best described as accepted practice but contrary to court-developed rules.

A rough idea of the extent of the patrol officer's impact on the community may be obtained by examining the phenomenon of on-the-street encounters. "There is no doubt that it is common police practice to stop and question suspects as to whom there are no sufficient grounds for arrest."<sup>5</sup> Some of this conduct has been legitimized by recent Supreme Court cases. In one of these cases *Terry v. Ohio*,<sup>6</sup> the court permitted the police to stop a person who was acting suspiciously and conduct a search for weapons even though they did not have probable cause to make an arrest at the time they stopped and searched him. Herbert L. Packer has noted this decision falls far short of giving blanket approval to the common practice of arrests for investigation.<sup>7</sup> In addition to the conduct authorized by recent court decisions, the police have engaged in a wide range of practices

<sup>2</sup> MICHAEL BANTON, *THE POLICEMAN IN THE COMMUNITY* 6-7 and 127 ff. (1964).

<sup>3</sup> REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, Otto Kerner, Chairman, 301 (1968).

<sup>4</sup> EGON BITTNER, *The Police on Skid-Row: a Study of Peace Keeping*, 32 *AMERICAN SOCIOLOGICAL REVIEW*, 701, 702 (1967).

<sup>5</sup> REMINGTON, *The Law Relating to "On the Street" Detention*, 51 *J. CRIM. L., C. & P.S.* 386 (1960).

<sup>6</sup> 88 *Sup. Ct.* 1868 (1968).

<sup>7</sup> HERBERT L. PACKER, *THE LIMITS OF CRIMINAL SANCTION* 185 (1968).

affecting large numbers of people which do not meet any minimum legal standards. Mr. Chevigny provides many examples of such behavior and indicates, as well, that in many cases facts will be created to provide the necessary "cover" charge in an effort to legitimize otherwise illegal interventions by the police.

Clearly the police can affect all those engaged in criminal activity without concurrence of another agency and a large number of persons not engaged in criminal conduct, but who are objects of police displeasure for other reasons and hence are bootstrapped into the criminal process.

Basically, the prosecutor is concerned with those people who pass through the police screen, "only 10-15% of all police suspect encounters will result in arrest."<sup>8</sup> Compared to the police, the prosecutor's office has a substantially diminished institutional effect on the community in number terms. Power to affect the lives of those actually in the process will be dealt with subsequently.

The impact of the court in terms of number of persons dealt with is even less substantial than that of the prosecutor. "Not infrequently 30-50% of the persons arrested in a major city on felony and misdemeanor charges are not prosecuted."<sup>9</sup> The court's activities in terms of numbers affected are dramatically fewer than those of the police.

The argument may be advanced that court judgments and prosecutorial decisions have other effects on the community like value reinforcement and promotion of rectitude on the part of the general citizenry. The validity of these contentions lie beyond the scope of this article; however, the citizenry is appallingly ignorant of the criminal law and its processes. Further, as Jerome Skolnick points out in his book, the police are the chief interpreters of the law to the population with whom they interact.<sup>10</sup> This observation compels the conclusion that the police have effectively captured the clientele of both the court and prosecutors because, with few exceptions, the clientele of the latter is composed entirely of those who have primary interaction with the police. The value judgments then will more likely be those reinforced by the police rather than by the criminal courts.

Shifting our attention to the second criterion, we find that police enjoy an impressive array of pow-

ers, which they can bring into play without any prior check, and in many instances, even without any subsequent check for abuses.

The police can, in the first instance, nullify the law in a large number of crimes which may be characterized as "low risk" crimes. The examples are familiar: disorderly conduct, gambling, possession of marijuana, and similar violations.

A second manifestation of the power of police and perhaps the most significant, is the ability of the police to engage in summary on-the-street punishment ranging from verbal abuse to death. In spite of the body of rules controlling such behavior, most cases are not reviewed, or, if serious enough for review, then, in a great number of cases the facts controlling the disposition of a case fall under the control of the police.

