

MANAGERIAL INFLUENCES ON POLICE DISCRETION: CONTEXTUALISING OFFICER DECISION-CHOICES



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Abstract: This article highlights aspects of original research examining how police decision-making may be influenced in times of increasing public and political accountability. It reflects the author's observations and findings as presented at CEPOL's 2015 European Police Research and Science Conference. Applying a 'theory of decision-choices' (Parsons, 2015) the officer's choice of policing response can be explained by reference to perceptions of the occupational field and situational needs (the decision-frame) as informed by the officer's orientation to the policing function, their relationship to the organisation, its leadership and those they police. This decision-frame can be influenced by management's instrumental use of rules, discipline and targets, which carries the risk of unintended consequences. However, using a before-and-after survey methodology, a study into the introduction of community resolution (CR) into one UK police organisation (force) indicates management may influence officer perceptions (and potentially decision-choices) in other ways. One significant finding was a change in officers' understanding of organisational policing priorities after being given more discretion in responding to low-level crimes and antisocial incidents. Overall the results support the theory that management can positively influence officer decision-frames through normative means (such as shared values and mutual trust), potentially improving effectiveness, confidence and police legitimacy.

Keywords: police discretion; accountability; managerialism; trust; legitimacy.

INTRODUCTION

For jurisdictions that follow the British model of policing by consent it is the individual police officer's behaviour in dealing with citizens that has the potential to undermine legitimacy and effectiveness. An effective policing response must be seen to meet the expectations of the community, support the victim and make it clear that the suspect/offender (wrongdoer) is dealt with fairly and correctly. Despite best organisational intentions to ensure appropriate police behaviour, it cannot be assumed that officers will precisely adhere to management directives, for officers are not robots programmed for automatic compliance. To some degree the officer's behaviour will be unpredictable, particularly when there is an element of choice in how he or she responds to any situation. How can management ensure that officers make the right choices when policing the community? In this paper the officer's use of discretion is explained

with reference to a 'theory of decision-choices' (Parsons, 2015) and illustrated via findings from the 'Police discretion survey'.

THE PROBLEM OF CONTROL

Police discretion is the means by which officers choose how to use their police powers. In a consensual model of policing, officers can select how to respond to an incident because they have the legal and practical capacity to choose from various options. Discretion provides the flexibility to ensure the policing response meets the needs of the situation, crucial in securing just outcomes. But police power can be abused, as seen in cases of unlawful arrest, detention and the use of excessive force (police shootings for example). Because much of the officer's operational street-level activity does not take place in a supervised environment, this presents a major challenge



for police managers and administrators (Bittner, 1990; Goldstein, 1960; Reiner, 2000; Wilson, 1968).

In democratic states, police power is limited through the acceptance of, and adherence to, the rule of law (Lustgarten, 1986; Tamanaha, 2004). This means the officer's choice of policing response (and resultant behaviour) can be constrained and controlled in accordance with the law as expressed in legislation, judicial oversight and administrative directives. Legal rules and organisational procedures can specify when and how the officer should exercise discretion and may limit the choice of action available (i.e. the officer may be permitted to adopt a particular course of action but only if certain conditions are satisfied).

With the impact of a globalised financial crisis (manifest in severely reduced policing budgets) and the unprecedented level of public media scrutiny of officer behaviour, there is an increasing demand for police accountability. In the UK, demands for accountability and transparency have expanded the remit of regulatory agencies (such as Her Majesty's Inspector of Constabulary (HMIC)) and the workload of authorities responsible for investigating allegations of police misbehaviour (such as the Independent Police Complaints Commission (IPCC)). Applying new public management (NPM) principles (intended to demonstrate value for money by making public sector agencies answerable for the use of public funds and demonstrate effective performance — Hood, 1991), central government has also imposed specified organisational objectives, reinforcing stipulated limitations and performance expectations on police organisations.

