Professional vs. Bureaucratic Accountability in Local Law Enforcement Management Decisionmaking

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Throughout their careers, public servants often find that their agency’s rules are not always compatible with the urges they feel, as professionals, in seeking an optimal outcome with a given client (Maynard-Moody & Musheno, 2003). Expressed in terms of Romzek and Dubnick’s (1987) accountability typology, this conflict occurs when professional accountability streams meet bureaucratic accountability streams in a worker’s decisionmaking process. While ubiquitous in many public agencies, this conflict has received notable attention in studies of law enforcement officers’ decisionmaking behaviors (Lipsky, 1980; Mastrofski, 2004; Maynard-Moody & Musheno, 2003; Oberweis & Musheno, 1999).

Despite this degree of attention to the intersection of professional and bureaucratic accountabilities at the street level of police operations, examinations of this phenomenon at the apex of law enforcement organizations, especially county sheriffs’ offices, have been impressively scarce. This study, based on sheriffs’ and police chiefs’ responses to a mock scenario that juxtaposes professional and bureaucratic accountabilities, is a preliminary attempt to explore this research void. The driving questions in this study are (1) “When faced with this conflict, to which form of accountability do law enforcement CEOs demonstrate allegiance?” and (2) “In making this choice, what differences in the responses of elected sheriffs and appointed police chiefs are attributable to the method of selection by which each manager obtained office and the antecedent variables that affect selection?”

Data from this exploratory study indicate a pervasive preference for bureaucratic accountability, operationalized as an officer’s adherence to the agency’s standard operating procedures (SOPs) manual, and in the responses of county sheriffs and police chiefs. Managers who chose this modal response cited three reasons for choosing adherence to SOPs at the expense of professional discretion: (1) adherence to SOPs ensures agency coordination; (2) adherence to SOPs minimizes potential legal liability issues; and (3) adherence to SOPs is, in fact, an indication of a law enforcement agency’s level of professionalism. The minority of respondents who chose to support an officer’s professional discretion at the expense of adherence to SOPs cited two reasons for doing so: (1) the complexity of street-level law enforcement limits a written policy’s specificity with regard to behavioral instructions in any given situation type; and (2) despite a common profession, law enforcement officers are not expected to act as automatons because each officer brings a unique personality and set of values to the workplace.
The Conflict

Like most managers, local law enforcement managers must communicate their expectations of employee behavior via a written statement of their agency’s SOPs. However, the nature of the law enforcement profession makes it all but impossible to plan for every possible permutation of a given situation, making it incumbent upon officers to develop and use professional discretion on a daily basis (Goldstein, 1963; Lipsky, 1981). Thus, the use of discretion can sometimes undermine the written SOPs, the chain of command, and the ability of management to control street-level bureaucrats (Coe & Wiesel, 2001; Lipsky, 1981; Mastrofski, 2004; Maynard-Moody & Musheno, 2003). This conundrum, according to Coe and Wiesel (2001), reflects the fact that “Police departments are a bit schizophrenic”:

On the one hand, they are quasi-military organizations with a distinct chain of command and very detailed rules and regulations . . . [while] on the other hand, research has conclusively demonstrated the high degree of personal discretion exercised daily by police officers. (p. 726)

The root of this problem, according to Davis (1996), surfaces when one considers that there are inescapable tradeoffs in managing members of every profession. Thus, Davis continues, a manager

cannot have the advantages of someone’s [professional] judgment and completely control what they decide. Insofar as someone must work to rule (that is, exercise only “necessary discretion”), he cannot rule his work (have “decisional autonomy”); insofar as he does rule his work, he cannot simply work to rule. If we agree that police officers know much that their superiors do not, and that we want that knowledge to enter appropriately into their decision making, we have already agreed that we do not want them to work to rule. If we want their discretion . . . we must move away from the military-style, command-and-control hierarchy of today’s police organization. We must leave police room for (something like) professional judgment. (p. 29)

Before exploring this organizational malady, the reader must first understand arguments that support adherence to SOPs as well as arguments that champion the use of professional discretion.

An Agency’s Need for SOPs

In describing the typical characteristics of bureaucracies, Weber (1946) explains that “the management of the office follows general rules, which are more or less exhaustive, and which can be learned” (p. 50). These general rules are necessary because they serve to mitigate organizational complexity and coordinate work toward common organizational missions or goals (Gulick, 1937; Romzek & Dubnick, 1987). Thus, in the view of early management scholars, individual talent is worthless “unless every man on the team obeys the signals or orders of the coach and obeys them at once when the coach gives those orders” (Taylor, 1911, p. 32).

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

Thus, I expect that law enforcement agencies proactively craft SOPs for two complementary reasons: (1) to articulate expectations in order to coordinate effort toward a common organizational end (what Skinner calls a positive reward perspective) and (2) to avoid legal sanctions (what Skinner calls a negative reward perspective) (Skinner, 1957).1

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

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

Beyond the inherent limitations of a given policy, there is another reason that public managers might be leery of overemphasizing the importance of SOPs. As Merton (1940) argues, too great an emphasis on agency rules can lead bureaucrats to displace the actual goals of the organization and make the act of following these rules their goal. Following the rules for the sake of following the rules can hamper an employee’s ability to think creatively, or even think as an individual, according to Merton. This line of thought led one sheriff to conclude,

> I’d rather have a band of rogue pirates out there investigating crimes than a bunch of officers who are afraid to do anything because they might be caught outside of the operating parameters of the policy and procedure manual.