The decision to arrest, which is an example of power exercised without a prior check by another agency, has significant consequences for many of the individuals involved. Upon arrest a stigma attaches in many cases for life with important communal and occupational consequences. The additional element of loss of liberty necessarily entailed in an arrest situation gives proper proportion to the power of arrest. The combination of powers to define criminal conduct, to summarily punish and arrest reposes in the police awesome discretionary powers.

The prosecutor has both a confirming role and an initiating role, but his affect on an individual requires the concurrence and collaboration of other agencies in the criminal legal process. He can confirm the original decision of the police to deprive the individual of his liberty, at least temporarily, by rendering an affirmative decision to prosecute. Further, the decision to prosecute may reinforce the original status loss of a defendant generated in the first instance by police. Potentially, he can initiate the processes which will culminate in a greater loss of liberty or even death (though that possibility is quite remote when one considers the recent history of capital punishment in the United States). However, any decision he makes depends on (1) collaboration of police and, (2) cooperation of subsequent decision-makers—defense attorney, judge, jury, and correctional personnel.

The judge can, of course, affect status, liberty, and perhaps life, but basically he cannot do anything alone; he needs the collaboration of police, prosecutor, defense counsel, juries and, in some states, of correctional personnel. One notable exception is the exercise of contempt powers, where

<sup>8</sup> LIVINGSTON HALL and others, *MODERN CRIMINAL PROCEDURE* 8 (1969).

<sup>9</sup> *Ibid.*, 9.

<sup>10</sup> JEROME SKOLNICK, *JUSTICE WITHOUT TRIAL: LAW ENFORCEMENT IN A DEMOCRATIC SOCIETY* 14 (1967).

the judge enjoys the ranging prerogatives of the police officer, but even then he exercises his powers in an arena where they are subject to scrutiny.

The third criterion is discretion in decision-making. Analysis indicates that police are relatively free of external controls in a variety of cases. In those cases which do not involve subsequent review in the criminal legal processes, their discretion is essentially unlimited. For a variety of well-known reasons the alternatives available to an aggrieved citizen, e.g., civil law suit for damages or an injunction are essentially impotent as controls for abusive behavior. The police also have the power to virtually define low-visibility crimes based on their own perceptions and creative development of facts needed to satisfy the formal definitions required by statute. Further, in cases involving serious crimes they are free to create the facts necessary to support the search incident to an arrest or a claim of waiver, and, certainly they can intervene in all those cases in which probable cause is present.

A most disquieting example of police discretion in the exercise of power was the conduct of the Chicago Police Department during the Democratic Convention in 1968. Individual officers, and apparently some officers in command, decided to engage in political and social repression by acts of violence directed against news-reporters, innocent by-standers, protesters engaged in legal activities, political activists, and members of the political establishment.

The prosecutor is controlled by the evidence accumulated by the police for prosecution purposes, and his activities are circumscribed by substantive law and rules of evidence. An additional source of control is the presence of an adversary ready to call attention to deviation from normative proscriptions. In many instances the prosecutor's actions are subject to formal check by members of his profession who have different values to serve, i.e., defense counsel and judge as well as the restraining influence of the jury in some cases.

The court acts, basically, in the open. It is limited to dealing with conduct defined as criminal, and, though there is some room for manipulation through the use of evidentiary rules and courtroom posturing, there is the check provided by (1) rules of evidence, (2) evidence actually provided for the disposition of a particular case, (3) scrutiny of attorneys interested in the litigation, (4) the jury, (5) the appellate courts.

Based on an analysis of impact, power, and dis-

cretion, the police, when compared to others making similar decisions on issues of crime, guilt, and punishment, should be required to possess similar professional qualifications.

One other element deserves consideration in our analysis: the arena in which decisions are made by police involves, at times, extreme personal danger, potentially in some situations the immediate loss of life, community disruption, and/or disintegration of respect for law and law enforcement.

If form follows function, then the form of a police officer's education should take on the contours of that of an attorney's, and rather than calling for a redirection away from a college education as a declared value, it seems reasonable to assert that we must redouble our efforts to encourage college education for patrol officers.