These requirements are relayed and impressed upon officers through the force's managerial practices and procedures, which emphasise outputs, targets and cost savings in the criminal justice system (McLaughlin et al., 2001). Police management traditionally relies on instrumental means (predominantly the threat of discipline) to ensure officers comply with organisational requirements. Such methods may reassure the public that police are accountable for their behaviour, but indiscriminate use of such measures can lead to unintended consequences. Increased accountability has resulted in more paperwork and an audit bureaucracy for police organisations. This in turn has arguably encouraged a target mentality among officers

whereby achieving targets (such as increased detections and arrests for specific crimes) has been prioritised at the expense of less visible (or quantifiable) preventative, peacekeeping and order-maintenance policing activities (Hough, 2007).

In the light of such unintended consequences, a review of policing in England and Wales culminated in a number of recommendations. One such recommendation included the need for the proportionate recording of crime. By emphasising a proportionate policing response, officers would be expected to exercise their professional judgement based on value- or principle-based decision-making to determine whether incidents of minor crime or antisocial behaviour could be resolved without recourse to the criminal justice system (Flanagan, 2008). Seen as a means to maintain public confidence and improve police legitimacy, it was also proposed that officers needed to be less risk averse in using their discretion in order to deal with the real concerns of the community. The inherent contradiction is obvious: how can you give officers more choice, more discretion in how they police and at the same time retain control of the officer's use of police power?

A THEORETICAL APPROACH

The answer to the paradox may be found by exploring the normative influences upon officer decision-making. Synthesising theories from various disciplines such as sociology, criminology, psychology and social work, the 'theory of decision-choices' (Parsons, 2015) proposes that if you want to motivate a person to act in a certain way, it is possible to do so through normative or value-based means (such as leading by example, respecting others and doing the right thing). This can reduce the risk of unintended consequences that may occur when instrumental means (namely setting targets or securing compliance through threat of punishment) are used exclusively to manage and control behaviour.

The theory of decision-choices views the exercise of police discretion as a process of interplay between the officer's actual working environment and 'decision-frame' (Parsons, 2015). It adopts the PCS model of Neil Thompson (2010) and incorporates the concepts of 'habitus' and 'field' (Bourdieu, 1977), emphasising the importance



of perception and motivation (Barbalet, 2001) in the individual's decision-choices. The framework of the theory of decision-choices is illustrated in Figure 1 below:

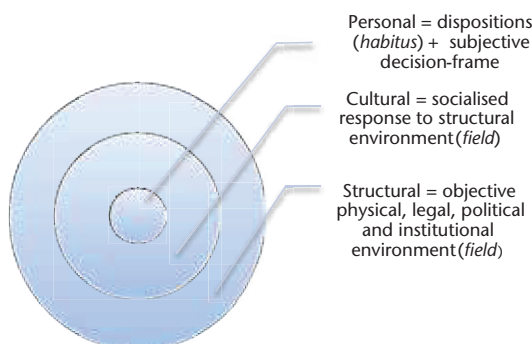


Figure 1. PCS model (Thompson, 2010) incorporating habitus, field and decision-frame (Parsons, 2015)

Applying this theoretical model to how the police officer operates in their working world, P is the person (officer) at the centre of the model. P's power is increased or reduced by the objective physical, geographic, political, legal and institutional environment (structure — S) in which P is situated. But the influence of this structural environment on P is moderated to some extent by the culture (C), being the socialised response associated with that environment and reinforced through P's interaction with others. This culture can act as a resource which may assist P to cope with the challenge of the environment's structural limitations (S). For the officer, P, their occupational world (Bourdieu's field) consists of that which structurally empowers or constrains them and the social and/or occupational culture that surrounds them at any given time.

The objective reality of the individual's occupational world is one thing; how the individual perceives that world, may be something rather different. Over various life experiences P will have developed personal dispositions ('habitus' — Bourdieu, 1977) as well as moral values (Sayer, 1999). Every person views their world from their own individual perspective. How P interacts with their world will depend on perception, moral orientation (Wikström and Svensson, 2010) and motivation (Barbalet, 2001). The theory suggests these are all important components of the 'decision-frame' (Goffman, 1974; Hawkins, 1992; Manning, 1986, 1992; Tversky and Kahneman, 1981).