Statements to this effect suggest that there is more to an officer’s job than simply complying with an agency’s policy manual. These statements highlight the need for some degree of professional autonomy, allowing the officer to make discretionary decisions based on his or her particular expertise (Davis, 1996).

**An Officer’s Need for Professional Discretion**

Why do so few people visit an auto mechanic for diagnosis and medication when they fall victim to influenza? Why are so few calls placed to the parks and recreation department when a building catches fire? These silly, but illustrative, questions are easily answered in the context of professional expertise. They serve to remind the reader that we often take for granted that someone wearing a police officer’s uniform is expected to perform specific duties based on specialized training. Thus, residents expect a police officer to demonstrate competence, familiarity with a variety of situations, and a unique capacity for problem-solving, all of which are dimensions of what French and Raven (1959) call “expert power” (p. 163).
As discussed above, however, law enforcement officers are also expected to follow agency rules and regulations, most of which are written so broadly that they fail to give step-by-step instructions for the officer’s behavior in a given situation (Lowi, 1969). Furthermore, in moments of crisis, these officers are often forced to make split-second decisions with potentially life-altering consequences with no time to flip through the policy manual. In less adventurous circumstances, they may simply find (1) the policy manual is too restrictive to allow them to perform their professional duties (Lipsky, 1980; Maynard-Moody & Musheno, 2003), and (2) broad agency rules fail to account for the interpersonal dynamics inherent in the service provider’s relationship with a client (Harmon, 1981).

In instances such as these, the aforementioned rationale behind creating and implementing a collection of SOPs may come in conflict with the autonomy a professional officer expects to be afforded. Even more disconcerting according to most respondents in this study is that the proper application of discretion only comes with experience. As one sheriff explained, “You can’t read it in a book or buy it at the drug store. You have to earn it through experience.”

The Roots of Discretion

The roots, or determinants, of discretion for any given officer are manifold. As mentioned above, on-the-job experience is crucial to the development of discretion because it allows an officer to appreciate the grey areas of law enforcement (Reiser, 1974/1978). Additionally, an officer’s collection of “subject positions” and personal values influence an officer’s discretion by helping the officer to differentiate between those he or she believes to be “good guys” and those he or she views as “bad guys” (Maynard-Mooney & Musheno, 2003; Oberweis & Musheno, 1999). A third determinant of discretion is found in peer influence and mentorship through the informal organization (Barnard, 1938; Bordua & Reiss, 1966/1978; Mastrofski, 2004; Maynard-Moody & Musheno, 2003; Mayo, 1933; More, Wegener, Vito, & Walsh, 2006; Roethlisberger & Dickson, 1929). Additionally, external systemic actors (Nilsson, 1972/1978), community norms (Mastrofski, 2004), and lessons learned via formal training (Fyfe, 1996; Gaines & Ricks, 1978) are notable influences on discretion. While all of these factors are present in the development of officer discretion, the influence that each exerts varies with the law enforcement context in which these factors operate.

Defining the Boundaries of Proper Discretion

Simply naming off the determinants of discretion, without regard to the order of their respective influences, is not a taxing exercise. The primary difficulty in studies of discretion comes when one attempts to ascribe relative weights of each source of influence. A frequently visited starting point for such discussions comes from Ronald Dworkin’s (1977) doughnut model of discretion. In the doughnut model, the doughnut hole is the sphere of appropriate discretion an officer may use. The doughnut ring serves as a “surrounding belt of restriction” (p. 31). In discussing the doughnut ring, Kleinig (1996) explains that this model presents appropriate discretion as a relative phenomenon because “The standards relevant to judging exercises of discretion will . . . be relative to the norms that are implicit in that particular ring—the ring of norms governing legal, judicial, police, or other practice” (p. 3). To exacerbate matters, Kleinig continues, discretion is not a “univocal concept” (p. 3).
Professor Kleinig (1996) is certainly correct that scholars of police discretion have yet to agree upon a universal definition of, or common philosophy about, the appropriate use of officer discretion. Normative viewpoints about the use of discretion, some complementary and others conflicting, abound, and it is unlikely that any permanent consensus can be reached in this realm. Where progress can be made with regard to understanding officer discretion is in observing how it does operate, rather than how it ought to operate.

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

Rather than looking at boundaries on discretion as an assortment of doughnuts, I suggest a single metaphor that will help capture the relative importance of each set of norms (boundaries) simultaneously. Here, rather than a doughnut, I suggest another visual image associated with police work: a target (see Figures 1 and 2).

**Figure 1. A Sheriff’s or Police Chief’s View of Discretion and Its Boundaries**

![Figure 1. A Sheriff’s or Police Chief’s View of Discretion and Its Boundaries](image-url)
The target is a more useful metaphor for two reasons. First, the target’s multiple rings allow us to represent multiple sets of norms or boundaries at once. Second, each ring’s distance from the bull’s eye (discretion) allows us to represent the level of constraint each ring has upon officer discretion. Thus, the outermost rings should have the least ability to contain discretion whereas the innermost rings should have the most.

It is important to note that, though this model is useful, the distance of a given ring from the center of the target is not stagnant. For instance, an officer who has been threatened with a lawsuit might begin to consider legal boundaries as more constraining than some other set of norms that once occupied a space close to the target’s center. This is also heartening for law enforcement managers because they might be able to help individual officers to rearrange rings (priorities) through training, emphasis, and other mechanisms.