Apart from the argument based on function, authoritative opinion holds a view different from that espoused by Mr. Chevigny. The President's Commission on Law Enforcement and Administration of Justice made the following statement:

The quality of police service will not significantly improve until higher educational requirements are established for its personnel. . . . Due to the nature of the police task and its effect on our society, there is a need to elevate educational requirements to the level of a college degree from an accredited institution for all future personnel selected to perform the function of a police agent.<sup>11</sup>

An opinion from Quinn Tamm is expressed in the same report: "It is nonsense to assume that the enforcement of the law is so simple that it can be done best by those unencumbered by a study of the liberal arts."<sup>12</sup>

The Skolnick report on the Politics of Protest goes further and proposes an academy of Social Sciences which would provide the "prospective policeman an opportunity for the equivalent of a college education."<sup>13</sup>

These are the reasons and authorities which support the writer's assertion that a Bachelor of Arts degree with a strong emphasis on liberal studies, the behavioral sciences, and law should be en-

<sup>11</sup> TASK FORCE REPORT: THE POLICE, The Presidents Commission on Law Enforcement and Administration of Justice 126 (1963).

<sup>12</sup> QUINN TAMM, *A Change for the Better, THE POLICE CHIEF* 5 (1962).

<sup>13</sup> JEROME SKOLNICK, *The Politics of Protest*, Report submitted by Jerome H. Skolnick, Director, Task Force on Violent Aspects of Protest and Confrontation of the National Commission on the Causes and Prevention of Violence 291 (1969).

couraged as a pre-requisite to police employment as a patrol officer.

Mr. Chevigny's position is based on a number of reasons in addition to his bare assertion that a college education is beside the point for a patrol officer. One reason advanced is that police academies presently provide adequate technical training. The term *technical* is inherently ambiguous when used in conjunction with patrol practices. If *technical* refers to function, then the police officer's training at the academy would have to be sufficiently broad to cover recurring and/or important patrol activities. As a starting point it would seem to be reasonable to require a competence in criminal law if one is to make the claim that his function is law enforcement.

In an article written for *Police Chief* magazine, the present writer examined the issue whether legal training in the police academies among other institutions was adequate.<sup>14</sup> The answer then and now is an unqualified no. His assumption is that California has academy programs which compare favorably with training available in out of state academies.

Under the regulations promulgated by Peace Officers Standards and Training, and followed by most academies, the basic law course is as follows: Criminal Law—16 hours (not units), Criminal Evidence—8 hours, Administration of Justice—4 hours, Juvenile Procedures—8 hours,<sup>15</sup> total 36 hours of legal instruction, roughly equivalent to a one semester two unit course in law. To call someone a law enforcement officer after two units of law is at best a misnomer and somewhat analogous to calling a person who has perused Gray's *Anatomy* a brain surgeon.

A brief consideration of the concepts which might be appropriately entertained within the area of substantive criminal law may provide useful instruction for evaluation of police academy programs. We would expect the police officer to become acquainted with the elements of murder, manslaughter, assault, battery, rape, kidnapping, burglary, arson, larceny, robbery, embezzlement, receiving stolen property, malicious mischief, etc. Attention should also be paid to some theories of criminal law and its processes, and here reference to Herbert Packer's book *The Limits of the Criminal Sanction*, is helpful.<sup>16</sup> Will the academy in-

quire into the following issues: the meaning of punishment? Justifications for punishment? The requirement of conduct? The utility of entertaining excuses? The values underlying various normative positions in criminal law? Limits, both moral and practical, that enter into a definition of criminal conduct? Will the formulation of laws and the forces which lie behind particular legislation be considered? Will some time be spent exploring the interaction between prosecutor, defense counsel, and judge in criminal cases? The role of the psychiatrist in the legal process? The competence of jurors as decision-makers?

