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**Detectives' Decision Making Within a Police Organizational  
Structure and Occupational Culture: Examining the Social  
Construction of 'High Profile' Cases**

**Marilyn Corsianos**

A dissertation submitted to the Faculty of Graduate Studies in  
partial fulfillment of the requirements for  
the degree of

**Doctor of Philosophy**

**Department of Sociology  
York University  
Toronto, Ontario**

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Detectives' Decision Making Within a Police  
Organizational Structure and Occupational  
Culture: Examining the Social Construction of  
'High Profile' Cases

by Marilyn Corsianos

a dissertation submitted to the Faculty of Graduate Studies of  
York University in partial fulfillment of the requirements for the  
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**DOCTOR OF PHILOSOPHY**

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## **Abstract**

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By conducting a case study of the Toronto Police Service, this dissertation explores the concept of police occupational culture in reference to agency, structures, and its impact on detectives' discretionary powers. Specifically, the relationship between detectives' decision making and the social construction of 'high profile' cases is explored. This study further locates the significant influences within the context of 'community policing' and its impact on detective work. The restructuring of the police organization, brought to fruition as a result of 'community policing' initiatives is examined with specific attention given to detective offices. Many changes have taken place within the Toronto Police Service as police 'managers' and government have attempted to mimic the actions of their American counterparts in restructuring their department in a manner, they claim, produces a 'community-oriented' police 'service'. The questions that are raised, however, are how do these new 'community policing' initiatives affect detective work and impact decision making in criminal investigations? Which cases become prioritized and hence are socially constructed as 'high profile'? Has the police culture been affected by the 'new' organizational structure? How do detectives define, interpret and understand their 'occupational expectations', and how do their social interactions with one another shape their social realities in case decision makings?

## Acknowledgements

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Throughout my academic journey I have aimed to combine both theory and practice in my scholarly writings. Much is written on different social settings and interactions providing the reader with invaluable descriptions however absent a theoretical component. On the other hand, the self defined 'theorists' strive to conceptualize and theorize social phenomena without grounding their analysis substantively. This dissertation has attempted to bridge the gap between both theory and practice which I believe should be the goal of every Sociologist, and it reflects much of what I have learned ideologically throughout my involvement with various communities and individuals.

I would like to begin by thanking all the present and former detectives who contributed much time in sharing their personal insights. Also, to the Superintendents and Inspectors who invited me into their divisions to ask, what was often perceived as 'the critical questions', and observe the 'process' of detective work. Without their contributions this project would not have been possible. Within the intellectual community I am continuously exposed to the politics of learning and have been fortunate to meet a group of terrific people who have been instrumental throughout my years as a graduate student. I am grateful to Larry Lam, who 'came on board' near the end of this project but who offered much helpful editorial comments. I would like to thank Ray

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## Introduction

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This study focuses on the Toronto Police Service and consists of many parts that are significant in achieving a clearer picture of both the police organization and culture and the interrelationships that link them. More specifically, the restructuring of the police organization, brought to fruition as a result of 'community policing' initiatives, (outlined in the police department's *Beyond 2000* report), is explored with specific attention given to detective offices. Many changes have taken place within the Toronto Police Service as police managers and government have attempted to mimic the actions of their American counterparts in restructuring their department in a manner, which they claim, reflects and produces a 'community-oriented' police force.

Much criminological literature on 'community policing' is explored in order to present the different debates surrounding the definition of the term and determine whether the concept serves as mere rhetoric, and more specifically, as an ideological tool used to protect special interests, or, if in fact it does produce positive effects in terms of police service to the public. Has the traditional 'crime-control' structure of policing been replaced by a 'community-oriented' police structure? While many studies have looked at the relationship between 'community policing' and front line officers, none to date have examined its effect, if any, on detective offices. For instance, does the new organizational

structure (i.e., the recently restructured 'community-oriented' police) affect detective work, specifically detective decision-making?

Furthermore, the detective culture is also explored in order to examine its effects, if any, on detectives' decision making. Does the structure influence detectives' decision making or does the culture; perhaps it is a combination of both, or perhaps there are times where the structure is the influential factor while, in other instances, it is the culture. The element of decision making that will be examined refers to decisions made in the investigation of cases (e.g., to charge or not, to release on bail, to engage in reactive vs. proactive policing, resources and/or personnel dedicated to a case). Additionally, this dissertation will specifically target the relationship between detective decision making and the social construction of 'high profile' cases; that is, what variables play a role in rendering a case 'high profile' (I have defined) internally by the police department. The question that is raised is the role of the organizational structure and culture in which cases come to be defined as 'high profile' versus others. Do the new 'community policing' initiatives change detective work, that is, impact decision making in the manner cases are treated? Has the police culture been affected by the new organizational structure? How do detectives define, interpret and understand the 'occupational expectations', and how do their social interactions with one another shape their social realities in case decision makings?

The chapters are structured in a particular manner: Chapter One serves as the literature review section. Firstly, it examines the literature on police organizational structures

with specific focus given to 'community policing', since this concept, with its varied definitions and interpretations, has restructured several police departments across North America. Secondly, the literature on the police occupational culture and police decision making/discretion is also explored in order to assess the relationship between structure and culture, and later for the purpose of this study, analyze their impact on detectives' decision making in the investigation of criminal cases.

Chapter Two outlines the theoretical framework for the dissertation. It introduces the symbolic interactionist and conflict perspectives which shape and guide this study. These theoretical paradigms, while at times overlapping, are also sometimes inconsistent with one another, and are significant in the exploration of the relationship between 'structure' and 'culture'. When both approaches are applied, one is able to paint a clearer picture of the social phenomenon of the detective structure and culture and their effects on decision making. This section further details the methods employed for the dissertation: formal interviews, participant observation and documentary analysis. The formal interviews focused on detectives' perceptions of their work, the detective structure with particular attention given to 'community policing' initiatives, the occupational culture, and discretionary powers in criminal investigations. Furthermore, I became a participant observer in several social settings where I attended numerous social functions at various parties, 'get togethers' and bars hosted by and/or attended by police officers. At these functions I was privy to the police culture outside of police work as, at times, they engaged in police stories which included experiences with a good "pinch" (i.e., arrest) and other cases, 'gossip' about other officers and more specifically their

'superiors', the police services board and the police association (i.e., the police union). I was able to socialize with these officers, listen to their stories, and ask questions with regards to detective work. In addition, 18 officers who were either detectives or detective constables, or had prior detective experience, were introduced to me at these social functions and were later contacted for face-to-face formal interviews of which all but two agreed to be interviewed. I further engaged in participant observation by visiting two divisions where I examined various rooms and other components of detective work: they included the sally port and booking room where accused persons were initially brought, the "interview rooms", the jails, the detective offices and the computer software utilized by the detectives. Moreover, documentary analysis of the police department's 'community policing' literature was employed. Its purpose was to familiarize myself with their restructuring program aimed towards "community policing" and therefore, assess the effects, if any, on the culture of detectives including discretionary powers.

Chapter Three outlines the organizational structure of detective offices within the Toronto Police Service, as well as, the restructuring of these offices in light of 'community policing' initiatives. The data for this chapter was collected from interviews, participant observation and documentary analysis of the departments' literature outlining the various levels of restructuring aimed towards improving the relationship between police and the 'community'. This is a descriptive chapter with little analysis, however, serves as a very significant section for the reader, as one, must first be able to grasp the functioning of the social phenomenon being studied before fully engaging in a critical evaluation. The reader, however, is exposed to a

series of problems and/or concerns raised in the 'functioning' of the detective organizational structure. By understanding the structure, one will have a clearer understanding of certain aspects of detective work and will be more able to assess the occupational culture that is produced, as well as, their effects on detectives' discretion.

Chapter 4 focuses on the culture of detectives by examining the social interactions, power dynamics, officers' interpretations and understandings of their roles as detectives, their relationship with others and the wider structure. Various themes are introduced as I engage in my interpretations/assumptions of their interpretations/assumptions. The information in this chapter is the result of the formal interviews and participant observation conducted for this study. Police, regardless of their differences, whether it be political beliefs, race, sex, etc. experience and learn to relate and identify with the 'occupational culture'. The interviews revealed a series of variables that become translated into police occupational expectations within the various levels of policing. The organizational structure shapes and influences the occupational culture, along with the wider socio-economic order, and therefore, the culture is closely examined in order to attempt to understand its relationship with officers' discretionary powers. This chapter continues to 'fuel' the question of whether it is the 'structure' or the 'culture' that impacts detectives' decision making in the investigation of criminal cases and, more specifically, in the cases that become socially constructed as 'high profile'.

Chapter 5, on the other hand, combines the 'lessons' learned from the previous chapters and puts 'structure' and 'culture' 'to the test' through the examination of

detectives' decision making in cases; are all cases treated 'equally'? What does 'equal' treatment entail? What variables presuppose the level of police involvement/investigation in a case; in other words, what accounts for differences in action (is it resources, timing, political climate, officers' perceptions)? And do detectives perceive their decision makings as "just"? This section examines the cases that are socially constructed as, what I have defined as, "high profile" by the detectives in the manner they are investigated. The information presented in this chapter stems from the interviewed detectives.

Moreover, in Chapter 6, the claim is made that the micro politics of police discretion need to be more broadly conceptualized in terms of the concept of "justice". A theoretical debate is put forth by deconstructing this notion and attempting to apply it to officers' decision making. The point is made that the question, relating to what constitutes "justice" in detectives' discretionary powers, can begin to be answered only after one is able to place certain values on various degrees of economic power, freedom and equality. And therefore, to attempt an exploration of "justice" in police decision making, it must be pursued in association with an interrogation of the occupational culture shaped and influenced by the organizational structure and the social economic order that creates dominant ideologies.

Finally, Chapter 7 serves as the concluding chapter evaluating the merits of this study.

This dissertation contributes to the literature on policing by developing the concept of police occupational culture in reference to agency, structures, and its impact on detectives' decision making. Detectives typically have not been subjected to sociological scrutiny within a

Canadian context aside from Ericson's research (1981). Furthermore, no study to date has explored the issue of differential treatment in the investigation of criminal cases and the social construction of "high profile" from within police circles. This study further locates the significant influences within the context of "community policing" and its impact on detective work.

## Chapter One: Examining the Literature

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The purpose of this chapter is to firstly examine the literature on police organizational structures with specific focus given to paramilitarism, the power dynamics within the police hierarchy, the 'crime control' model of policing, and 'community policing' as this concept, with its varied definitions and interpretations, has restructured several police departments across North America. Furthermore, the literature on the police occupational culture and police decision making/discretion will also be explored in order to assess the relationship between structure and culture, and later for the purpose of this study, analyze their impact on detectives' decision making in the investigation of criminal cases.

### **The Organizational Structure of Policing: 'Crime Control' vs. 'Community Policing'**

Policing, as a social system, is organized around administrative rules, a paramilitaristic, hierarchical structure, and a crime control model of policing rather than recent claims of a community based one. Large police departments in Canada and the United States are presenting 'community policing' as the new central feature in their operations.

The concept of 'community policing' has received a great deal of attention from police services across North America especially since the community-policing program was developed in Chicago in the early nineties. Since then large police departments have adopted the community policing rhetoric while maintaining the traditional, paramilitaristic, organizational structure. The concept of 'community policing' is not well defined. In fact, police departments are quick to advertise their community policing initiatives while simultaneously presenting difficulty in defining the concept. In theory, the traditional "professional" model of policing (i.e., the bureaucratic police work) is based on limited public interaction, motorized random patrol, crime control based policing, reactive policing and a centralized dispatching of radio calls. Community policing, on the other hand, has been referred to as policing organized around perspectives that emphasize crime control and order-maintenance, crime prevention, pro-active policing, and improvement of police-community relations by reducing the social distance between the police and the public. Both models include crime control, however, under the 'community policing' model, crime control is presented as the product of the combined efforts of both the police and 'the public'. The latter is 'intended' to encourage information exchange and support from the public and quick police response to the public's concerns. Community policing also advocates a flatter power structure within the police organization where more power is given to front-line officers by encouraging them to engage in critical thinking and problem solving. According to David H. Bayley, 'community policing is the new philosophy of professional law enforcement in the world's industrial democracies' but that

programmatic implementation of it has been uneven... it means different things to different people. (1988:225).