Thus, we can conceptualize a manager’s struggle with the discretion used by his or her officers as a struggle to impress his or her view of the discretion target upon his or her officers. The distance from center that each manager attributes to a given set of norms should tell a great deal about the level of importance the manager places upon each boundary. This, in turn, should help to predict certain characteristics of the manager. Working backward, then, it should be possible to predict a manager’s placement of boundary rings on the metaphorical target by knowing certain information about the manager.
In this study, I am particularly interested in the influence wrought by a collection of professionalism indicator variables upon a manager’s response to a scenario in which adherence to SOPs conflicts with the use of professional discretion. In the following section, I outline my propositions with regard to each of these variables.

**Propositions**

I expect that education level and professional training will serve to ingrain the notion of expertise into the decision calculus of a given manager (Maynaud, 1968). This leads to **Proposition 1**: Managers with higher education levels and more professional training are expected to choose their officers’ use of professional discretion over adherence to SOPs.

Similarly, I expect that a manager’s membership in professional associations will reinforce the importance of the profession to the manager. Thus, **Proposition 2** suggests that the total number of local, state, and national professional associations to which a manager belongs should co-vary with the manager’s willingness to choose professional discretion over adherence to SOPs.

I also expect that the ratio of sworn officers to total employees will indicate the importance a manager places on professionalism. Thus, **Proposition 3** suggests that managers who prize professional accountability should be more easily found in agencies with a higher ratio of sworn officers.

I also expect that law enforcement agencies in more populous counties will be more professionalized. Thus, **Proposition 4** suggests that managers in larger counties (with an Urban Influence Code of 2; see “Method” section) will give more deference to professional discretion than managers in smaller counties (with an Urban Influence Code of 5).

Finally, because “accreditation facilitates an agency’s pursuit of professional excellence” (Commission on Accreditation for Law Enforcement Agencies [CALEA], 2008), the rigorous tasks of (1) seeking out and (2) obtaining accreditation are often considered the pinnacle of professionalism in a law enforcement agency. Thus, **Proposition 5** suggests that managers of accredited agencies will be more likely to choose professional discretion than adherence to SOPs.

With the roots of this conflict now exposed to the reader, I will next describe (1) the methodology used in this study, (2) the characteristics of the respondents in this study, and (3) my findings.

**Method**

As part of a larger project, this study uses qualitative data obtained through in-depth interviews with 12 county sheriffs in Iowa (4), Illinois (5), and Wisconsin (3), and 16 municipal police chiefs in eight of these counties. This study explores the choice patterns of county sheriffs and municipal police chiefs elicited from their responses to a scenario that places professional autonomy at odds with bureaucratic accountability to the agency’s SOPs. Additionally, I will compare the justifications that sheriffs and police chiefs use for making their choices. I will supplement these qualitative responses with nonparametric measures of association between several professionalism indicator variables (described below) and managers’ responses.
Case Selection and Process

Cases were selected based on two criteria. First, in order to hold constant any regional effects on law enforcement decisionmaking, I used a purposive sampling method that targeted sheriffs and police chiefs in three Midwestern states. Second, in order to capture variation in decisionmaking based on agency size, I chose only counties with an Urban Influence (UI) Code score of 2 or 5 (see Table 2).

In the recruitment phase (April 2008 to October 2008), I mailed cover letters, made phone calls, and sent e-mails to 16 sheriffs and 43 police chiefs. In the end, I successfully recruited 12 sheriffs (75% participation rate) and 18 police chiefs (42% participation rate). Eight sheriffs came from UI-2 counties, and the other four came from UI-5 counties. Fourteen police chiefs came from UI-2 counties, and four came from UI-5 counties. Once recruited, interviews were conducted in the managers’ offices or via telephone.

Respondent Characteristics and Variables of Interest

Out of space considerations, the most pertinent data reflecting respondent characteristics appear in Table 1. Most generally, all law enforcement managers were males. All sheriffs were white, and only two police chiefs were non-white (African-American). Of particular interest to this study are the professionalism indicator variables: (1) the manager’s education level, (2) the manager’s professional training, (3) the manager’s professional association memberships, (4) the ratio of sworn officers to total employees in the manager’s agency, (5) the UI Code of the manager’s host county, and (6) whether an agency is accredited.

Table 1. Average Respondent Characteristics of Sheriffs and Police Chiefs

<table>
<thead>
<tr>
<th>Type of Manager</th>
<th>Mean Age</th>
<th>Education Distribution</th>
<th>Median County Residence (in Years)</th>
<th>Median Years in Current Position</th>
<th>Median Years in Current Dept</th>
<th>Median Years in LE</th>
<th>Median Total Employees</th>
<th>Median Total Sworn Officers</th>
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<tbody>
<tr>
<td></td>
<td>Range: 45-61</td>
<td>AA degree: 2</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>BA degree: 7</td>
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<tr>
<td></td>
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<td>MA degree: 2</td>
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</tr>
<tr>
<td></td>
<td>Range: 38-64</td>
<td>AA degree: 1</td>
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<tr>
<td></td>
<td></td>
<td>BA degree: 5</td>
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<td></td>
<td></td>
<td>MA degree: 6</td>
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<td></td>
<td></td>
<td>PhD degree: 1</td>
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<td></td>
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<td>JD degree: 1</td>
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The Scenario

Interviewees were asked to respond to the following scenario:

One of your investigators, Detective Marlowe, is known for the aggressive, “old school” tactics that he employs during the course of his work on difficult cases. While he is one of your best officers, solving almost all of his assigned cases with a very laudable conviction ratio, some sergeants in your department disagree with his tactics because he often disregards standard operating procedures. Detective Marlowe does this, he claims, because “going by the book” hampers his ability to get his job done. The SOPs, he argues, fail to account for the specific demands and nuances of his investigative work. These sergeants are complaining that his behavior is unprofessional, citing the detective’s lack of civility and the brash tone he takes with prisoners. These sergeants have asked for your advice. What would you say?