Considering for a moment the area of criminal procedure, reference to the work by Hall, *et al*, will provide our basic framework.<sup>17</sup> To what extent will the concept of due process receive adequate treatment? Can we reasonably expect a decent discussion of the relationship of the Fourteenth Amendment to the Bill of Rights? What position will the instructors take as they discuss the issues of right to counsel, arrest, search, seizure, wiretapping, electronic eavesdropping, entrapment, interrogation, and confessions? It is reasonable to expect that the whole problem of the conflict between the "due process" model of law and the "crime control" model of law will even be raised?

Even if we assume total objectivity on the part of the academy and competency on the part of the instructors to discuss the issues raised, how could the job be done in thirty-six hours? The answer is obvious—it can not.

There is every reason to suspect that what is true in legal training is also true in other areas related to effective and fair police work. Limited knowledge on the author's part prevents any significant analysis, but some questions may begin to indicate the dimensions of the problem.

The police are expected to be sensitive to the social and political demands of the day. Is it reasonable to expect adequate treatment of such complex issues as the following: the role of dissent in a pluralistic society, the historical development and treatment of minorities in the United States, criminal justice and the minority communities, historical political assumptions and current political theory, mob psychology and the welter of other concepts which frame the police role in a democratic society in a twenty or twenty-five hour segment of academy time?

Police education must be rigorous, tough-

<sup>14</sup> ROBERT J. JAGIELLO, *A "Minus" in Police Legal Education*, *THE POLICE CHIEF*, 20-24 (1969).

<sup>15</sup> California Administration Code Title 11, Chapter 2, Section 1005(b) (1) (Rev 1970).

<sup>16</sup> PACKER, *LIMITS OF CRIMINAL SANCTION*.

<sup>17</sup> HALL ET AL, *MODERN CRIMINAL PROCEDURE*.

mind, and extensive if policemen are to meet the demands placed on them. Academy training is not adequate to the task.

Further, and an ironic final point, in California, New York, and elsewhere, the police often do not enter the academy until after they have been on the force for a period of time. Periods of one year of service prior to entering the academy are not unknown, and as reported in *Politics and Protest*, academy training may only be as long as two days for some recruits, who apparently do not return for further training.<sup>18</sup>

The next argument advanced by Mr. Chevigny is disturbing, the most difficult to answer and ultimately the most threatening to basic assumptions prevalent in higher education. In essence his position is that liberal impulses acquired in college are largely inhibited by the nature of the structure in which a police officer must operate. This problem will be considered in two steps: (1) the implications of the concept assuming its validity; (2) the validity of the proposition.

Warren G. Bennis states that a bureaucracy can be dimensionalized in the following way:

1. A division of labor based on functional specialization (patrolman, detective, administrative personnel)
2. A well defined hierarchy of authority (patrolman, sergeant, lieutenant, captain)
3. A system of rules covering rights and duties of employees (civil service regulations)
4. A system of procedures for dealing with work situations (both stated policies and informally developed practices communicated by training officers)
5. Impersonality of interpersonal relations
6. Promotion and selection based on technical competence.<sup>19</sup>

Assuming that the assertion regarding police departments is correct, then the same general characteristics, present in almost every significant governmental and business institution, would seem to compel the conclusion that college education is largely irrelevant for most college students—values will change when employees begin the socializing process.

The validity of the assertion, therefore, must be examined. Discussion of this proposition requires at least two separate considerations: (1) whether value and attitude changes occur as a result of the college experience (2) whether the police orga-

nizational structure inhibits desired values. The second issue again breaks down into two parts: (a) is decay complete—if so, then college education should be immediately eliminated as a requirement or declared value; (b) is decay partial—if so, then the kind of issues which can be considered are (i) extent of decay, (ii) kinds of values peculiarly prone to decay, (iii) is autonomy impossible in an organization and like issues.

In the following analysis the author readily admits that the complexity of the problem is beyond his formal training; however some evidence and specific questions may at least raise some doubts about the validity of Mr. Chevigny's assertion.