The literature review begins by presenting both proponents and opponents of this concept of community-oriented policing in order to show how difficult it is to define and put into practice, and show that in actuality community policing serves as rhetoric that obscures the threat of police discretionary powers by attempting to redefine the police role when in actuality the roles have remained constant.

Scholars are divided in terms of the benefits of 'community policing'. However, a great deal of literature on community policing is based on the assumption that it is a 'revolutionary' idea that will positively transform policing. Various components such as proactive vs. reactive policing and empowerment of both the 'public' and 'front line' officers in 'crime prevention' decision making are detailed as key ingredients to successful 'community policing' (Bayley 1988:226). Moreover, there must be constant interaction and cooperation between the police and the public which, in turn, produces information sharing that ultimately leads to procedural changes that focus the officer's attention on solving not only legal violations but also violations of social order. Robert Trajonowicz's (1983, 1990) contributions are similar to Bayley's (1988) by focusing on increased 'front line' officers' autonomy and by the 'reclaiming' of neighborhoods through organized foot patrol and community-police interactions. Chalom (1993) states that community policing can identify social problems that lead to crime and therefore, ultimately reduce crime, and can therefore move towards changing public attitudes towards the police. Moreover, Chalom further adds that decentralized decision making

empower the patrol officers to work with community leaders and together identify problems, concerns and solutions in specific communities.

Herman Goldstein (1977, 1990) and Spelman and Eck (1987) assert that the traditional organizational style of police work must not be maintained. The police should not only focus on crime control but should also identify and examine social disorders that may be directly related to crime. Community policing is seen as a unique perspective that encourages or rather operates successfully through problem-oriented approaches. This method operates by assigning community police officers to a particular area in order to identify the problem; then together with the community they are expected to converse and attempt to create solutions that address the specific needs of that area. Proponents of 'community policing' maintain, that organizationally, through the introduction of more visible foot patrol officers, there will be more verbal interaction between the police and community members. In addition, by empowering front-line officers, they will be able to offer suggestions and/or solutions to problems and concerns to their 'superiors' and effect change in the communities they police.

However, I would argue that this 'approach' does not redefine policing; in fact policing continues to operate in the manner it always has. Police continue to gather information on certain neighborhoods and groups of people while neglecting others for a variety of reasons. The question that is raised is to what extent does this practice differ from police use of informants to uncover more details on a particular area and/or persons?

Proponents maintain that police-community relations are promoted through a shared responsibility in crime reduction, fear of crime and/or recognition of social disorders that may

lead to crime and/or deviance (Goldstein 1977; Spelman and Eck 1987; Bayley 1988; Trojanowicz 1990; Wilson and Kelling 1982); here the 'community' becomes the informant. Moreover, according to Marenin (1989), community policing can assist the police in identifying 'problem' areas, and hence justify police decision making powers.

The claims made above parallel the details described by Wilson and Kelling (1982) in their well publicized 'broken window' thesis. Their argument is that visible signs of disorder such as broken windows, panhandlers, beggars, and homeless people asleep on the street were signs of crime or potential crime. These visible signs of disorder stimulated fear which led to further disorder because fearful people are not willing or less willing to invest in their communities, and are less likely to interact positively or assist others in the community. This leads to neighborhood instability, people moving out of these communities, and an increase in serious crime. Therefore, the claims made by some supporters of 'community policing' (Bayley 1988; Trojanowicz 1990; Goldstein 1977, 1990; Cordner 1994) reflect the ideas of Wilson and Kelling in that community policing initiatives, accomplished through proactive policing, will be able to 'clean the streets', and therefore diminish visible signs of disorder ultimately reducing crimes and the fear of crime.

Opponents of community policing, on the other hand, present this policing perspective and/or method as one filled with problems and contradictions that maintain the power relations that produce and reproduce inequalities. Moreover, they note that internal oppositions to 'community policing' initiatives exist creating different forms/levels of resistance within policing, and yet academic proponents of the concept do not present this point. According to

Stenson (1993), community policing is the police brass's new creation in this wave of new-liberal reform of downsizing and restructuring. This phenomenon creates the illusion that policing is somehow removed from politics. In Hodgson's (1993) study of Canadian police officers, he found that officers were hostile towards community policing initiatives that claimed to reduce crime. They further did not view community policing as the instant simple solution to crime. 'Community policing' was not seen as 'real' policing, and officers perceived the new initiatives as a threat to the nature of their police work.

Ericson and his colleagues present a theoretical analysis of community policing which corresponds to today's 'risk society' (1993). They claim that community policing satisfies the police need for information and intelligence gathering, and Ericson (1982) argues that the role of the front-line officers has not changed; their primary role is to patrol the petty. In *Policing the Risk Society* (1997) Ericson and Haggerty state that risk has become the obsession of today's society. Institutions such as policing are part of an emerging 'risk society' in which knowledge of risk is used to control danger. Police have become information brokers to institutions such as health and welfare organizations and insurance companies where they investigate, collect, produce and disperse information to these institutions and are forced to constantly adapt and change formats, rules and technologies of communication to meet external demands for knowledge of risk in order to control danger. Therefore, institutions take on a risk-reducing impetus.

In addition, there are scholars who have dismissed community policing as empty rhetoric (Klockars, 1988; Greene and Mastrofski, 1988). Klockars (1988) argues that the

term 'community' is not defined by police departments nor can it be used to refer to the existing parameters of patrol districts. For Klockars the goal of community policing is to "conceal, mystify, and legitimate police distribution of non-negotiable coercive force" (1991:531) and the rhetoric of community policing is intended to "wrap police in....powerful and unquestionable good images" (1988:257).

Gordon (1987), on the other hand, claims that community policing is intended to serve and protect the middle and upper classes while alienating the poor. Other critics such as Peter Manning have defined community policing as a 'rhetorical giant' (Manning 1997) that creates the illusion that police are concerned with operating fairly, and working to promote police community relations. Manning argues that the police claim that they engage in "crime control" and/or "law enforcement" rather than in politically and morally based ordering. In fact, such rhetoric is a "resource" used by police to justify their actions. He asserts that,

External legitimation is maintained by withholding potentially damaging information from the public, maintaining complicity with the media to reveal and dramatize selectively certain stories presented in a positive "voice" or perspective, appealing to national symbols and ideologies, such as the rhetoric of crime control, and cultivating links with the legal profession and agencies and agent within the criminal justice system (Manning, 1992).

According to Donald Black (1980), "law" a form of social control, operates in a manner that discriminates against the less powerful, and protects the power of the most powerful in society. Therefore, police actions of social control reflect the hierarchical power structure in society. As I have demonstrated, the concept of community policing is difficult to define precisely because this concept invites problematic expectations. It obscures the threat of

police-discretionary powers and in theory it redefines the role of the police when in actuality their role has not changed. According to Richard Ericson's writing on Canadian policing (1981, 1982), the organizational structure of policing allows for the exercise of police authority and enhances police officers' informal powers. The paramilitaristic organizational structure of police departments shapes and defines the occupational subculture. The organization protects police actions from close scrutiny by the public and rarely calls for police accountability. Police departments today still advocate crime control, still engage primarily in reactive policing, and programs such as community policing create impressions that police are concerned with order maintenance only through law rather than also through organizational and occupational practices.

The 'community policing' rhetoric obscures the threat of police discretionary powers (e.g. police violence and harassment, police bias) and it aims to redefine the nature of accountability by shifting the onus of neighbourhood responsibility to the public. Structurally, changes have been made to large police departments, including the creation of 'community response' units, more foot patrol officers and bicycle patrol units, in order to strive towards this apparent theoretical goal. Substantively, however, the role of the police has not changed nor has there been any recorded improvement between the police and specific communities. Community policing does not address the potential abuse of police discretionary powers and it masks the potential abuse of police departments to target certain neighbourhoods and/or groups of people all in the name of 'community policing'. The concept of community policing creates the illusion that policing is being redefined and changed - that it's progressive; yet in

actuality, it camouflages positions of power through the use of everyday 'tools' such as language.

As Gadamer (1976:3) stated, "language is the fundamental mode of operation of our being-in-the world, and the all embracing form of the constitution of the world". The hegemonizing procedures of domination are operationalized through language and people consent to this praxis while the coercive actions are hidden. To look at policing specifically as an example, the front-line officer, to borrow Manning's term, is a 'street bureaucrat' (1997) who constantly comes into contact with the public and is visible to the public. Therefore, in order to continue to engage in policing reform, the role of the officer must continuously be redefined in order to maintain the illusion of law enforcement for all. The public is encouraged to believe that the concept of community policing is "futuristic" and progressive and is primarily intended to improve police-community relations. It further acknowledges the 'front-line' officer as the primary agent in this execution and, hence, encourages critical thinking amongst front-line officers. In actuality, however, this concept of community policing serves as an ideological tool as it is used methodically by the 'brass' to legitimate the police service to the community, the officers and to themselves. Members of the 'brass' must constantly re-invent themselves in an attempt to keep the public and 'their' officers content. Another example of this would be the renaming of the Metropolitan Toronto Police Force to the Metropolitan Toronto Police Service in 1992. Members of the Metropolitan Toronto Police Services Board felt that the word 'Service' would appear less threatening and would be indicative of the new role of the police caring for and serving the community.

'Community policing' maintains the existing power relations which reproduce inequalities. As stated above, they do not recognize police discretionary powers which allow for differences in the manner cases are investigated, the potential abuse of powers or selective enforcement of certain groups of people and certain neighborhoods. Nor are we sure as to how community policing can reduce woman abuse, child abuse, murders, sexual assault, and other crimes. Community policing is inconsistent with the values, training, organizational structure and ideology of the police. Moreover, several studies on community policing in specific police departments (Manning and Singh, 1997; Corsianos, 1998) reveal that patrol officers have no special training in what community policing is nor what their apparent new roles are, and nor do they receive supervision in problem solving. It seems that crime control and officer loyalty to the uniform and the organization itself continue to define police work. If 'community policing' was implemented in the form of a heightened level of individual officer discretion, then the present injustices would only worsen.

### **Testing 'Community Policing' in Toronto: Has it Changed the Organizational Structure?**

In my study of the Metropolitan Toronto Police Service, in 1996-97, where I conducted 30 interviews with 'front-line' officers (patrol officers) there was much doubt as to the effectiveness of 'community policing' and police officer's roles as community relations officers. In 1991, The Strategic Plan of the Metropolitan Toronto Police Service referred to as *Beyond 2000* was introduced. The *Beyond 2000* Committee was created under

the leadership of former chief William McCormack and it was decided that the conclusion to their study and implementation period would be the year 2011 (Metropolitan Toronto Police - Strategic Plan *Beyond 2000* 1991:1). Its purpose was to restructure the existing police service in a manner that would apparently improve police-community relations, advocate proactive policing, and create a flatter power structure within the organization. The front-line officer would be empowered to engage in critical thinking and problem solving and would be encouraged to offer suggestions to their senior officers with regards to how to handle or solve a particular problem that concerned the 'community'. The police service's aim was to decentralize and place primary responsibility in the hands of the street level uniform officer, who would be referred to as the 'Neighborhood officer'. The report offers certain recommendations in changing the organizational structure of the police service. Comparisons were made to large organizations such as IBM whose management realized the growing distance between themselves and their clients. IBM was looking at transforming their organizational structure to a flatter structure realizing that people at lower levels are able to make decisions. The *Beyond 2000* plan mirrors the initiatives taken by IBM in creating an organizational structure which 'best focuses all organizational activities on the delivery of the 'front-line' police service to the communities..... (Metropolitan Toronto Police Service 1992: IV1-IV5). Ironically, even though this report offered such recommendations as to the future roles of 'front-line' officers and a flatter power structure, very few of them were given the opportunity to offer suggestions and discuss possible implications. Furthermore, there were no specific recommendations offered as to how this conversion from an hierarchical power

structure to a flatter structure would come about given the paramilitaristic structuring of the police department. The interviewed 'front-line' officers complained that they were not involved in the creation of new programs and policies, and in most cases, where certain front-line officers sat on boards and committees, these officers felt that they merely served as tokens since they were hand picked by senior officers and for obvious reasons would not challenge their 'superiors'. With regards to *Beyond 2000*, 143 people were involved in the implementation process as of January 1, 1993, the majority of whom were senior officers (91 in total - 64%) followed by civilian members of the department. Only 10 'front-line' officers (7%) were represented in the process and yet these officers constitute almost 76% of the total Toronto Police Service.