After listening to each manager’s response, I followed up by explaining that the scenario was meant to juxtapose professional discretion against adherence to the agency’s SOPs and asking, “Which do you find more important?”

Findings

Sheriffs’ Responses (see Table 3)

Ten of the 12 (83%) sheriffs expressed an overall preference for adhering to the SOPs at the cost of Detective Marlowe’s professional discretion. The other two sheriffs expressed a preference for professional discretion, but only if the detective were (1) acting legally, especially in terms of the constitutional rights of those with whom he deals, and (2) acting ethically. Among those who gave the modal response, two suggested the SOPs (1) included guidelines that dealt with almost all possible variants of a given situation and (2) could be amended to include unforeseen variants in the future. These same two sheriffs accorded the SOPs with the status of sacred organizational scripture. That is, to these two sheriffs, the SOPs are written orders directly from them. For instance, in his response to the

Table 2. Urban Influence Code Scores of Respondents

<table>
<thead>
<tr>
<th>County</th>
<th>Score</th>
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<tbody>
<tr>
<td>F</td>
<td>5</td>
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<tr>
<td>L</td>
<td>2</td>
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<tr>
<td>C</td>
<td>5</td>
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<td>J</td>
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<tr>
<td>E</td>
<td>5</td>
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<tr>
<td>A</td>
<td>2</td>
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scenario, one of these sheriffs said that he would bring Detective Marlowe in and say, “Why aren’t you following my policies? These policies are written for a reason, and they’re meant to be followed [italics added for emphasis].”

Table 3. Sheriffs’ & Police Chiefs’ Responses to the Scenario

<table>
<thead>
<tr>
<th>Response</th>
<th>County Sheriff Code</th>
<th>City Police Chief Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bureaucratic accountability (Adherence to SOPs)</td>
<td>A, B, C, D, G, H, I, J, K, L</td>
<td>A1, A2, B1, B2, D2, F1, F2, G1, G2, I-1 JI, L1, L3, L4</td>
</tr>
<tr>
<td>Professional accountability (Deference to professional discretion)</td>
<td>E, F</td>
<td>D1, E1, E2, L2</td>
</tr>
</tbody>
</table>

The other eight sheriffs expressed less ownership of the SOP manual and were willing to agree that the manual could not be written in such a fashion as to cover every situation for a deputy. Six of these eight conceded that professional discretion has a very important role, but only within the guidelines of the SOPs. In other words, many sheriffs felt that discretion is built into the SOPs, even if these policies are not situation specific.

When explaining his choice of bureaucratic accountability, another sheriff cited the need for teamwork and uniform responses to similar situations across all shifts: “It’s very important that people aren’t off doing their own thing, because then you lose integrity in the department. You lose a sense of teamwork.” This explanation most closely reflects the Weberian perspective on the need for SOPs to maintain organizational order and progress toward shared goals. This sheriff went on to explain that, in addition to coordinating the entire agency, strict adherence to SOPs helped to “curb rumors and prevent antagonism between officers on different shifts” and that it “curbs competition and animosity so that [the officers] can talk a lot about getting things done together and being part of a bigger picture.” To reinforce this notion, the sheriff holds teambuilding retreats every six weeks with all 44 members of his command staff so that they can plan and communicate with one another.

Another two sheriffs explained that their preferences for adherence to the SOPs at the cost of professional discretion were based on maintaining a strong chain of command. These two were especially unnerved with the detective because his supervisors came to complain about his behavior since the detective did not seem to be obeying orders and seemed to be defying the chain of command. Five of the 12 sheriffs cited the SOP manual’s role in helping them to avoid legal sanctions. To them, the SOP manual is less of a tool for coordinating employees toward a common goal and more focused on avoiding legal liability. Yet another sheriff explained strict adherence to the SOPs as a political accountability mechanism, saying, “We need to meet with him [Det. Marlowe] to talk about why following policy is so important, particularly as it relates to oversight by the community . . . because that relates to their confidence in the sheriff’s office.” This sheriff went on to describe how bureaucratic accountability manifested itself as political accountability in his county:

We reinforce our staff to follow policies and procedures because that’s what we use to evaluate critiques from the community. . . . [O]ne of the practices I put into place in 2007 when I took office was to place our policies, procedures, and regulations on our website.
This sheriff meets monthly with a community group or township in his county to talk about his agency’s policies and procedures to ensure that these mesh well with “community expectations.”