We can illustrate the theoretical model by looking at the UK officer's occupational field. When appointed as a constable, the officer is entrusted with a range of powers to stop, search, arrest and detain citizens as permitted by law (using force if necessary), and remains accountable to the police organisation as to how such police powers are used. The police organisation is answerable both to government and to the public. It is subject to scrutiny by administrative and judicial bodies of regulation and oversight. This encourages the organisation to manage and control the officer using primarily instrumental means, for example setting targets, using audit and discipline, limiting time and budgets. Even the use of body-worn video provides management with an instrumental tool that has the potential to influence the activities of the officer. This constitutes the officer's occupational field whereby the individual's powers are constrained by the limits of the law and controlled by instrumental mechanisms of supervision and accountability.

The theory suggests that how the officer responds in this working environment will be influenced by the officer's perception of this field through their decision-frame. The officer's framing will depend on their habitus, their attitude to the policing function and their relationship to the organisation, its leadership and those they police. If the officer has had negative experiences of the organisation's administration (perhaps having experienced a denial of organisational justice, for instance), their perception and response to management directives may be quite different to that of an officer who is highly committed to the organisation. In addition the officer's response may be affected by the prevailing occupational or workplace culture. If, for example, P is a discontented officer who works within a team of like-minded officers, there may be more subversive influences that, in extreme circumstances, could encourage an attitude of defiance and possibly corrupt behaviour (Sherman, 1993). But again, the effect of such influence may be diminished by P's habitus and moral values.

The question posed is: what are the effects on the officer's decision-frame when a change in the structure of the officer's field removes some constraints on their choice of policing response?



THE 'POLICE DISCRETION SURVEY' — METHODOLOGY

The introduction of community resolution (CR) into one UK force provided an opportunity to examine whether officers' perceptions (and arguably decision-frames) change when some instrumental limitations on their use of discretion are removed, i.e. there is an actual change in the structure of the officers' occupational field. In 2011, adopting the Flanagan recommendations (Flanagan, 2008), officers of the study site (Sussex Police) were given greater discretion to use CR to resolve incidents of minor crime and antisocial behaviour. If victims did not want the matter to proceed through the usual criminal justice process and preferred an apology and/or some form of reparation from the wrongdoer, then, applying a restorative justice approach, CR allowed officers to exercise their discretion and facilitate an agreed outcome between the victim and wrongdoer, in lieu of recording and processing the incident as a crime.

As all officers required training in the use of CR before it was implemented, this permitted a before-and-after (or test/retest) survey to see whether officers' perceptions changed once they had an opportunity to experience CR in practice. The target population was 1 095 officers scheduled for CR training in early 2011. At time 1 (before CR training) the initial return rate of the stage 1 questionnaire (administered by individually addressed work emails) was 28 % (310 officers — from constable to inspector rank). At time 2 (6 months later) the replica stage 2 questionnaires administered only to stage 1 respondents returned 252 responses. The final study cohort was a good reflection of the officer profile for Sussex Police generally (26 % female; constables, 75 %; sergeants, 20 % and inspectors, 5 %). The questionnaire contained attitudinal items (Likert styled statements) from which scales were developed to measure various constructs, including: organisational commitment, perceived supervisory support, job satisfaction, alignment to the policing vocation and officers' views of others in their working world (organisational leadership, victims, wrongdoers, citizens and media).

KEY FINDINGS

It could be expected that with greater discretion, more power to resolve lower level crime and the capacity to more appropriately respond to victims' needs, officers would feel more satisfied in their job and more committed to the organisation. The analyses of the data however showed no significant differences in levels of organisational commitment, perceived supervisor support (i.e. the degree to which the officer felt supported by their supervisor) or job satisfaction between time 1 and time 2. This may have been due to the shortness of time (6 months) between the two stages of the survey. However, as we shall see, this finding may also be explained by the major changes that occurred in the national policing landscape over the same period, which had important consequences for the study site.