Corsianos' study (1998) revealed that there was low morale amongst front-line officers. 28 (93%) spoke of their great concern with low morale amongst their fellow uniform officers. Police constables displayed a sense of little or no motivation and no ambition regarding their apparent new roles as community police officers and future goals on the Service. These 28 officers also communicated that there was a lack of trust felt by 'front-line' uniform constables towards middle and upper management (i.e., higher ranking officers). There was no incentive to be better officers and work harder when the police constable viewed him/herself as vulnerable to exploitation by management. More specifically, they attributed the experienced low morale to three particular areas: the promotional, discipline and evaluation processes. According to the interviewed officers, phrases such as 'the old boys' club is alive and well', 'you may win the battle but you won't win the war', or 'bite the bullet' were

commonly used by middle and upper management to deter 'front-line' officers from grieving certain issues pertaining to promotion, discipline and evaluation processes. The police constables claimed that they were intimidated by senior officers (i.e., management) through verbal threats such as promising police constables they would never be promoted, they would spend the rest of their careers 'pushing a scout car' and/or would be viewed as trouble makers which would create several enemies thus 'closing many doors'. As a result, these uniform officers had taken a passive approach to policing. The serious problem of low morale amongst 'front-line' officers was attributed to the problem within the organization itself where they described an 'us versus them' relationship (between themselves and management) specifically witnessed and/or experienced during promotional, discipline and evaluation processes. 'Community policing' initiatives did not change the overall organizational structure of policing nor did they address nor recognize the problems within the present organizational structure itself. It was further unclear as to how officers were expected to embrace their apparent new roles given the problems with low morale and other conflicts within the organization.

To offer one example in the promotional process, one officer was quoted as saying, 'The old boys' club continues to support their own.' According to the interviewed officers, senior officers tend to preserve the 'status quo' and support an archaic paramilitaristic style of policing where everyone is forced to respect the rank and furthermore those who conform to their ideologies will be given the chance for promotion. One particular officer asked,

"How can we cease to promote and place power in the hands of those who are sexist and racist and who fail to realize the importance in working to bridge the growing gap between the community and us? And how can we feel enthusiastic and positive of our new roles as neighbourhood officers when the excitement is not shared by the senior members of our department?"

Most (83%) said that the police service belittled front-line officers by placing complete power and control in the hands of management. The organization is very structured in terms of ranks; there must be an acknowledgment and respect of rank and a strict internal disciplinary process is in effect. When disciplining police constables, middle and upper management possess the rank which enable them to abuse their power as a great deal of discretion lies in their hands. Similar issues were raised when interviewed officers discussed the disciplinary and evaluation processes. Therefore, officers were very pessimistic if not sarcastic when discussing the *Beyond 2000* proposal of a flatter power structure and their apparent new roles as critical thinkers and problem-solvers. These officers did not embrace the community policing rhetoric.

Further, Corsianos demonstrated that the social organizational structure of policing has not redefined police practices. Policing continues to be about crime control and the concept of community policing is unclear and contradictory. Several questions remain unanswered. More notably, one of the questions that this dissertation seeks to respond to is whether the structure, specifically the new restructured detective units constructed all 'in the name of community policing', affects detectives' decision making, or, does the detective culture influence officer discretion? Perhaps they both play a role, or perhaps, at times, it is the organizational structure and in other instances it is the culture. Moreover, in the decisions that are made in everyday detective work, which criminal investigations become prioritized and are given more police attention?

## **Policing as Paramilitaristic**

Policing is structured in a manner that parallels the military. The police are centrally commanded, receive their orders from officers of a higher rank, and are expected to respect the 'rank and file'. To offer one example, if front-line officers have personal policing concerns that they wish to discuss, then they are expected to speak to their sergeants first and not attempt to speak, for instance, to a staff sergeant or higher ranking officer. Moreover, police, with the exception of detective officers and high ranking officers (i.e., Inspector, Superintendent, Deputy, and Chief) wear a uniform. The organization is very structured in terms of ranks; there must be an acknowledgment and respect of rank and a strict internal disciplinary process is in effect. Middle and upper management possess the rank which enable them to discipline police constables, and are in positions that afford them the opportunity to abuse their power as a great deal of discretion lies in their hands. For instance, a police constable can be 'documented' (referring to a formal complaint on paper of an alleged misconduct) for a variety of reasons ranging from personal grooming regulations (Metropolitan Toronto Police Service 1993: 4.11.16) to failing to request permission for secondary employment outside policing (Ibid.: 6.1.4). Several further violations outlined in the departmental rules and regulations such as 'neglect of duty' and 'conduct unbecoming' are very vague and left open for interpretation by the discretion given to management. 'Discreditable conduct' which discredits the police force can literally refer to anything. Another reason a police constable can be 'documented' is for associating with a person who possesses a criminal record. However, as one officer pointed out to me,

We are prohibited from using our computer systems to conduct checks on people unrelated to our investigations and so how can we then possibly know we are associating with a criminal?

He further argued that by associating with so called 'criminals' that could be used against them if management had a personal vendetta.

The police constable is given certain 'options' when responding to their personal 'documentations'. S/he can appeal the documentation which means that they must meet with the Police Association and prepare for a trial under the Provincial Police Act. But, if police constables lose at the trial level then punishment becomes more severe. In other words, it may mean double the loss of hours, or fines or even suspension from work. Furthermore, s/he is formally charged under the Police Act (a provincial statute) and this stays in his/her personal file permanently as opposed to the original documentation which would remain in an officer's personal file for a period of two years. Therefore, a police constable is indirectly discouraged from grieving a documentation for fear of the consequences and for fear of upsetting and 'burning bridges' with their Unit Commander. In the words of one another officer,

What is the likelihood that a constable, taking this course of action, will be promoted or given opportunities to take specialized courses and go to specialized units?

As stated earlier, the phrase 'you may win the battle but you won't win the war' was often utilized by management. The second 'option' given to the constable is to simply sign the documentation which is an acceptance of guilt. The motto associated with this common practice was 'just bite the bullet'. The Unit Commander at this point places the written formal complaint in the police constable's personal file where it stays for two years as mentioned earlier and then determines if the officer will lose hours and therefore, lose pay, as further

punishment. Punishment varies from a reprimand to dismissal. Moreover, the Unit Commander can further charge the constable under the Police Services Act (M.T.P. Association 1994: 15:07). Clearly, the disciplinary process allows for abuse of power by management.

'Community policing' initiatives have not made any attempts to deal with the above noted contradictions. Police departments insist that they are engaged in 'community policing' where in theory they encourage their front-line officers to be critical thinkers by 'speaking their minds' and offering policing suggestions to senior officers. However, in practice they continue to operate within a rigid, paramilitaristic organizational structure that demands respect to the 'rank and file' and empowers senior officers to extend serious disciplinary measures to officers; a power not given to management in other areas in the job market.

## **The Behavioral Social World of the Police**

Police culture reflects the complex system of attitudes that defines the normative and interpretive behavioural social world of police officers. The occupational culture shapes officers' attitudes about their work and it emphasizes officer autonomy and discretion. In one study conducted by Scriputre, he was interested in discovering differences between police attitudes towards certain topics and if demographic factors played a role. He administered questionnaires to 286 police officers in England in 1994. The questionnaire asked a variety of questions relating to attitudes towards the right to strike, capital punishment, the right to active

political involvement, public support and voting. Interestingly enough, Scriputre found very few statistically significant differences of the sample groups which were based on demographic factors such as gender, age, rank, etc. (Scriputre: 1997) which would indicate the occupational culture influences police attitudes in various areas. In Catherine Orban's article on female police officers, she found that despite women's recognition of gender differences in society generally and policing specifically, female police officers adopted a code of behaviour that proved their loyalty to the patriarchal culture while minimizing their own identity. Women fought for acceptance by the 'brotherhood' of policing by trying to gain the trust of male co-workers and 'prove themselves' to the police organization and to male peers by demonstrating capability, competency, and loyalty. Moreover, women officers felt the pressure to 'become one of the boys', keep personal problems such as child care quiet, and never discuss their personal sexual lives for fear of cruel rumors being spread by their male peers (Orban: 1998). In *Police Work: The Social Organization of Policing*, Manning (1997:113) asserts that police professionalism may include the development of universalistic criteria such as a reduced attachment to class, ethnic, religious or familial standards.

Elizabeth McNulty (1994) discusses the high value that is placed on police culture in that it allows police autonomy to deal with the various ambiguous situations in their day to day interactions. She assesses the manner in which police recruits are trained to deal with and accept the interpretive dimensions of police work, and recognizes that police culture is the result of a combination of the field of policing and the organizational structure of policing that

produces specific organizational knowledge. According to Westley, the police culture emphasizes the centrality of secrecy.

[The police officer] regards the public as his enemy, feels his occupation to be in conflict with the community, and regards himself to be a pariah. The experience and the feeling give rise to a collective emphasis on secrecy, an attempt to coerce respect from the public, and a belief that almost any means are legitimate in completing an important arrest. These are for the policeman basic occupational values. They arise from his experience, take precedence over his legal responsibilities, [and] are central to an understanding of his conduct (1953:35).

By looking at issues of methodology as well as offering a theoretical analysis, David Dixon (1992), discusses the significant limits as well as possibilities of change to the police culture through the use of legal rules. John Van-Maanen (1984) examines one aspect of the police culture which is the administrative culture of the police hierarchy. By detailing the promotion procedure from patrol officer to Sergeant, through his field research of a police force in the U.S., Van-Maanen concludes that those who are promoted to Sergeant are those who appear to be administratively inclined and therefore police culture here is described from a procedural perspective that emphasizes rules and regulations in police practice. For Nicholas Fyfe (1991), police culture is an inherently territorial activity which affects the social and political environment and is simultaneously affected by these environments. He explores the relationship between the police and the state in an attempt to intensify police accountability to the communities they serve. Andrew Goldsmith (1990), on the other hand, notes that rather than critiquing police culture, we should approach it as a resource in creating rules to more clearly define and control police powers, practices and accountability.

Jameson Doig (1978) presents a distinction between theory and practice in police work by examining the lack of clarity in policies and the problems associated with supervision of patrol officers in their everyday work. Doig argues that police culture affects the new recruits as they learn the rules of police work 'on the street' that challenge the administrative rules and that individual personalities, levels of education and cultural pressures come together in the creation of specific police cultures.

Donna Hale (1989) explores the police culture by specifically looking at police 'misconduct' and 'corruption' and the protection of these acts by the police code of silence. Clifford Shearing (1981) notes that police work is presented as incorporating egalitarian ideals (for instance, through the changes in employment practices) however, in reality, police culture reflects and maintains structure of dominance. For Skolnick (1966), police culture is shaped by the authority that their job provides them as well as with the danger that is associated with their work. The common police practice of making uncertain and risky decisions as well as the level of danger that is associated to their work shapes and defines police attitudes and hence the police culture. According to Manning (1990:36), autonomy, authority and uncertainty are the main occupational themes for police and these determine the police culture. However, when events occur that become defined as 'crisis' then the locus of decision will move higher up on the hierarchy and become more centralized.

An occupational culture exists within policing that defines and shapes the nature of 'things' in the organization. However, the forces that affect the occupational culture and the

relationship with its effects on detectives' decision making in criminal investigations remains unanswered.