Two other sheriffs actually cited adherence to the SOP manual as more of a reflection of the agency’s professionalism than the level of discretion used by an individual officer. One of these sheriffs, the only one who manages an accredited agency, explained that his agency’s SOPs are, in fact, professional standards of behavior. This response is thought provoking because it illuminates how a form of professional accountability, seeking and earning accreditation, requires an agency to create, implement, and uphold specific SOPs. In discussing the rigors imposed by the most common accreditation body, the Commission on Accreditation for Law Enforcement Agencies (CALEA), Coe and Wiesel (2001) assert that an agency has to “comply with over 400 standards” (p. 726).

**Police Chiefs’ Responses**

Police chiefs’ responses were slightly more variable than sheriffs’ responses: fourteen (78%) expressed a preference for adherence to SOPs, while four (22%) expressed a preference for professional discretion.

Of the 14 who chose adherence to SOPs, many asserted that following agency policies is a manifestation of professionalism and cognizance of potential legal liability.

Citing legal liability as the driving force behind his preference for a strict enforcement of SOPs, one police chief claimed that this scenario is “out of television . . . not out of our experience.” He went on to assert that the he felt this way because success could not come without following the SOPs. Here, he said, “most of the policies and procedures help [an investigator] to stay within the boundaries that the court system has in place and help [him] to make the best possible case.” Similarly, another police chief vehemently opposed the detective’s behavior:

Results is [sic] not an acceptable excuse for violating policy. It’s almost like fruits of a poisonous tree. So, if you’re doing something that violates the constitutional rights of one of our clients or in such a way that you’re bringing the department into disrepute, I don’t really care about your results because they’re poisonous. They aren’t doing us any good. They may be causing us to have arrests, but they may be exposing us to other problems, far greater. . . . If what he’s doing is inappropriate either legally or professionally, we’re going to bring him into line and change his behavior.

Another police chief had “inherited a police department four years ago that didn’t have a policy manual.” He went on to explain that he was the fourth police chief in this municipality since it was first created in the 1800s, and he is the first chief to have been brought in from another city. Thus, he has been forced to help the agency move its focus from non-codified institutional memory to formal written policies, beginning with the most critical issues.

One police chief suggested that adherence to the SOPs is necessary to professionalism because, “if [the detective is] violating the SOPs, then he’s not being professional.” Many others suggested that sufficient discretion was written into the SOPs. One suggested that officers “can still have discretion without ignoring the SOPs . . . they
can stay within those guidelines but achieve their goals with some of their discretion.” Still, this is a tricky arena, according to another police chief, who suggested,

You’d like to think most SOPs have room for discretion . . . but when it’s becoming obvious to other employees that that detective is going outside the SOPs, that’s when it’s time to look into it and take corrective action. That way, everybody’s on the same page. That way, you don’t have Detective Smith or Jones also going outside the SOPs and lose control [of your agency].

This last response calls attention to the emphasis that four police chiefs placed upon the coordinating role of the SOPs and the need for enforcement of behavioral expectations. Here, one police chief cited the importance of enforcing the agency’s policies:

If he is violating the SOPs, he needs to basically be drawn and quartered because once it comes to your attention that he is violating the SOP and you do nothing to him . . . that becomes the new SOP [emphasis added].

Another police chief explained the need to look at practice versus policy:

There’s no sense in having an SOP if no one is going to follow it. If no one is following this SOP, but we’re giving them so much discretion that is outside of it . . . we’ve got a bigger problem . . . because, you know, how many other SOPs are people not following.

Two police chiefs seemed personally offended at a violation of departmental policy, demonstrating a great deal of ownership and reflecting the “sacred scripture” mentality mentioned in the case of two sheriffs. One of these police chiefs asserted, “The SOP, as far as I’m concerned, is the standard by which I direct my people in written form.” Another expressed a desire to “make it clear [to the detective]” that the SOPs reflect the “expectations of the department and myself [sic].”

As was the case for sheriffs who chose professional discretion, police chiefs who made the same choice were quick to point out that they would only support discretion if it met legal and ethical standards (though not necessarily policy standards). The main themes that surfaced when these police chiefs explain their collective preference for professional discretion over strict adherence to the SOPs are (1) the complexity of the law enforcement landscape and (2) the vast amount of personality differences among their officers. Exemplifying the former theme, one chief asserted,

You might have a policy and procedure that says to do this, this, and this . . . but in real-life situations, when it’s a chaotic mix of personalities and different things occurring in that investigation, sometimes you can’t just take it from top down and go 1, 2, 3, 4.

Demonstrating the latter theme, another police chief claimed,

[While] there are some hard and fast rules that can’t be deviated from . . . IIn the scenario you mentioned, I think discretion is in order. Each investigator is different in their approach to how they do the job. As long as the behavior is ethical and not violating the law, and [he is] successful in getting [his] job done, I would allow for that discretion and let him deviate from the SOP.
Sheriffs vs. Police Chiefs

Initial results from this exploratory study indicate that sheriffs and police chiefs overwhelmingly enforce adherence to their agencies’ written policies at the expense of professional discretion. Justifications for these preferences are very similar for each type of manager (see Table 4). As expected, SOPs are considered important components of organizational coordination and teamwork. Also as expected, SOPs are often considered safeguards in terms of legal liability. Quite unexpectedly, however, adherence to SOPs is considered by most managers in this study to be a greater indication of professionalism than the use of professional discretion. It is also important to note that a great many issues were inferred from a very simple scenario. As the reader will recall, there was no mention of Detective Marlowe violating any law, much less the constitutional rights of those with whom he interacts. Still, many managers inferred that this was a possibility, whether as a reason for, or a result of, his violation of the SOPs. This shows that local law enforcement managers are so keenly aware of legal liability issues that the faintest hint of liability is unacceptable. Indeed, sheriffs and police chiefs commonly mentioned how litigious America has become in their responses to this and other scenarios. Sheriffs seemed even more emphatic about avoiding legal liability, perhaps because of the enhanced functional scope of most sheriffs’ offices (i.e., rather than simply doing patrol and enforcement, most sheriffs also serve civil papers, provide court security, and most importantly, supervise incarcerated inmates in the county jail). This broad scope manifests liability on multiple fronts at any given moment.