ORGANISATIONAL POLICING PRIORITIES

Although no change to levels of commitment or job satisfaction was noted, the final results of the 'Police discretion survey' did demonstrate changes in officers' perceptions of their occupational world. Officers were asked at time 1 and time 2 what they believed their force required them to prioritise when performing their police duties. The options (rated 1 to 8, with the highest priority being rated 1 and the lowest being rated 8) were: enforce the law; keep the peace; help people with problems; prevent crime; make the community safe; catch criminals; support victims; and meeting targets.

On a collapsed scale (taking into account first and second preferences) at time 1, 48 % of the cohort believed meeting targets was what their force required them to prioritise in their policing duties (referred to as 'the descriptive'). But when officers were then asked what they personally believed their force's policing priority should be ('the normative'), only one officer responded that meeting targets should be the policing priority. This divergence between the descriptive and the normative was further underscored by the data, which showed 91 % of the officer cohort personally believed meeting targets should be the lowest priority, with over half of the respondents agreeing that making the community safe should be their most important policing priority.



Interestingly, 6 months after being trained in using CR at time 2, significant differences were noted in the officers' perception of (actual or descriptive) organisational policing priorities. As shown in the table below, significantly fewer officers (32 %) believed their organisation wanted them to prioritise meeting targets and more

officers (over 42 %) believed that community safety was their force's policing priority. Notably, apart from a small change in the importance of catching criminals as a priority as at time 2, there was no change in what officers considered their force's policing priorities should be (the normative) over the course of the study.

	Q5 — Perceived force priority (descriptive)		Q7 — What force priority should be (normative)	
	Time 1 (%)	Time 2 (%)	Time 1 (%)	Time 2 (%)
Meeting targets	48.4	31.9***	0.4	0.4
Support victims	33.9	41.8*	25.9	24.5
Community safety	31.3	42.6**	53.8	55.6
Catch criminals	34.8	20.7***	36.4	29.7*

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$ (¹)

Table 1. Perceptions of policing priorities [Time 1: $N = 248$; time 2: $N = 251$]

ORGANISATIONAL NEEDS

The survey also asked officers what was the most important thing they needed from their force to do their policing job well. The respondents again rated each of the eight options provided, namely: training; supportive supervisor; guidance on what was required of the officer; opportunities for personal development; being trusted to make the right decisions; good equipment/resources; a safe working environment; and knowing their efforts were appreciated. The survey results (as illustrated in Figure 2, based on a collapsed scale) indicated that whilst officers were not overly concerned with safety or personal development (and clearly had needs in terms of training, good equipment and resources), overwhelmingly 66 % of the respondents answered that being trusted to make the right decisions was the most important thing they needed from their organisation.



Figure 2. Officer priorities: what is needed from the force — cohort % [$N = 252$] (²)

(¹) Analyses were performed applying the Wilcoxon signed ranks test for non-parametric data (Brace et al., 2000; Field, 2009). Q5 (descriptive): meeting targets ($z = -4.687$, $N(247) - 139 = 108$, $p < 0.001$); support victims ($z = -2.085$, $N(247) - 129 = 118$, $p = 0.037$); make the community safe ($z = -2.803$, $N(245) - 106 = 139$, $p = 0.005$); catch criminals ($z = -4.427$, $N(246) - 114 = 132$, $p < 0.001$). Q7 (normative): catch criminals ($z = -2.448$, $N(244) - 125 = 119$, $p = 0.014$).

(²) Graphic illustration of proportion of preference ratings only, therefore component percentages do not total 100 %



DISCUSSION

The theory of decision-choices involves an examination of the officer's actual occupational field and an understanding of how that environment is perceived by the officer (the decision-frame). We have only considered some of the findings from the 'Police discretion survey' but these findings do provide an insight into officers' perceptions of their working world and can usefully illustrate the theory as to how decision-frames may be influenced.