## **The Power Dynamics Within Policing**

In order to better understand the police occupational culture, one must understand the hierarchy and paramilitarism inherent in policing and the pressure for officers at lower ranks to defer to senior officers' demands and expectations. The complex concept of power must be deconstructed and examined. Power, a complex abstract concept, has explanatory value only when attached to a theory of a historically specific relationship. Therefore in order to understand the power dynamics within police departments, one must critically examine the history of the police service. As Marx (1852:595) stated, 'men make their own history but they do not make it just as they please, they do not make it under circumstances chosen by themselves, but under circumstances found, given and transmitted from the past'. Therefore, by studying the history of a specific relationship, only then can we begin to make sense of social relations today seeing that power can only be analyzed by analyzing social relationships themselves. Poulantzas (1980:147) states that power is not 'attached to a 'class-in-itself', understood as a collection of agents, but depends upon, and springs from, a relational system of material places occupied by particular agents'. Moreover, one must analyze the kinds of powers that are distributed within social relations and how and why these powers become distributed by looking at the nature of those social relations. There are a multiplicity of power relations in society and hence within police departments and they cannot be reduced to a single

underlying antagonism nor can they be understood by looking at existential explanations. Rather, conditional explanations are the key.

It is clear that the use of the paramilitaristic, hierarchical structure is responsible for forging certain power relations within the Service and hence contributing to the shaping of the occupational culture. Furthermore, the manner in which language is utilized within the structure and culture contributes to the creation specific power relations. Senior officers within police departments produce a number of illusions in order to legitimate their position of control and one method utilized in creating illusions to camouflage positions of power is through the use of language. As Gadamer (1976:3) stated, 'language is the fundamental mode of operation of our being-in-the world, and the all-embracing form of the constitution of the world'. As mentioned earlier, there are several common expressions that are often used by police personnel. These expressions are utilized as a form of advice, within the police service, which at the manifest level would indicate partnership amongst officers relating within a police 'sub-culture' and hence suggest 'friendly advice' while at the latent function they affirm fear amongst officers and obedience to the chain of command, rendering them powerless. As previously noted, common expressions utilized in the Service, by officers giving advice, included 'you may win the battle but you won't win the war', 'bite the bullet', 'don't rock the boat', and 'the old boy's club is alive and well'. All these clichés serve to silence 'front-line officers'. The people who utilize these expressions as a form of advice are viewed as good-natured and trust-worthy speaking only with the best interest of the listener in mind (Itwaru 1989:12). Moreover,

Their utterance is not seen as an attempt to persuade the listener to

accept being a powerless subject. It is not seen as the very condition of the absence of freedom. It is not seen as the reinforcement of inequality. But rather in a political economy which daily promises authenticity of the subject and daily denies this, this supposedly good advice takes on the persiflage of personal acceptance and concern (Ibid.:13).

Itwaru (1989:15) adds, 'these 'advisors' are the legitimators of highly formalized strategies for the imprisonment of the subject. That they may not be aware of these implications in their action does not detract from the agencing role they are playing.

The listener either accepts the speaker's advice where s/he acts as the mouthpiece of power and social stability or challenges the positions of power. For those who accept the speaker's advice one of two things has occurred: 1. Either their dependency on selling their labour power to financially support themselves, or the fear of being marginalized, render them powerless. In this first instance, they have achieved full consciousness. They realize they are being silenced, however, they learn to tolerate or accept their disempowerment for survival. In return, these individuals are rewarded in order to send the message to similar others (who have achieved full-consciousness). They conform to the dominant ideologies because there is an investment in conforming.

2. Or, their subordination naturalizes in their alienation. These people fall victim to the illusions, in other words, fail to see the manipulation of power, and accept the speaker's advice as genuine and trust-worthy. They do not view themselves as being silenced. Similar to the proletariat during feudalism, they become so alienated that they interpret their actions as natural and therefore, unavoidable. Gramsci refers to this as hegemony. Hegemony is a force

of rule that exists within a set of ideologies that is secured through consent of the people being ruled and promoted by 'common sense'. In other words, it is the process where the ruling elite either absorb those in opposition or serve the people based on the people's consent. Hegemony therefore becomes 'common sense'. Those in power create illusions (e.g. through the use of rhetoric) to present themselves as the exemplars of freedom and equality (Gramsci 1957:186-187).

Therefore hegemonizing procedures of domination are operationalized through language and people consent to this praxis while the coercive actions are hidden. For instance, we are told that the document entitled *Beyond 2000*, which alludes to taking policing issues into the future and hence 'progressing', is primarily intended to improve police-community relations and present the police as a positive, pro-community service to the public. It further acknowledges the front-line officer as the primary agent in this execution and hence claims to encourage critical thinking amongst 'front-line' officers. In actuality, however, the document serves as an ideological tool as it is used methodically by the 'brass' to legitimate the police service to the community, the officers and to themselves. The 'brass' must constantly re-invent themselves in an attempt to keep the public and 'their' officers content while they disguise their true intentions. Another example of this, as has been mentioned earlier, would be the replacement of the word "force" with "service" by some police departments; for example the renaming of the Metropolitan Toronto Police Force to the Metropolitan Toronto Police Service in 1992. The police department felt that the word Service would appear less threatening and would be indicative of the new role of the police caring for and serving the

community. Therefore, hegemony offers an explanation as to why certain officers conform and consent to the values of the occupational culture of policing.

On the other hand, there are those who challenge positions of power. They have achieved full- consciousness or partial consciousness (e.g., may have an uneasy feeling that “something is wrong” rather than full understanding) and are willing to act. They have acquired the knowledge to produce action. As suggested by Marx and Engels, practical knowledge must be produced by capturing the sensual and the practical; that is, the senses of the people in order to move/inspire them, and the method in how to act (1846:93-95). As suggested in the Communist Manifesto, people must combine empirical and mental forces; that is think of what they are doing (Marx and Engels 1848:16-17). Workers are just as susceptible to ideology as everyone else. In other words, just because one is a worker does not necessarily mean s/he knows how to act.

Therefore, language is a powerful ‘tool’ used within various social relations such as within policing, and it becomes ‘hegemonized’; it serves as a chameleon as words are used to express concern for people, while simultaneously covertly operating to fulfill the hidden agenda in protecting the hierarchical, paramilitaristic structure of the Service. The paradox that exists lies in the perception of reality. Why have some officers achieved full consciousness while others have not regardless of whether they are willing to act or not? Why does hegemony not blind the entire populace? One thing that is certain is that people’s experiences with ‘reality’ are fundamentally constituted by the normative and conceptual frameworks within which they operate in their day to day lives.

The social relations between officers, operating within the organizational structure of policing, is a theory of power, and therefore, more time must be spent examining the concept of power in relation to social relationships noting that power can only be analyzed by analyzing social relationships themselves. Furthermore, more time must be spent studying the history of police departments because only by studying the history, and therefore, the transformation of specific relationships can we begin to understand social relations today. Only then can we begin to make more sense of the occupational culture of policing and how that influences/defines police discretionary powers.

The organizational structure of policing is defined by paramilitarism, "in-house" (administrative) rules and procedures, the 'community policing' rhetoric reflected in the restructuring and redefining of departments and the titles of officers, and a crime-control mandate. These tenets coupled with society's dominant ideological forces where the interests of the affluent are protected shape the occupational culture. The creation of social organizations are the result of existing in the wider society, and therefore, a theory that tries to explain police culture by only looking at the organization itself is limited and therefore only paints a partial picture of our understanding of it. The dominant ideological social forces of the wider culture affect/influence and to a large extent define the police culture. For instance, in terms of how police view 'criminals' (i.e. what constitutes criminality), how individual cases are handled, and ultimately what constitutes 'justice' are largely shaped by the society that surrounds them. For Visano (1998), the application of violence in our society is almost entirely utilized in the control of the lower classes; 'hidden crimes' such as loan sharking,

corporate crime, embezzlement, stock market manipulations and smuggling of contraband goods, (i.e., crimes of the rich) are virtually non-policed and therefore grossly under-reported. The police organization functions in a political arena where specific interests are protected even though, in theory, the police are expected to be apolitical (Manning 1997:109). Therefore the study of police discretion in specific cases is an inquiry into expressions of power and cultural controls.

### **Police Decision Making/Discretion**

An understanding of the organizational structure and occupational culture of policing is vital before one is able to delve into any conceptualization of police decision making and what that means in everyday police work. Police discretion is an integral part of police work; in fact, policing would not be possible without police discretionary powers. There are a multiplicity of rules and laws which means that only a few can be enforced due to available time, resources and lack of police knowledge of all these rules/laws; moreover, at times, many laws and procedures are themselves inconsistent, if not contradictory. Hence, policing involves a high level of discretion in the application of rules (K.C. Davis, 1969; H. Goldstein, 1964; La Fave, 1965) and as McNamara notes, 'police work does not consist of a standardized product or service' (1967:185).

Police work is not subject to close supervision, and formal rules and laws do not clearly define how and when an officer should respond/act. Police work is in most instances

individualistic. Officers transform situations from the private to the public domain, and subsequently decide when to apply state authorized social control (Black, 1973).

According to Manning, police 'must enforce the peace with few guidelines and enforce the law while procedural constraints dealing with the protection of individual rights must be observed' (1997:107). Moreover, he states,

The complexity of law enforcement stems from both the problem of police 'discretion' and inherent tensions between the maintenance of order and individual rights. The law contains rules on how to maintain order; substantive definitions of crime; penalties for violations; conditions under which the commission of a crime is said to have been intended; the procedures for the administration of justice and for the protection of individual rights. Structurally the police must exercise a discretion vaguely defined in the law (ibid.).

First of all police discretion can broadly be defined as police decision making in police day to day relations with members of the public. This includes decisions on when to arrest, when to stop a motor vehicle, deciding to give someone a ticket or to caution him/her instead, how much time to dedicate to an investigation, etc. The police are often interpreting the laws as police discretion is recognized in specific sections of the law (e.g. the Criminal Code). According to Kenneth Culp Davis, the police, amongst all legal administrators, make 'far more discretionary determinations in individual cases than do any other class of administrators', (1969:164-66) and he estimates that discretionary enforcement 'may account for about half of all the discretionary power that is exercised in individual cases in our entire legal system' (ibid.: 166). It is impossible for police to enforce all the laws all the time, but what is not recognized here is why certain laws are commonly enforced over others, and why certain groups of people are subjected to more 'law enforcement'.

All police decisions from the level of front-line officer to detective require discretion and are made situationally. Initially, it is the front-line officers (the patrol officers) who define and determine courses of 'justice'. It is they who interpret notions of justice and, therefore, their choice of action or inaction in various circumstances depends on what they perceive to be justice. But, once a person is arrested and brought into the station, the case is 'handed over' to the detectives, working in the Detective Office, who will ultimately make decisions affecting the accused.

Some researchers and politicians have argued for the creation of rules to govern police decision making/discretion. According to Gregory Howard Williams,

'in developing rules to control police arrest decisions, the goal is to ensure that police conduct in law enforcement is not arbitrary and capricious. The goal of criminal law enforcement policy making is not to abrogate or add to the penalties set by the legislature but to define more accurately the circumstances in which the law can realistically be enforced and to enforce all laws when it is possible in the manner in which the legislature expected such laws to be enforced' (1984:48).

However, the problem is that there is a lack of uniformity in law enforcement; that is, which laws get enforced and to whom the laws are most applied. Police spend most of their time policing 'minor crimes' where there is much more flexibility than in the more serious indictable offenses and therefore, there is a heightened need for uniformity. In one study of police and adult offenders, it was observed that police using their discretion chose not to arrest for 43% of all felonies and 52% of all misdemeanors judged by observers as situations where there were grounds to arrest (Reiss: 1971:134). Criminal statutes are not fully enforced. The statutes as drafted provide little or no enforcement guidance and even if certain sections of the

law called for specific enforcement guidelines, police would still have the power to enforce certain laws over others (e.g. Attempted Murder vs. Aggravated Assault), and to enforce them on certain people through 'pro-active policing'. Selective enforcement is the reality of the society we live in. Law enforcement is not about equal protection and selective enforcement can be used to target certain groups and certain areas. Police discretion results in unequal treatment of people in similar situations. One of the first cases in which concern as to law enforcement as an equal protection arose was in *Yick Wo v. Hopkins*. In this case, the U.S. Supreme Court struck down a San Francisco city ordinance as violating the equal protection clause of the Fourteenth Amendment, even though the language of the statute did not display any discriminatory intent (Williams 1984:62). The Supreme Court maintained that,

[t]hough the law be fair on its face, yet, if it is applied and administered with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution (ibid.).