Table 4. Role of SOPs*

<table>
<thead>
<tr>
<th>Type of Manager</th>
<th>Protection from Legal Liability</th>
<th>Agency Coordination</th>
<th>Ensure Political Accountability</th>
<th>Control from Command Staff</th>
<th>SOPs Ensure Professionalism</th>
<th>Discretion Built into SOPs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheriffs</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Police Chiefs</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

*Some managers cited more than one role for SOPs, while some cited none.

While only a handful of agencies were accredited, it is interesting to note that most managers of unaccredited agencies did not express a pessimistic view of accreditation. Much to the contrary, most managers lamented that they did not have adequate resources (human or financial) or facilities to obtain accreditation. In fact, many managers explained that they reaped the benefits of accreditation by “borrowing” from the policy manual of nearby accredited agencies. Others chose less expensive and less demanding methods of revising SOPs such as contracting with risk management companies or hiring law firms to review their policies. There were a few managers who resented accreditation. Among the complaints they offered about the accreditation process were (1) “the foxes are watching the henhouse” (an allusion to the fact that many law enforcement managers develop relationships with an accreditation body, and once they retire, actually begin to work for the body); (2) accreditation standards are too constraining (one manager cited the fact that one accreditation body specifies the type of undershirt officers may wear beneath their uniform shirts); (3) accreditation is unnecessary if a manager develops and maintains a vigilant watch over his policy manual; and (4) the resources needed for accreditation could be put to more meaningful use.
in their jurisdictions. Those with disdain for accreditation, however, constituted a small minority of respondents.

Of the four police chiefs managing accredited agencies, three indicated a preference for bureaucratic accountability. At first, this presents an interesting intellectual challenge because accreditation seems to be a mechanism by which an agency shows accountability to the profession rather than to the hierarchy and rules of the agency. However, a cursory view of accreditation standards shows that an accreditation body (the most frequently mentioned was CALEA) dictates the exact wording of an agency’s SOPs in order to ensure uniformity (see Appendix A). Thus, it could be argued that this is an instance in which bureaucratic accountability is a means by which an agency demonstrates its professional accountability to the accreditation body. If this is the case, a traditional notion of professional accountability as deference to expertise seems to conflict with this neoprofessional accountability to bureaucratized accreditation bodies. This apparent conflict, while beyond the scope of the present article, needs to be studied. Then again, of the 12 non-accredited agencies, nine expressed this same preference for bureaucratic accountability.

**Correlates of Managers’ Choices (see Table 5)**

In order to test the propositions outlined above, I evaluated measures of association between the professional indicator variables and the managers’ responses. For dichotomous by dichotomous measures, I will report \( \phi \). For dichotomous by ordinal measures, I will report Spearman’s \( R_h \). For dichotomous by interval or ratio measures, I will report Pearson’s \( R \). In the section that follows, I will evaluate each proposition in turn.

### Table 5. Correlates of Choice: Professional Autonomy vs. Adherence to SOPs†

<table>
<thead>
<tr>
<th>Professionalism Indicator Variables</th>
<th>Preference for Professional Autonomy (1, 0)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>NS</td>
</tr>
<tr>
<td>Total training</td>
<td>NS</td>
</tr>
<tr>
<td>Local academy training (1, 0)</td>
<td>0.734***</td>
</tr>
<tr>
<td>State academy training (1, 0)</td>
<td>-0.553**</td>
</tr>
<tr>
<td>National academy training (1, 0)</td>
<td>-0.310 (( p &lt; 0.10, p &gt; 0.05 ))</td>
</tr>
<tr>
<td>National workshops (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>Total professional association memberships</td>
<td>NS</td>
</tr>
<tr>
<td>Local association membership (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>State sheriff’s association membership (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>State police association membership (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>National association membership (1, 0)</td>
<td>-0.373*</td>
</tr>
<tr>
<td>IACP membership (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>NSA membership (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>NACOP membership (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>Sworn employees/total employees</td>
<td>NS</td>
</tr>
<tr>
<td>Accreditation (1, 0)</td>
<td>NS</td>
</tr>
<tr>
<td>Urban Influence Code</td>
<td>0.526**</td>
</tr>
<tr>
<td>Sheriff or police chief (1, 0)</td>
<td>NS</td>
</tr>
</tbody>
</table>

\( \phi \) (dichotomous), Spearman’s \( R_h \) (Ordinal), and Pearson’s \( R \) (Interval/Ratio) Correlations

† Adherence to SOPs is coded to be the exact opposite of Deference to Professional Autonomy, thus a negative (-) correlation suggests that the independent variable is associated with adherence to SOPs.