Several observations regarding Mr. Chevigny's assertion should be made:

1. Evidence provided to support the assertion is sparse; no attempt is made to develop controlled data; the sampling is biased because the source of his data is limited to deviations from desired behavior.
  2. The indictment levelled against college education does not sufficiently discriminate among the kinds of values likely to be impaired.
  3. Insufficient account is made of the socializing values of college and the kinds of values likely to be developed by a college experience, i.e., a respect for intellectual accomplishments and analytical skills. It seems reasonable to expect that people committed to rational persuasion because of exposure to the process of reasoned elaboration for an extensive period of time would be less prone to accept simplistic values and simplistic solutions for complex problems offered by uneducated officers of higher rank.
  4. Insufficient consideration is paid to the starting level before the decay process begins. Badly put, a college student has a longer way to go, which may explain the attitude of some military people as well as that of an occasional police chief when they suggest that high school rather than college graduates are preferable for their purposes.
  5. Also, police work involves a degree of discretion unknown in many other bureaucratic occupations, and, therefore, until definitive studies demonstrate that individual values do not frame and direct an officer's discretionary response, it is premature to assert that a college education is not needed.
- A brief examination of some of the available evi-

<sup>18</sup> SKOLNICK, *POLITICS OF PROTEST* 256.

<sup>19</sup> WARREN G. BENNIS, *CHANGING ORGANIZATIONS* 5 (1966).

dence will be made to merely indicate that Mr. Chevigny's contention is open to question. The following discussion is not intended to establish the proposition that college education is necessary.

At least some evidence suggests that students undergo value and attitude changes because of their college experiences. Edwin L. Klingerhofer Ph.D. in a study of Sacramento State College students concludes: "The results seem clearly to show that students who do persist through the first two years experience changes in their beliefs. These changes appear to take slightly different directions—the men seem to become less truculent, grow more aware of the complexities involved in solving political and social problems, and do not weight order and authority as heavily as they once may have done. They are better able to recognize complexity and tolerate ambiguity as college sophomores than as new high school graduates."<sup>20</sup>

Other evidence suggests that attitude changes persist when reinforced by subsequent social encounters. Theodore M. Newcomb in his article "Persistence and Regression of Changed Attitudes: Long Range Studies" discusses findings developed in earlier studies of college students. It is noted that juniors and seniors were markedly less conservative than freshmen in attitude toward many public issues of the day, and subsequent election data did not "suggest any conspicuous regression towards freshman conservatism. . . . These data provide no support for a prediction of general regression—either toward previous conservatism or in a statistical sense of regression towards the mean."<sup>21</sup>

There are other studies which come to different conclusions; however, the point for present purposes is that the division of authority suggests caution when evaluating the utility of college educational experiences in subsequent employment situations.

If we can agree that college educational experiences may affect values, then we must determine whether these values are negated by the organizational characteristics of a subsequent employer.

The police as an institution do not exist in a vacuum; in fact, as Mr. Chevigny recognizes, they are part of the larger society and mirror its values.

<sup>20</sup> Edwin L. Klingerhofer, Studies of the General Education Program at Sacramento State College (unpublished study contained in Technical Bulletin Number 14) 17 (1965).

<sup>21</sup> Theodore M. Newcomb, *Persistence and Regression of Changed Attitudes: Long-range Studies* 19 JOURNAL OF SOCIAL ISSUES No. 3.

What is the character of that society of which they are a part?

Warren Bennis in an address delivered before the Division of Industrial and Business Psychology, American Psychological Association on September 5, 1964 states: "We are living in what Peter Drucker calls the "educated society" and I think this feature is the most distinctive characteristic of our times. Within 15 years, two thirds of our population will attend college. . . ." <sup>22</sup>

The increased level of education and rate of mobility will bring about certain changes in the values the population will hold regarding work. People will tend to: (1) be more rational, be intellectually committed, and rely more heavily on forms of social influence which correspond to their value system; (2) be more 'other directed' and will rely on their temporary neighbors and work-mates for companionship; and (3) require more involvement, participation and autonomy in their pattern of work.

Bennis also suggest in his book *Changing Organizations* that the direction of development will be:

1. Full and free communication, regardless of rank and power
2. A reliance on consensus to manage conflict
3. The idea that influence is based on technical competence and knowledge rather than on the vagaries of personal whims or prerogatives of power.
4. An atmosphere that permits and even encourages emotional experiences as well as task-oriented acts
5. A basically human bias, one which accepts the inevitability of conflict between the organization and the individual but which is willing to cope with and mediate this conflict on rational grounds.