Herman Goldstein (1977), notes that the socializing process within the force accounts for some forms of discretion being uniformly applied, however, the majority of police discretionary powers are the result of the individual officer's decision. He states, 'Persons who have accompanied several different police officers on routine assignments in the same area are often startled by the different ways in which similar incidents are handled (Goldstein 1977:101-102). And he further adds that depending on work load and time constraints, officers decisions in similar situations may not always be consistent (ibid.:102). By attributing the majority of

police discretionary powers to individual officers, Goldstein does not assess the impact of the social forces that shape the police culture which include the organizational structure and the economic order. Moreover, there is no acknowledgment, let alone analysis, of people's class, gender, and race in the differences in police actions in similar situations.

Allen argues for the creation and maintenance of formal rules. He is concerned with the informal rules that are developed and carried out by individual police officers and where there is virtually no check on the formulation and/or implementation of those rules by government agencies including legislature (1976:85-86). According to Williams, 'The implementation of formal rules would contribute to the demise of uncontrolled rule development. In the first place, formal rules would require police agencies to be much more careful in developing law enforcement norms (1984:70). As a result, Williams (1984) notes that police should engage in policy-making in order to produce explicit uniform arrest guidelines and therefore adhere to the principles of equity and fairness. Then people arrested under such law enforcement rules could question whether the rules violated equal protection and due process guarantees (e.g. discriminating against certain individuals or groups of people or whether the process of developing and implementing the rules was improper). Action to guide arrest discretion can be taken by institutions such as the federal government, local governing bodies, and the courts which have direct input into police decision making. Legislators could create certain rules guiding police decision making in specific situations (e.g. wife assault cases) and that would be helpful but the main criticism here, is that this would not change selective enforcement which through 'proactive' work, leads to policing certain people

and certain geographic areas much more frequently than others. Further, these changes would not control officers' biased actions when choosing to act in certain ways with certain people versus others in similar cases (e.g., giving a ticket to one person while letting the other person go for the exact offense, or in choosing which laws get enforced such as charging one person with a more serious offense than the other person yet the circumstances are similar if not identical). Moreover, officers would continue to exercise their beliefs and/or biases in treating some offenses less seriously than others by, for instance, investing less time in the investigation and collection of evidence. Also, Williams (1984:60) notes that no state legislature has ever explicitly required the formal elaboration of enforcement policy by the police, and therefore, the police have not been required to engage in formal policy making. Ironically, police forces have very detailed operating procedures (e.g., how to pull over motor vehicles, how to draw their weapons, what forms must be completed after an arrest is made, etc.), and police agencies have 'policy manuals' that outline the rules governing police conduct (e.g., drinking while on duty, the acceptance of gifts, etc.), and yet many areas of police functioning are left to the discretion of individual police officers (e.g. when to use deadly force, whether an arrest should be made, etc.). Goldstein states some guidance in police discretion,

can alert officers to the alternatives available for dealing with a given situation, to the factors that should be considered in choosing from among available alternatives, and to the relative weight that should attach to each factor. It is possible to be much more specific in setting forth what should not be done in some situations - in establishing factors that should not be considered, such as racial distinctions, and in prohibiting some courses of action as, for example, shooting at a suspect in a crowded area (1977:112).

Once again this would be helpful, but it does not address the problems associated with selective enforcement, nor does it address the role of both the organizational structure

and culture in officers' decision making. Police using their authority to handle situations when there is no legal basis for action is not uncommon practice (e.g., telling vagrants and prostitutes to leave a particular area, or questioning and/or searching persons when there are no legal grounds). This largely depends on how the officer perceives one's 'social status' in society and ultimately how they define 'justice' in their work. Women, minorities and the poor (which often are women and minorities), are targeted while upper class ideologies and properties are protected. Visano (1998) maintains that corporate or 'white-collar' crime is virtually non-policed and crimes against the environment and work hazards are subject to fines as opposed to prison terms.

According to Goldstein, people who oppose police discretionary practices do so primarily for three reasons. '(1) the awesome power of the police, as exemplified by their authority to deprive an individual of his freedom and to use deadly force; (2) the reputation the police have established in many areas for exceeding their legal authority; and (3) the extent to which existing discretion - reluctantly acknowledged - has been abused' (1977:107). And therefore, police work cannot be discussed outside of the context of police discretion, and without first identifying some of the problems within the organization itself and their relationship to the 'culture'. In brief, the literature on the police organizational structure, the occupational culture and police decision making was examined. All three components need to be understood and analyzed in order to be able to examine how one impacts/influences the other. The organizational structure of policing consists of administrative rules, the crime control model, paramilitarism which defines the power relations within policing, and the

restructuring of departments as a result of 'community policing' initiatives. The restructuring of offices and the renaming of officers has not changed the functioning of policing but rather the concept of 'community policing' proves to serve as rhetoric which creates the illusion that positive police-community relations are being promoted. Moreover, the structure of policing itself that allows for characteristics such as police autonomy, authority and uncertainty shapes the occupational culture. Police, regardless of their differences, whether it be political beliefs, race, sex, etc. experience and learn to relate and identify with the occupational culture. For instance, respect and conformity to the paramilitaristic structure, loyalty towards fellow officers, secrecy, and producing 'good work' all become occupational expectations within the various levels of policing. Furthermore, both the organizational structure and the occupational culture are influenced and shaped by the wider social culture which reflect the economic order and dominant ideologies. Police discretion was broadly defined as police decision making in police day to day relations with members of the public, however, the questions that remain unanswered are whether it is the structure or the culture that influences decision making, and how are detectives' discretionary powers affected in their criminal investigations, specifically in the construction of 'high profile' cases.

## **Chapter Two: Methods of Inquiry**

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### **A Guiding Theoretical Framework: Symbolic Interaction and Critical Conflict Theory**

The symbolic interactionist and conflict perspectives shape and guide this dissertation. These theoretical paradigms, while at times overlapping, are also sometimes inconsistent with one another, and are significant in the exploration of this study. When both are applied, one is able to paint a clearer picture of the social phenomenon of the detective structure and culture and their effects on decision making.

Symbolic interactionism emphasizes the ways in which people interpret and share symbols and the importance of these symbols in shaping/influencing human interactions and shaping human behavior. The interactionist methodological approach recognizes the significance of the inner and outer perspectives of human behavior. Symbols and meanings and the processes by which they are created and understood are explored. Symbolic Interactionism was embraced by George Herbert Mead (1863-1931) and later by his student Herbert Blumer (1900-1987) who also coined the term. Mead argued that the self did not exist outside of society but rather that the self is 'essentially a social process' (1934:173). Moreover, the 'essence of the self is cognitive; it lies in the internalized conversation of gestures that constitute thinking' (Mead 1934:173). He

further differentiates between the 'I' and the 'me'; the 'me' reflects the part of the self that internalizes social norms and values and therefore, the attitudes of others determine the 'me'. The 'I', on the other hand, is the unpredictable side of the self that responds to the attitudes of others and is regarded as the impulsive manifestations of human natural needs (ibid., 174). Charles Horton Cooley (1902) maintained that the perception of self is analogous to the view in the mirror, the 'looking glass' as he referred to it. In other words, humans in their day to day social interactions come to regard themselves as others see them. Influenced by Mead and Cooley, Herbert Blumer (1969) also stressed the importance of subjectivity; that is, how human beings made sense of the world around them. He claimed that sociologists must consider the subjective experience, behavior and observable conduct of human beings. In accordance with the interactionist paradigm, he argued that people are not passive recipients simply reacting to external stimuli but rather are active beings where human behavior is assumed to be willed behavior and through interaction with one another, people continuously define and interpret each other's actions. According to Blumer (1969:2),

Symbolic interaction rests in the analysis of three simple premises. The first premise is that human beings act toward things on the basis of the meanings that the things have for them.... The second premise is that the meaning of such things is derived from or arise out of social interaction that one has with one's fellow. The third premise is that these meanings are handled in and modified through an interpretive process used by the person in dealing with the things he encounters.

For Cooley, Mead and Blumer, the self is continuously being constructed and made possible through social interactions within a society that functions as a result of

symbols. Therefore, the self is not a fixed entity as individuals make choices and construct action that shape and define the self.

In reference to this study, the symbolic interactionist approach was applied to detectives in order to attempt to understand how they interpreted their roles as police officers and how meanings were assigned to specific situations within the organization, for instance, decision making in which cases became 'high profile' versus others. More specifically, what influenced them to make certain decisions in some cases versus others, how did they make sense of the police culture and structure and how did that determine individual behavior and the processes/procedures in their work. Meanings are learned in social interaction and, therefore, the definitions of police culture and structure are dependent upon the societal contexts in which the social interactions take place.

In reference to my study, symbolic interactionism is applied in the ethnography to make sense of detectives' interpretation of symbols and language, however, to stop here would produce a partial picture of our understanding/interpretation of the phenomenon. Symbolic interaction is utilized in association with a much larger sociological framework that being conflict theory.

The conflict perspective, whether radical or pluralist (conservative), has changed the nature of criminological theorizing over the last two decades and most criminologists now acknowledge the presence of conflict in societies (Williams III and McShane 1999:161). Conflict theory focuses on the political nature of social phenomena; it examines the use of power that creates and maintains an image of consensus amongst the

masses and that represents the problem to be studied. There are several forms of conflict theory that are linked only by the argument that conflict is natural to society. The conflict theory that this study embraces is critical (also referred to as radical) theory. This perspective, however, encompasses a wide range of positions which include political anarchism (Ferrell, 1993), Marxism (Chambliss, 1975; Quinney, 1977) economic materialism (Gordon, 1973) and the new left realism (Young and Matthews, 1992). But, regardless of the wide range of positions, most of these current 'radical' approaches have their roots in Karl Marx's writings on the economy and class inequalities, which are the theoretical considerations partly reflected in this study.

Early versions of radical conflict theories are characterized by William Chambliss in the late 1960's and early 1970's. In his article 'The Saints and Roughnecks' (1973), Chambliss maintains that criminality represents the political economy where the ruling class controls the resources of society and uses law as a means of control and where the lower classes join in their own control by 'buying into' the myth that law serves the interests of everyone equally. Chambliss and Seidman (1971:4), in *Law, Order and Power*, state:

It is our contention that, far from being primarily a value-neutral framework within which conflict can be peacefully resolved, the state is itself the principal prize in the perpetual conflict that is society. The legal order...is in fact a self-serving system to maintain power and privilege.

Therefore, critical theory recognizes the interrelationships among social structures, criminality and the political economy and the enforcement of dominant ideologies. In

essence, this approach does not dismiss the macro-sociological orientation of understanding social phenomena. While symbolic interactionism focuses on the micro level placing emphasis on individual subjective experiences and meanings, a macro-sociological approach encompassing the critical-conflict paradigm is equally important as the social economic order defines dominant ideologies and influences and shapes individual perceptions of the social world. Ian Taylor, Paul Walton and Jock Young refer to this 'radical' criminology as the 'new criminology'. In an interview with Robert Mintz (1974:39) they noted:

... the most important thing about The New Criminology is the attempt to do a criminology which takes account of the total society. It's not microsociological, like symbolic interactionism, labelling theory and so on, and it's not crude either in its view of social conflict. It is at least an attempt to do a Marxist criminology... So our problem is to go back to Marx-and not simply to take isolated sections of Marx... We see crime as an authentic form of consciousness, we take it seriously, and we try to relate that back to the total structure and avoid the impasse that characterizes micro-sociological accounts.