Remembering we are examining how the officer perceives the policing field, it is important to acknowledge that in the 6 months between time 1 and time 2 a number of events occurred which impacted upon UK policing nationally, with direct consequences for the study site. These included: increased budget cuts; forced redundancies of officers (as permitted under the police regulations); different work demands due to organisational restructuring; the deployment of Sussex officers to support the Metropolitan Police following the eruption of the London Tottenham riots (including some officers from the study cohort); and the experience of adverse media accounts, critical of police response to the riots. Furthermore, during the same period, central government endorsed the recommendations of the Winsor report (which had the potential to reduce officers' pay and employment conditions — Winsor, 2011) and also introduced the election of police and crime commissioners (PCCs). Under new legislation PCCs were given the power not only to set policing priorities, but to also appoint and dismiss the chief constables of their regional police force. In combination these dramatic developments may have been perceived and interpreted as additional constraints on officer autonomy. So perhaps it was not surprising that officers did not feel more satisfied or committed to the job, despite being given more discretion or choice in how they policed the community.

The survey results did however indicate changes in the officers' understanding of what the organisation required them to prioritise in their operational police work. Before the introduction of CR almost one half of the study cohort believed (whether accurately or not) that their force required them to prioritise meeting targets in carrying out their police duties. Even though this understanding of Force expectations (the descriptive) may have been in conflict with the officer's personal opinions (the normative), such

a perception has the potential to skew officer decision-making. Prioritising the meeting of performance targets and corporate objectives over and above the delivery of a policing response tailored to meet the needs of the situation risks undermining the quality of officer–citizen interaction to the detriment of public confidence and police legitimacy.

Importantly, after 6 months with the option to use CR, more officers considered the organisation's primary focus to be on protecting the community rather than meeting a target-driven agenda. The data also suggested that with the introduction of CR officers became more concerned with meeting the needs of victims rather than adopting a law-enforcement approach, indicating a change to the officers' framing of the policing role, both in the community and also in their interactions with citizens. In contrast, it was noted that officers' beliefs about what their policing priority should be (the normative) did not change between time 1 and time 2. This finding tends to suggest that, unlike perceptions of organisational expectations, personal values (*habitus*) may be more durable and less easily influenced by structural changes in the occupational field.

The preponderance of institutional systems and processes designed to hold officers to account may understandably be interpreted by officers that they are not trusted. This could explain why being trusted to make the right decisions was considered by a greater number of the study cohort (66 %) to be the most important thing needed from their force to do their policing job well. This finding emphasises the importance of normative influences on officer decision-choices. In addition to training, equipment and other tangible resources, trust has been identified as an essential ingredient in the officer–organisation relationship, necessary for the delivery of better policing services. Arguably, where trust is not cultivated within the police organisation, this will have negative implications for officer morale, self-efficacy, commitment and job satisfaction.

CONCLUSION

The findings from the 'Police discretion survey' did indicate that while the granting of wider discretion through the CR initiative did not fundamentally alter the officer's relationship with their force, there was a significant change



in officers' perceptions of organisational priorities after being given the option of using CR, and this shift had the potential to make officer decision-choices more aligned to community safety and meeting victims' needs than achieving organisational targets.

Although we have only highlighted some of the findings here, analyses of the data also showed that after the introduction of CR officers had a more positive view of senior management and organisational leadership. Furthermore, regression analyses identified that the officers' perceptions of leadership was consistently the most significant predictor in officers' perceptions of victims, wrongdoers and the public image of policing, such that an officer who viewed their management/leadership more positively was not only more satisfied and committed to the job but also had a more positive outlook on others and their policing role.

While the 'Police discretion survey' has acknowledged design limitations and would benefit from replication in other police organisations, the findings are supportive of the theory of decision-choices. Normative influences, such as trust, leadership and organisational justice, are as important as structural facility (e.g. training and resources) and instrumental influences (e.g. discipline and target incentives) in moulding good police officers who will make the best policing decisions in any situation. This research has important implications for police management. Simply giving officers more discretion or choice in how to police the community will not make officers more committed to their organisation or encourage them to respond appropriately to citizens' needs — this can only be achieved if mutual trust exists between the officer and the organisation. Such trust is essential to the promotion of public confidence and police legitimacy.

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