\* = \( p < 0.05 \); \** = \( p < 0.01 \); \*** = \( p < 0.001 \)
Proposition 1: Managers with higher education levels and more professional training are expected to choose their officers’ use of professional discretion over adherence to SOPs.

No significant relationship existed between education level and a manager’s choice of professional or bureaucratic accountability among managers in this sample. Similarly, total training (local academy + state academy + national academy + national workshops + other training) does not seem to co-vary with a manager’s preference. Some individual types of training, however, do share a relationship with managers’ choices. A manager who has attended a local academy might be more inclined to prefer professional discretion at the expense of adherence to SOPs ($\phi = 0.734$, significant at the 0.001 $p$ level). However, a manager who has attended a state academy is more likely to prefer adherence to SOPs ($\phi = -0.553$, significant at the 0.01 $p$ level). For those managers who attended a national academy, the relationship between training and a preference for professional discretion is in the unexpected (negative) direction, though the relationship is insignificant ($p < 0.10$, but $> 0.05$).

Proposition 2: The total number of local, state, and national professional associations to which a manager belongs should co-vary with the manager’s willingness to choose professional discretion over adherence to SOPs.

No significant relationship existed between the total number of professional associations (local associations + state associations + national associations) to which a manager belonged and his preference of bureaucratic or professional accountability. When looking at each type of professional association, the only significant correlate of a manager’s preference of professional accountability was membership in a national association, and this relationship was in the opposite direction than I proposed ($\phi = -0.373$, significant at the 0.05 $p$ level).

Proposition 3: Managers who prize professional accountability should be more easily found in agencies with a higher ratio of sworn officers.

Contrary to my expectation, no significant relationship existed between the ratio of sworn officers in a manager’s agency and his preference for professional accountability.

Proposition 4: Managers in larger counties (with an Urban Influence Code of 2; see “Method” section) will give more deference to professional discretion than managers in smaller counties (with an Urban Influence Code of 5).

There is a significant relationship between a manager’s preference of professional autonomy and the $UI$ Code of the manager’s host county. Unexpectedly, however, this relationship is significant in the opposite direction than I proposed. Smaller county size (higher $UI$ Code), rather than larger county size (smaller $UI$ Code) is positively associated with a manager’s preference for professional accountability ($\phi = 0.526$, significant at the 0.01 $p$ level).

Proposition 5: Managers of accredited agencies will be more likely to choose professional discretion than adherence to SOPs.

No significant relationship existed between accreditation and a manager’s preference for adherence to SOPs or allowing for officer discretion.
Discussion and Reconsideration of Propositions

The preliminary data collected for this study do not support any of the five propositions I made. In fact, some measures of association reach statistical significance in the opposite direction than I expected.

A manager’s education level shows no association with his choice of bureaucratic or political accountability. Similarly, a manager’s total training does not seem to be associated with his scenario response, nor do national academy training or participation in national workshops. Perhaps a larger, random sample of sheriffs and police chiefs might show relationships, but no conclusions can be drawn from the present data. Some types of training, however, do seem to influence a manager’s preference for adhering to SOPs or allowing officer discretion. Training at a local academy is significantly associated with a preference for professional discretion, but training at a state academy is significantly associated with a preference for adherence to SOPs. This begs the question: “What differences in local and state academy training might influence differences in managers’ preferences?” There is no known study of curricular differences between each type of academy, but the data show that curricular differences might not be the intervening variable of interest. Instead, a county’s UI Code seems to be the intervening variable.

Managers in counties with a larger UI Code (smaller counties) are significantly more likely to attend a local academy. These managers are also significantly more likely to prefer an officer’s use of discretion over adherence to SOPs. Conversely, managers in UI-2 counties seem to prefer adherence to SOPs, and these same managers are more likely to have attended a state academy. While I find it difficult to explain why managers in smaller counties would be more likely to attend local academies, I can theorize about the relationship between county size and a manager’s preference for professional discretion. On average, managers in UI-2 counties have a median of 133 employees, 67 of whom are sworn officers. The median number of employees for a UI-5 manager in the sample is 55, 32 of whom are sworn officers.

Thus, sheriffs and police chiefs in smaller counties generally manage fewer employees (though there are some exceptions), so they and others in their command staff might be better able to oversee their officers’ use of discretion more easily. This happens, according to Sims (1988), because supervisors in smaller law enforcement agencies work with a more realistic span of control than supervisors in larger agencies. In his study of small town and rural police, Sims argues that smaller departments are less likely to be organized as impersonal bureaucracies and more likely to foster collegiality between supervisors and subordinates. Furthermore, Sims argues, discretion is fundamentally different in small and large agencies:

[In large agencies] bureaucracies establish and enforce detailed guidelines. If an officer encounters certain checklist items, policy dictates that the officer must respond with a certain disposition. The bureaucracy polices by controlling the actions and reactions of the individual officer in the field. The bureaucracy cannot give the officer discretionary power because to do so would mean the bureaucracy relinquishes policing power to the individual. The patrol officer on the large police department acts not so much as a bureaucrat but as a mechanic for the bureaucracy. (p. 131)
“In direct contrast,” Sims argues,

[The small town philosophy relies on the individual officer to provide the full range of police services. Small towners and ruralites expect the officer to use and display discretion, make judgment calls, and police. They expect personal, individualized, custom designed policing. Small town philosophy mandates that all community members share in the responsibility for policing, but community members delegate the authority of police discretion to the police. The small town or rural community trusts the individual officer enough to expect him to use discretion. The patrol officer in the small town or rural police department acts not so much as a social mechanic but as a public servant. (p. 131)