Although Taylor, Walton and Young note that individuals are both determined by external social forces as well as determining those forces (ibid.:157), criminality and deviance are ultimately predetermined by structured inequalities which are ideologically enforced (ibid.: 169). Both macro-theory and micro-theory are combined in an effort to analyze the structural variables on processes that affect human beings.

According to Mintz (1974:40) in his reference to the study of crime:

If you are going to study "crime", there's no point in trying a causal, let's say a social reaction analysis, without situating that specifically-the specificity historically of that kind of behaviour, the reasons for

that kind of behaviour, the motives of the individuals engaged in that behaviour, the motives of those that bring the force of law to bear on that behaviour, and so on...but all situated historically, yet hanging together as a total process...

In essence, this 'New Criminology' critically interrogates the economic, political and social orders that shape and influence the capitalist culture and advocates the need of human agency in the historical social constructions (moreover, it points to the need for inclusivity of marginalized groups within the pedagogy, praxis and scholarship of critical criminology).

In reference to this dissertation, both micro and macro-sociological approaches are applied in order to develop a clearer picture of the structure and culture of detective work and ultimately their impact on detective decision making. To apply only symbolic interactionism would result in a partial picture of the social phenomenon. Subjective interpretations of symbols and meanings by detectives is vital to this study but it must also be linked to the wider social economic order that shapes dominant ideologies and impacts human behavior where at times it is willed, but, for the most part it is determined by dominant social forces; therefore, conflict theory must also be applied. To apply symbolic interaction without conflict theory would mean excluding notions of power, control and conflict within 'policing', and therefore, for example, one would have to avoid recognizing the fact that there is little 'negotiation' between two police officers at different levels within the hierarchy. In this sense, symbolic interaction impedes with conflict theory, noting that within the symbolic interaction paradigm it is suggested that,

through social interactions, structures are defined and created, and therefore, in my study, the principles of symbolic interaction are modified to incorporate ideas that recognize that there may be little or no room for negotiating decisions in the organization of policing. Similarly, to apply only conflict theory without symbolic interaction, would also render the study 'incomplete' as we run the risk of being too removed from the social phenomenon of detectives' day to day interactions and decisions within the policing organization. Regardless of the uniqueness of each of the theoretical approaches, they undoubtedly, at times, overlap and parallel, however, they are also, at times, inconsistent. Both serve as important pieces to the puzzle in that when applied together they offer the reader a clearer picture of the social phenomenon of detective work; these perspectives guide the theoretical framework of this project.

## **Methodology**

For the purpose of this dissertation, both interviews and participant observation were utilized. Moreover, documentary analysis of community policing literature was applied in order to familiarize myself with the police department's restructuring program aimed towards "community policing" and therefore, assess the effects, if any, on the culture of detectives including decision making practices.

### ***(i) Interviewing***

The most highly regarded method of survey research is face-to-face interviewing as it reflects several advantages (Singleton, [Jr.] et al. 1993:261). Singleton, [Jr.] et al further add that the response rate (i.e., the proportion of people in the sample from whom completed interviews are obtained) is high and that produces less bias in the data due to nonparticipation of sampled persons. They suggest that the reasons for the high response rate are probably 'the intrinsic attractiveness of being interviewed (having someone's attention, being asked to talk about oneself, the novelty of the experience); the difficulty of saying 'no' to someone asking for something in person; and possibly the fact that the importance and credibility of the research are conveyed best by a face-to-face interviewer who can show identification and credentials' (ibid.). The greatest disadvantage of interviewing, on the other hand, is cost and time. As a Ph.D. candidate I had no university funds for traveling to interview the participants and therefore all costs were incurred by me personally (fortunately the majority of interviews were conducted in the city and therefore limited money was spent driving and using public transportation; more money was spent buying coffees and treats for the respondents who were giving up their personal time to be interviewed; and in some instances I was forced to drive long distances to outer cities and towns to conduct interviews at the participants' home). Time is also of concern when conducting formal interviews. Much time was spent telephoning potential participants, leaving messages, introducing myself, negotiating times and dates to meet, and traveling.

Due to the size of the detective population serving in detective units or with recent prior detective experience, time constraints, cost and the unavailability and/or inaccessibility of all the detectives or officers with prior detective experience in the Toronto Police Service, a sample of 50 present and former detectives (i.e., detective-constables, detectives, and detective sergeants) were interviewed. Thirty-seven males and thirteen females were interviewed; all the women were present or former detective constables; thirty-one males were present or former detective constables, four were detectives and two were detective sergeants. Moreover, a variety of detective offices were represented. Officers interviewed were presently serving in detective units or had formerly served in these units. 8 officers had served in multiple detective units (i.e., either 2 or 3) in their policing careers; however, they were recorded by their most recent detective experience. They consisted of: 26 from the Detective Office (formerly known as the CIB), 10 from Youth Bureau, 9 from the major crime unit, 2 from the street crime unit (now disbanded), 1 from the sexual assault squad, 1 from the fraud office, and 1 from the Warrants Office. Interviews ranged between 1 and 2 ½ hours with the majority (38 interviews) being between 1 and 1 ½ hours. Interviews were conducted at a location chosen by the respondents: they ranged from my home, the respondent's home, restaurant, coffee shop and the police division where the respondent worked. All interviews were conducted face to face between the respondent and myself with no others present during the interview. Confidentiality and anonymity were ensured and all respondents were asked permission to be tape-recorded of which 21 agreed. For the other

29, notes were continuously recorded during the interview. Open-ended questions were utilized to encourage the respondents to use their own words/vocabulary and provide them with an arena to express themselves freely rather than restricting them to the closed-ended approach. Participants were interviewed between December 1998 and April 1999.

*(ii) Sampling*

Non-probability sampling techniques were utilized: snow ball sampling, convenience sampling and purposive sampling were applied. Cases of selection were not random and therefore did not control for bias on the part of the researcher, however, for the purpose of this study, they were appropriate methods since gaining access to interview detectives became an issue of trust.

Snowball sampling is sometimes associated with probability sampling (Goodman, 1961), however, it most often involves nonprobability methods of selection. Being able to achieve what I refer to as 'authentic' interviews (i.e., achieving honest accounts of individual experiences) by detectives employed in a culture that frowns upon any possible negative exposure, required significant time spent networking with detectives and other police officers in order to develop a level of trust. My reputation as a trustworthy researcher in search of writing a comprehensive account of 'detective work' without compromising participants' anonymity became vital. Snow ball sampling here

was very helpful as a process of chain referral was used. Time was spent telephoning detectives and detective constables I had personally met in the past, while working on other projects and at social functions, and arranging interviews with them. Then, participants provided names and/or telephone numbers of other members of the target population who were then contacted, interviewed (i.e., once they agreed to be) and asked to provide other names. According to Biernacki and Waldorf (1981:144) snow ball sampling is notably applicable to researching 'deviant' and/or illegal behaviour. Research where 'moral, legal, or social sensitivities surrounding the behaviour in question...pose some serious problems for locating and contacting potential respondents' (ibid.) and therefore snowball sampling is very effective. This was an appropriate sampling technique for this study seeing that some aspects of the interview dealt with highly sensitive issues and, in some instances, illegal activities on the parts of the respondents. Respondents, introduced via this technique, did not seek permission from their 'superiors' to participate in the study. None of the respondents suggested that permission be first given before the commencement of the interview, and I felt that this process was not necessary as it could jeopardize the information provided during the interview and/or the respondents' career. Had the department been notified, respondents might not have been willing to disclose information that could potentially harm the police force for fear of being pointed out by members of the 'Brass' and seriously punished once the study was published. Moreover, for the ones willing to 'speak their minds' I did not want to be responsible for damaged careers if members of the 'Brass' were able to

associate a particular recorded story with one of the interviewed officers given permission to discuss detective work.

Convenience and purposive sampling were also applied by telephoning two divisions, introducing myself, my research project and setting up interviews. This approach can be deemed 'convenience sampling' in that detectives who were conveniently available when I was at the police station were interviewed. Decisions to introduce me to these interviewees were made by the Detective Sergeant in one division and a Detective in the other. Decisions were made in terms of who was available at the time (since these interviews were conducted in the station during my visits), and, as one of my colleagues noted, possibly with the 'polished' detectives or detective constables who would be cautious in terms of the information they relayed. This latter method resulted in 5 interviews: one detective constable and one detective sergeant from one division, and two detective constables and one detective from the second division. Although these interviews were very helpful and significant in identifying the particular structuring of the detective offices, procedures and job descriptions, they did reveal more 'safe' research data when compared to the other interviews. This latter approach can also be referred to as 'purposive sampling' in the sense that the two divisions selected were 'representative' or 'typical' of the other divisions; they were not considered the 'busiest' nor the 'dead' divisions in the studied police department. While in these divisions, I had the opportunity to observe the detective offices, 'interview rooms' (where accused persons are kept until a decision is made by the detectives to either charge or release

them), the jails, booking room, and the computer software utilized by the detectives (e.g., C.I.P.S). Convenience and/or purposive sampling produced a set of five interviews which were important when comparing the interviews to those conducted via snow ball sampling; moreover, the purposive sampling technique gave me access to several rooms used by the detectives in their day to day operations.

### ***(iii) Participant Observation***

Field research has historically been most associated with participant observation (Singleton, [Jr.] et al 1993:324). The researcher who takes on the role of the observer spends lengthy times with the group of people being studied (Becker and Geer, 1957; McCall and Simmons, 1969). Bogdan and Taylor state that the researcher who takes this approach gains acceptance into the group and is able to 'joke with them, empathize with them, and share their concerns and experiences' (1975:5). This methodological strategy emerges out of the central concerns of the interactionist perspective. The researcher is able to attain first hand knowledge of the social phenomenon being studied and develop conceptual categories for the research findings. According to Becker and Geer, participant observation is defined as:

a method in which the observer participates in the daily life of the people under study, either openly in the role of a researcher or covertly in some disguised form, observing things, listening to what is said, and questioning people, over some length of time

(1970:133).

In my study, I became a participant observer in several social settings where I attended numerous social functions at various parties, 'get togethers' and bars hosted by and/or attended by police officers. Invitation to these social functions resulted by getting to know officers from years of volunteer work with the Metropolitan Toronto Police Victim Services, and in other capacities. At these functions I was privy to the police culture outside of police work as, at times, they engaged in police stories which included experiences with a good 'pinch' (i.e., arrest) and other cases, 'gossip' about other officers and more specifically their 'superiors', the police services board and the police association (i.e., the police union). I was able to socialize with these officers, listen to their stories, and ask questions with regards to detective work. Within the period between February 1998 and March 1999, I attended 2 house parties hosted by police, 2 'get togethers' (one of which was a barbecue, and the other was a 'pizza-video' night; both hosted by police), 1 police Christmas dance, and visited one bar known to be a 'police hangout' on 3 different occasions. 18 officers who were either detectives or detective constables or had prior detective experience were introduced to me at these social functions and were later contacted for face-to-face formal interviews of which all but two agreed. Within that period, I was further introduced to several other officers without any detective experience of whom some were able to refer me to other detectives.

Additionally, I engaged in participant observation by visiting two divisions, examining the sally ports and booking rooms where accused persons were initially

brought, the 'interview rooms', the jails, the detective offices and the computer software utilized by the detectives (i.e., C.I.P.S.). I was further able to participate in 'ride alongs' with five officers who had previous detective experience in order to obtain first hand knowledge of the culture of patrol officers: this included learning about the police radio, C.P.I.C. (Canadian Police Information Centre), responding to calls, and more importantly, for the purpose of this research, patrol officer relations with the Detective Office. Through the use of participant observation I was able to utilize a number of research exercises: these included direct observation and participation, informal or conversational interviewing (Becker and Geer, 1970: 133), informal observations (Downes, 1966).