Changes along these dimensions are being promoted widely in American industry. Most important, for our analysis, is what we believe to be the reason for these changes. *Democracy becomes a functional necessity whenever a social system is competing for survival under conditions of chronic change.*<sup>23</sup>

That Bennis' observations have currency in social scientific thought is confirmed by Harold J. Leavitt in his article "Unhuman Organization" which presents the beliefs now dominant and perhaps too deeply ingrained among social scientists:

<sup>22</sup> Warren G. Bennis, *Organizational Developments and the Fate of Bureaucracy*, TRANSACTION MAGAZINE 34 (July-August, 1965).

<sup>23</sup> BENNIS, CHANGING ORGANIZATIONS 19.

1. That organizations are and ought to be human systems.
2. Therefore, that the management of organizations is and ought to be in its essence a process of coordinating human effort.
3. Implicitly, that the best organization is the one in which each member contributes up to his full potential. . . .<sup>24</sup>

If the conclusions and observations discussed are correct, what can we expect of our students as they graduate and enter the bureaucratic structures of government and business? Students (police and others) will be more liberal, suspicious of simplistic solutions and explanations for complex social and political problems, not as disposed to unquestioned acceptance of direction, and less susceptible to the imposition of values from above. Given the society in which the police are to operate it would be a cruel hoax to advocate present levels of education while the general level of education in the population increases. We should urge more police education to keep pace with general population development and, presumably, if the viability of police organizations depends on the rationale advanced by Bennis—democracy becomes a functional necessity whenever a social system is competing for survival under conditions of chronic change—police officers will adopt the values of rationality and a decent appreciation for analytical skills, and they will develop pressures to restructure their organization to reflect this value system and demand more involvement, participation and autonomy.

Therefore, at least some evidence and substantial authoritative opinion supports the proposition that a college education is critical for the development of the police as a viable democratic institution.

The last issue is raised only because Mr. Chevigny deemed it significant. He contends that the failure of a police sergeant, law trained and a member of the bar, to observe the law in a political confrontation demonstrates the futility of education for police. A number of questions need to be answered before this position becomes tenable,

much less conclusive. What is the sergeant's economic and social background? What school did he attend? When? What is the nature of his pre-legal education?

Frank recognition that there is no necessary connection between legal education and an appreciation of social, political, and economic complexities impairs the utility of Mr. Chevigny's example. Law schools, historically, with a few exceptions, have not been overly concerned with civil liberties, the social forces involved in law promulgation and invocation, or with developing student appreciation of the essential duality of goals present in law enforcement activities—human autonomy and prevention of anti-social conduct. In short, legal education as such tells us very little about the utility of a modern liberal arts education, which emphasizes cultural relativism, an analysis of the political processes, an inquiry into emerging subcultures, and extensive training in criminal legal theory, the values which underlie criminal law and the elements of crimes.

Even then, Mr. Chevigny states that the impact of the sergeant's legal education may have been to transmute a violent reaction into non-violent action. Logic does not compel us to stop there. Education may also transmute the non-violent response which brings a person into the criminal process into a non-response which permits the legitimate political and social processes to run their course.

In all this, it is not intended to present Paul Chevigny as an enemy of police change. His concern for needed changes in police practices is apparent in the book as well as in his extensive efforts at seeking reform through litigation. Nor is this disagreement one of motivation or commitment; instead it is believed that he has made a hasty generalization which can dramatically affect the future quality of police work.

Looking no further than the criticisms directed to the police, one can only conclude that the police role is one of the most critical and difficult to perform, and every available device which will improve the quality of judgment exercised by a patrolman, including college, should be encouraged and perhaps demanded.

<sup>24</sup> Harold J. Leavitt, *Unhuman Organizations*, 40 HARVARD BUSINESS REVIEW 90 (July, August 1962).