Simply stated, this view of officer discretion holds that an agency’s reliance on SOPs at the expense of discretion increases with the agency’s size. This leads me to believe that the fundamental flaw in my propositions is based on two different definitions of professionalism. To Romzek and Dubnick (1987), professionalism is marked by expertise, and professional accountability is expressed by deferring to the expertise and discretion of the individual officer. To many managers in my study, this was almost antithetical to their definition of professionalism, which incorporates standardization of behavior to allow for coordination of the agency and to minimize legal liability. This may explain why many managers feel that the pinnacle of law enforcement professionalism is reached through accreditation. A cursory visit to the CALEA (2008) website seems to echo this view of professionalism. Here, CALEA extols the virtues of gaining accreditation, citing the fact that “CALEA Accreditation requires an agency to develop a comprehensive, well thought out, uniform set of written directives [SOPs]” which, in turn, will “facilitate an agency’s pursuit of professional excellence” (italics in original; see Appendix A for a list of these written directives from the CALEA website).

Such statements hint that law enforcement professionalization, as defined by the profession, is really about standardization and bureaucratization. If this is the case, one might reconsider Romzek and Dubnick’s (1987) view of professional accountability, or at least try to find some means by which to reconcile these disparate views of professionalism.

Unresolved Questions and Future Research

While this study demonstrates that SOPs serve the purposes of coordinating an organization’s employees and limiting legal liability, these findings are old news. A fresher finding rests in the notion of adherence to organizational policies as a mechanism of professional accountability. That is, the distinction between these two accountability streams seems to blur in the responses of many managers, and agency protocols essentially become professional standards. This raises the question of whether professional standards, and the bodies that create them, have become so bureaucratized that managers perceive them to be forms of super-bureaucratic accountability from an external source of control. Or, perhaps, compliance with SOPs becomes a manifestation of political accountability (in the broadest conception thereof) to one’s professional peers and oversight bodies. These questions merit future research and show that the phenomenon of public sector accountability may be more complex at the municipal and county levels than at the federal level.
Back to the Target Range

The first steps in the necessary future research mentioned above might come from the use of the target model of discretion presented earlier. The immediate question with regard to the target model centers on the idea that street-level law enforcement officers might place greater emphasis on some rings, while law enforcement CEOs place greater emphasis on others. If this is the case, defining appropriate boundaries of discretion might be facilitated by managers’ attempts to change the rings on the officer’s target so that the targets overlap and boundary priorities are given equal consideration. This has to be done on an agency by agency basis, however, because some managers are more concerned with certain boundary rings, while others are especially attuned to different rings. Perhaps, then, this helps explain the role of accreditation as a mechanism by which the profession articulates its boundary rings in order to elicit as much standardization as possible.

So What?

This model might also help answer the “So what?” question in that it can be easily understood and applied by law enforcement practitioners. The target metaphor might also be a helpful icebreaker in teambuilding meetings and training sessions bent on sharing managers’ views about discretion. For instance, a sheriff or police chief could pass out blank targets and have his or her officers fill them in by allocating ring values to different sets of norms or boundaries (e.g., legal liability, personal values, etc.). The manager could then present his own target, creating an atmosphere conducive to discussing different boundary sets and their relative weights. In fact, the next step in researching law enforcement managers’ views of professional discretion might be fulfilled by conducting such a session with a small number of agencies.

Endnotes

1 A positive reward comes from the presentation of a desirable stimulus to encourage a behavior (agency cooperation), while a negative reward comes from the removal of an undesirable stimulus (lawsuits) to encourage a behavior (Skinner, 1957).

2 This indicator, according to Falcone and Wells (1995), is stacked in favor of police chiefs because sheriffs are likely to have nonsworn personnel carrying out duties other than enforcement (e.g., detention, civil process, etc.).

3 Some smaller towns within UI-2 counties had as few as ten employees. To account for these outliers, the medians are reported.

Acknowledgments

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References


Appendix A

Sample CALEA Written Directives (verbatim from www.calea.org)

CALEA Accreditation requires an agency to develop a comprehensive, well thought out, uniform set of written directives. This is one of the most successful methods for reaching administrative and operational goals, while also providing direction to personnel.

<table>
<thead>
<tr>
<th>Written Directives</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.4.1 Administrative reporting system</td>
</tr>
<tr>
<td>11.4.3 System to ensure periodic reports</td>
</tr>
<tr>
<td>12.2.1 Written directive system</td>
</tr>
<tr>
<td>26.1.1 Code of conduct and appearance</td>
</tr>
<tr>
<td>43.1.1 Policies for investigating vice, drug and organized crime complaints</td>
</tr>
<tr>
<td>46.1.2 An “All Hazard” Incident Command System established</td>
</tr>
<tr>
<td>52.1.5 Annual statistical summary</td>
</tr>
<tr>
<td>72.7.1 Procedure regarding detainee’s rights</td>
</tr>
<tr>
<td>73.1.1 Court security function</td>
</tr>
<tr>
<td>82.1.1 Directive establishes privacy and security of records</td>
</tr>
<tr>
<td>83.2.1 Guidelines and procedures to collecting and processing evidence</td>
</tr>
</tbody>
</table>

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