Unfortunately I was not able to engage in participant observation while detectives interacted with accused persons and/or victims of crime at the station. I sought permission from the superintendent of one division, however, he argued that it could not be done. The accused person(s) and/or victim(s) would have to give written permission for my presence in the Detective Office and more specifically in the 'interview room'. But, due to the nature of Detective Offices, detectives were usually busy 'processing bodies' often working on several cases at one time, interviewing accused persons, victims and/or outside witnesses, and thus it would be an 'administrative and legal nightmare' as the Detective Sergeant of this station stated seeing that I would have to obtain written permissions from all those people present from all the different ongoing investigations. And in the words of the superintendent, 'We can give you everything but the real thing.

We can show you all the rooms, tell you all the procedures, introduce you to detectives, meet the Detective Sergeant whose responsible for all the detective offices here but you can't be in the detective offices when prisoners come in. Like I said, we can give you everything but that'. 'The potential for law suits would be enormous' added the Inspector also present in the room. Participant observation in this study encompassed different forms which included partaking in social functions, 'ride alongs' and time spent in police divisions observing structures and processes concerning detective work. In my experiences I was neither the detached unobtrusive observer nor the complete absorbed participant.

Because field research is rarely either detached observation on the one hand or embroiled participation on the other, participation often becomes a question of "how much"? To fully immerse oneself in the situation is to risk altering the events one observes and perhaps even losing sight of one's role as researcher. But field researchers argue that these risks are small compared with the benefits to be gained from being a participant. A stranger to a situation may easily take a word, a sigh or other gesture, or a relationship for something wholly different from what it means to a participant (Singleton, [Jr.] et al 1993:325).

#### ***(iv) Ethics, Trust and Confidentiality***

As researchers we are expected to protect the identities of the participants in our studies in order to ensure no harm is brought to the reputations, careers, and overall lives of the studied actors. Trust was established in my level of interaction with officers at the social functions, my prior involvement with the Metropolitan Toronto Police Victim Services, as well as in other projects. This level of trust was exemplified in various examples where respondents spoke of their 'deviant' and/or illegal activities, negative

attitudes towards the department and/or other officers, and serious concerns with the functioning of detective offices. Following the informal interviewing/conversing with officers at social functions, detailed notes were recorded regarding the conversation, and the sociological practice of altering names and using pseudonyms (Sutherland, 1961: 111) was applied. Prior to beginning formal interviews with participants, the researcher ensured complete anonymity and confidentiality. If interviews were tape-recorded, pseudonyms were used during the interview and the pseudonym was recorded on the tape cassette. If the participant's real name was accidentally used during the taped interview, then soon following the completion of the interview, removal of the name and/or other identifying information from the data took place. Similarly for those who did not agree to be tape recorded and where notes had to be taken during and following the interview, again pseudonyms were applied. In my data chapters, I have chosen to identify the officers by their ranks (i.e., detective sergeant, detective, detective constable or front-line officer with prior detective experience) and in only a couple of instances I identify the respondents by their sex. The reason for this is that the sample of women with detective experience is small and if I was making reference to a particular specialized detective office while simultaneously stating the respondent's sex, I would undoubtedly be revealing the identity of the officer. Similarly, respondents were not identified by their race, ethnicity, nor the number of years they had served as police officers and/or detectives. All participants were aware that I was a Ph.D. student conducting research on 'detective work' and that I was interested in their personal experiences within the

detective office(s). No further details were provided except to 9 officers who wanted further clarification. To these officers, I informed them that the study aimed to look at how detective work was structured/organized, the procedures involved and decision making in cases.

***(v) Validity and Reliability***

The research methods and sampling techniques utilized challenge natural science or positivistic orientations. However, all methodologies face criticisms relating to issues of validity and reliability. Validity refers to the matching between an operational definition and the concept it is alleged to measure; in other words, is the researcher actually measuring what s/he intends to measure with the chosen operational definition. In general, validity refers to the accuracy of the data (i.e., the social phenomenon). Wiseman (1979:280) and Phillipson (1972:151) maintain that validity in qualitative research refers to whether social actors create concepts of their social reality in the same manner (i.e., experiences) that the researcher has observed. According to Silverman, (1972:190) validity will be determined by the social researcher and his/her ability to comprehend the participants' daily social realities. According to Visano (1987:63) 'Validity and reliability are not necessarily advanced by statistically spreading one's participation and observation across a representative number of events, situations and individuals. Instead, validity is achieved by an active contact with the life of the observed'. In my study, validity is achieved by examining the detective organizational

structure and culture and their effects on decision making in 'high profile' cases from a variety of perspectives; these include participant observation, interviewing and document analysis in order to capture the essence of this social phenomenon, understand the subjective interpretations of the actors, assess the power dynamics within, and analyze the relationship between structure and culture and the influences on 'high profile' cases.

Reliability refers to whether repeated applications of the operational definition under similar conditions produce consistent results. In other words, would researchers undertaking this study produce the same findings? Deutscher argues against the continuous obsession by social scientists with the issue of reliability. He contends that,

We concentrate on consistency without much concern with what it is we are being consistent about or whether we are consistently right or wrong. As a consequence we may have been learning a great deal about how to pursue an incorrect course with a maximum of precision (1970:33).

For Visano,

Despite these criticisms about an exaggerated concern with problems of reliability, qualitative methods cannot easily dismiss the issue of consistency. In observational studies, each subject and situation acts as a test of the consistency of previous observations. Continued returns to the data often result in the discovery of patterns of behaviour and meanings (1987:64).

Once again, due to the wide range of research methods utilized in this study, and the persistence of the paramilitaristic policing structure and unique police culture, as several scholars have previously noted (Manning 1997, 1977, Ericson, 1982), issues of consistency should not surface in this comprehensive study of the structure of detective

work particularly in light of 'community policing' initiatives, the police culture and their effects on detective decision making in 'high profile' cases.

***(vi) Document Analysis – Examining the 'Community Policing' Literature***

Aside from the firsthand collection of data discussed above, social researchers are able to utilize available data in their explorations of social phenomena. Emile Durkheim's study on suicide, first published in 1897, was one of the earliest sociological studies that incorporated official records. Sources of available data extend to several categories which include public documents and official records, private documents, the mass media (which includes written material as well as oral and nonverbal records), physical, nonverbal evidence (e.g., art, clothing, artifacts) and social science data archives (Singleton Jr. et al 1993:354-363). The study presented in this thesis utilized public documents and official records put forth by the police department. The police department's 'community policing' literature was analyzed: it consisted of *Beyond 2000 – The Strategic Plan of The Metropolitan Toronto Police*, *'Beyond 2000' – The Implementation Process*, and *The Beyond 2000 Restructuring Task Force – Final Report*. The intention of this exercise was to explore the significant restructuring of the police department that made claims to a series of changes aimed towards creating a new police department oriented towards 'community policing'. Specific focus was placed on the restructuring of detective offices to determine whether these changes produced offices more oriented towards 'community policing'. Also, what were the effects, if any, on the

culture, and lastly, how did the 'new' structure and culture affect detectives' decision making in 'high profile' cases.

## **Chapter Three: The Organization of Detective Work**

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The purpose of this chapter is to outline the organizational structure of detective offices within the Toronto Police Service, and more specifically, the restructuring of these offices in light of 'community policing' initiatives. The data for this chapter was collected from interviews, participant observation and documentary analysis of the departments' literature outlining the various levels of restructuring aimed towards 'community policing'. This is a descriptive chapter with little analysis, however, serves as a very significant section for the reader, as one, must first be able to grasp the 'functioning' of the social phenomenon being studied before fully engaging in a critical evaluation. The reader, however, is exposed to a series of problems and/or concerns raised in the 'operations' of the police organizational structure. By understanding the structure, one will have a clearer understanding of certain aspects of detective work and will be more able to assess the occupational culture that is produced, as well as, their effects on detectives' decision making.

Each division within the Toronto Police Service is equipped with a variety of detective offices: the Detective Office (formerly referred to as the CIB - Central Investigative Bureau), the Youth Bureau, the Major Crime Unit, the Fraud Squad, Warrant Office, and a combined unit enforcing domestic disputes, firearms and missing persons. Furthermore, other detective offices such as the Homicide Unit, Sexual Assault Squad, Fraud and Forgery Unit, Investigative Special Services (major crimes, auto theft

rings, etc.), Fugitive Squad, and Forensic Identification Services are centralized and operate from one location, usually police headquarters, and service the entire city. The Toronto Police Service has 17 divisions spread throughout the city, and within each division there are 5 platoons: A, B, C, D, and E. Each platoon works a particular shift within a 35 day cycle. The shifts are as follows with slight variations: day shift is 7 days straight (7:15am-5:15pm) followed by 6 days off; evening shift is 7 days straight (5pm-3am) followed by 5 days off; and night shift is 7 days straight (11pm-7am) followed by 3 days off. The structure of the detective offices will vary somewhat from division to division, depending on resources, size, number of police employed at that division, and the apparently unique problems of the geographic area the division polices. For instance, divisions that are considered "slower paced" have smaller detective offices, while areas with more visible crimes such as street prostitution, drug trafficking and 'massage' parlors resulted in more pro-active detective work which usually translated into larger detective offices. Usually, a Detective Office will consist of 1 Detective Sergeant, 2 Detectives (equivalent to a Sergeant who oversees the uniform officers), and 3 Detective-Constables (equivalent to a uniform police constable).

The Detective can hold this position for as long as s/he desires providing s/he were not to upset any senior officers and 'burn bridges'. The Detective constable positions are divided into two categories: the 'permanent position' and the 'temporary position'. The 'permanent' one, however, is a misnomer. Depending on the division, it is either a two or three year term with the opportunity of a one year extension turning it into a three or four year position. The temporary spot is considered a training position,

and again depending on the division, it is either a 6 month or 1 year position. Unlike the uniform constables' 10 hour shift, which amounts to 21 days work in a 35 day cycle, the detectives work a 9 hour shift within a 22 day cycle. One day in the cycle (usually a Wednesday) is considered the 'doubling up' or 'coupling up' day where the platoon finishing on the last day of their shift, are expected to catch up on any uncompleted investigations (e.g., paper work, telephone calls, interviews). The platoon beginning their first day of the shift is expected to handle any cases that are brought to the attention of the Detective office. In order to be able to attain one of the detective-constable positions, one must apply whenever an opening comes up. According to the departmental policy, every uniform police constable is given the opportunity to 'advance' to this temporary training position. However, the permanent 2-4 year position, is difficult to obtain. Many times the position is spoken for before the 'call' is put out to the entire division. But, in order to create the illusion that an equitable fair system is in place, all applications are collected. The main players in the decision process usually are the detective, the detective sergeant and the Unit Commander. It is quite common for these actors to support friends and/or the friends of higher ranking officers. The detective, in particular, has a strong voice because s/he is the one expected to work with the new person for the next several years. In one division specifically, the rule was that a detective constable completing his/her 2 or 3 year term, was expected to spend 6 months back 'on the street' before applying to another detective office. But, these same individuals would often be sent back within one or two months with the following common excuse provided by the Detective(s) or Detective Sergeant, 'We could not find anyone who was qualified'. The

prevailing occupational ideology governing term appointment is related to the practice of ensuring greater officer exposure to a variety of areas by 'inviting' individuals to spend time in several different functions of policing and when the need arises, officers can replace retiring detectives.

In the few instances where there is no one particular person in mind for the position, then the detective and detective sergeant will screen applicants and begin inquiries. This usually entails phone calls and meetings with sergeants, staff sergeants and even uniform constables regarding the strengths and weaknesses of the applicants. More importantly, issues relating to loyalty to the job, trust, and ability to work in a team environment without creating disruption are closely scrutinized. In addition, due to the complexity in the responsibilities of detective work and the pressure to work quickly in an environment, where at times, is 'flooded' with high volumes of cases (approximately 200-300 cases a year), the detective will assess an applicant in terms of his/her experience giving evidence in court, thoroughness in case preparation and case management, productivity 'on the street' (e.g., arrests made), note taking inclinations, ability to deal with victims 'effectively', and a sense of eagerness towards the job. Candidates who are able to conduct these duties effectively are considered, as one detective described, 'cream of the crop'. But to re-iterate, this is only considered in the few instances when the position has not already been earmarked for a known applicant. While equity is guaranteed for the training position, it is clearly not the case for the permanent one. This has been criticized by a number of officers of various ranks. Additionally, officers have noted that the permanent position should not be limited to a

few years but rather should be open to the detective constable. Some of the arguments made for this preference were that it takes several years before an officer can 'learn all the ropes' and become a 'good' detective; and therefore, just as they are becoming comfortable with their new role, they are forced back out into uniform capacity. Other officers felt that it takes a unique individual to handle the wide range and complex responsibilities of the detective office. They maintained that few officers had the 'natural ability' to be effective detectives. A detective is seen as a person who can 'schmooze'; s/he should be able to work with the courts, the judge and the justice of the peace, including the court clerks, to build his/her reputation so that when in court for a particular case, s/he will be given support by the various 'players' (e.g., in the processing of paper work, and plea bargaining). This person should be effective in speaking to witnesses, accused persons and victims of crimes, in processing the paper work quickly and efficiently, and in building a rapport with the courts. As a result, when the limited term position expires, it is deemed a challenging task to attain a replacement. Alternatively, interviewees noted that the 2 or 3 year position enables some to 'coast' for the duration of the term contributing little effort to the detective office; in other words, they will do just enough to get by and, in turn, cannot be transferred 'out' unless s/he is found committing 'serious' errors.

When the term of a 'good' detective constable is nearing the end, often higher ranking officers such as the Detective Sergeant, intervene and assist the detective constable in obtaining another 2 or 3 year position in another detective office. This, of course, requires precise timing and knowledge of upcoming vacancies. Additionally, the

formal procedures must be followed in advertising the position and collecting applications to create the illusion that it is an unbiased and equitable practice.

The Detective Sergeant oversees all of the detective offices. This position is equivalent to the rank of Staff-Sergeant who oversees all of the uniform officers in his/her division. The Detective Sergeant's role is one of manager of all of the detective offices in the division, including the warrant office, the clerk office, and the internal/external complaints office, for all of the 5 platoons. S/he is responsible for the day to day administrative business of the detective operations ranging from ensuring the budget is not depleted 'wastefully', monitoring any possible over-abuse of personnel over-time, making decisions in terms of crime management issues and approaches, dealing with detective errors in investigations, ensuring everyone draws their annual leaves on time and do not abuse their over time. Further, this position calls for constant updates by all the detective offices with respect to problems/concerns in order to notify the Superintendent and/or the Inspector, and for handling any 'in-house' rivalries between officers. In addition, the Detective Sergeant is responsible for liaison with the district drug squad that oversees that particular division.

### **The Role of the Detective Office**

In the Toronto Police procedural manual, Rule 3.11.1, 'Detectives shall be responsible for the thorough investigation of all matters of a criminal nature assigned to them and prepare them for courts or otherwise bring them to a conclusion in a manner consistent with legal principles and established practices'. Detectives, who work in plain

clothes, are responsible primarily for: 1. processing prisoners who were arrested and brought to the station by the uniform police constables, and 2. investigating 'occurrences'. 'Occurrences' refer to reports submitted by the uniform constable to the duty sergeant in cases where arrests are not made (e.g., in a domestic assault case when the suspect is not on scene upon uniform officers' arrival but where the police are still obligated to obtain all pertinent information i.e., statements from witnesses and/or victims, detailed descriptions of suspect(s), etc.).

**(i) Processing 'prisoners'**

From the moment an accused person is brought to the station, he/she is taken through the sally port to the booking room and immediately informed that all actions are monitored and taped by audio and visual equipment. The officer in charge of the station (usually the staff sergeant working on that particular shift; if he/she is not available due to illness, vacation, etc. then a sergeant will be designated the officer in charge of the station) attends to the booking room to 'parade' the 'prisoner' and asks the arresting officer and the accused a series of questions. The arresting officer must at this time inform the staff-sergeant as to the reasons for the arrest, and whether the accused was notified of his/her rights and 'cautioned' (i.e., understands that any information noted to an officer can be used as evidence in court). Further, the arresting officer notifies the staff sergeant that the 'prisoner' (as referred to by police) did not meet the requirements for release under the Bail Reform Act, thereby, making the arrest and transport to the

station mandatory. In turn, the staff sergeant is required to ask the accused if s/he understood his/her rights. If the 'prisoner' replies with a 'no' then the staff sergeant is directed to once again outline the reasons for the arrest, re-read the 'right to counsel' and 'caution'. Furthermore, the officer in charge of the station (i.e., the staff sergeant or designate) ensures that the accused is not claiming any injuries nor is dependent on any medication due to medical conditions (if so, then arrangements must be made by the police to provide treatment and/or proper medication). All the information, collected up to this point, relating to a 'prisoner' is inputted into the computer by the officer in charge of the station on C.I.P.S. (Criminal Information Processing System).

If, on the other hand, a person voluntarily comes into the station and admits to committing a crime then a detective will take charge and investigate the matter further. If it is determined that charges must be laid, then the detective will advise the accused as to the reasons for the arrest and will read the 'right to counsel' and 'caution'. The 'right to counsel' reads as follows:

I am arresting you for (briefly describe the reasons). It is my duty to inform you that you have the right to retain and instruct counsel without delay. You have the right to telephone any lawyer you wish. You also have the Right to free advice from a legal aid lawyer. If you are charged with an Offence, you may apply to the Ontario Legal Aid Plan for assistance. 1-800-265-0451 is a toll free number that will put you in contact with a legal aid duty counsel lawyer for free legal advice RIGHT NOW. Do you understand? Do you wish to call a lawyer now?

At is point, the now accused will be brought through the sally port and 'paraded' in front of the officer in charge of the station in the manner outlined above. A property bag is issued to the accused where s/he is asked to place all personal belongings such as jewelry, keys, cash, and any potential 'weapons' that may be used to injure oneself or the police

(e.g., shoe strings, belt). Following, the 'prisoner' is then taken to the Detective Office and placed in one of the 'interview rooms'. Interestingly, the 'interview rooms', as officially defined by police, resemble cells. They clearly do not create a relaxing atmosphere for the accused. The rooms tend to be approximately 8x10 ft. in size. Depending on the individual police station, a single chair, bolted to the floor, can be found in them. The doors are large consisting of thick metal with 'heavy duty' locks. There are no video cameras in these rooms. While in the interview room, the accused person is strip searched usually by the arresting officer and his/her partner to ensure there are no concealed weapons, drugs, etc. for the safety of the officers and for the accused.

Once this is completed, the arresting officers relay the reason for arrest to the next available detective(s) who then 'take charge' of the investigation. Depending on the division, availability of officers, volume of cases, and sometimes preference of individual officers, detectives will either team up with different officers, work with the same partner all the time, or less frequently, work on their own. When deciding what charges to lay, if any, the detective must first speak to the arresting officers as to their reasons for 'bringing someone in' (i.e., to the station), interview any eyewitnesses to the crime, interview victims or read victim statements recorded by the arresting officer on the scene (when it was deemed unnecessary to bring the victim(s) to the station), and assess any evidence collected by the arresting uniform officer (e.g., drugs, weapons). Following, the detective and/or detective-constable make a decision as to what charge(s) to lay, release unconditionally (i.e., no charges laid) or release with certain conditions. When a decision to lay charges is made, the detective will inform the accused as to the charges

being laid against him/her. Sometimes the detective will agree with the charge(s) laid or recommended by the arresting uniform officer(s) and sometimes they may vary. However, discretion lies in the hands of the detectives and therefore, they make the final decision, at least in principle. In practice, however, if a higher ranking officer (e.g. the officer in charge of the station) demanded a case be handled differently, then lower ranking officers who dared to challenge those wishes would be the extreme exception and would ultimately face several repercussions. But, this was seen as rare, and detectives recognized the power they had in the decisions made in cases.

Detectives are usually viewed as being more aware of the laws and 'up to date' with regards to new case law and frequently deemed the 'experts' in which charges to lay. This does not, however, prohibit resistance from some uniform arresting officers; a phenomenon pursued in the subsequent chapter. In the 'serious' cases, which tend to translate to violent crimes and/or cases believed by the officers to be newsworthy, the detectives would collaborate with others in the detective office and even seek the advice of a higher ranking officer (usually the officer in charge of the station) in order to ensure the case was being handled properly; that is, the most appropriate charges were being laid, proper forms were being filled out, and proper procedures were not ignored.

Once detectives determined whether charges would be laid, then the 'caution' followed; it reads as follows: 'You (are charged, will be charged) with (*briefly describe the charge*). Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say may be given in evidence' (police memorandum, p. 3). If the detective(s) wished to speak to the accused in

relation to the charges then a 'secondary caution' was read to the accused. It reads as follows: 'If you have spoken to any police officer or to anyone with authority or if any such person has spoken to you in connection with this case, I want it clearly understood that I do not want it to influence you in making a statement' (Toronto Police Memorandum, p.3). The detectives subsequently offer the accused the opportunity to contact an attorney. If the accused does not have a lawyer then the detective will call a central number and leave a message for duty counsel to call the particular station and speak to the accused. The accused is further given the opportunity to make other telephone calls; that is, 'within reason' according to the interviewed detectives. If the detectives suspect that the accused may call someone to dispose of evidence or perhaps to threaten an individual from co-operating with the police, the officers will take precautions to ensure these particular calls are prohibited. In these instances, full telephone privacy is guaranteed only after the detective determines the call is made to the appropriate person. Sometimes, it may take several hours (e.g. as long as 3-4 hours) for duty counsel to call back. In the meantime, the 'prisoner' remains in the interview room unless the rooms are needed for new incoming 'prisoners', at which point, the accused is transferred to the station's holding cells.

Throughout this process, detectives are not prevented from asking the 'prisoner' case related questions. If the accused voluntarily decides to reply to any of them then the detectives must, in theory, interject and re-read the 'secondary caution' before listening to the responses. This evidence would be admissible in court even though it would not carry as much weight as a statement taken in the video/statement room. This does not,

however, inhibit some detectives from attempting to ask further questions. Various interviewed detectives noted that they experienced a heightened sense of eagerness to attain more information specifically in 'serious', complex cases, while others described indifference to such cases.

In instances where accused persons decided to give statements, they were first taken to the Commissioner of Oath in the station and asked to 'swear' to the truthfulness of the testimony. Subsequently, they were taken to what tends to be referred to as the 'video room' or the 'statement room' where all remarks were video taped (audio and visual). This room, unlike the interview room, created a relaxing, non-threatening atmosphere. A regular door was attached to the room; and a large round table, multiple chairs, and brightly painted or wallpapered walls contributed to the décor. Once in the room, a 'secondary caution' was once again given to the accused; however, this time it was presented on video tape.

Additionally, all information pertinent to the case is handled by the detective(s) in charge of the investigation and inputted on 'C.I.P.S.'; that is, the Criminal Information Processing System (See Appendix A). This computerized software system is a recent phenomenon within the studied police department enabling all divisions to access the central data base on any individuals who are on the system as a result of prior and/or present charges. When the C.I.P.S system was first introduced detectives were upset as this was quite foreign to them. Currently this program is strongly supported today since it facilitates case preparations. C.I.P.S. provides several forms that must be completed by the detectives for the creation of, what is referred to as, a 'dope sheet' (i.e., the file

utilized by the Crown Attorney in the prosecution of the accused). Under the first heading 'Record of Arrest' under C.I.P.S., several variables are recorded; for instance, the accused's date of birth, height, sex, weight, place of birth, next of kin, place of employment, his/her automobiles, scars, tattoos, the names of the arresting officers, location and time of arrest, the court date if the accused is released, and the charges laid. The second form completed under C.I.P.S. is the 'Synopsis of Charge'. Here the charge(s) is/are listed and a brief summary is provided pertaining to the details of the charge (e.g., what happened on the day of the incident, injuries sustained, drinking involved, children present, etc.). In addition, most of the detectives and or detective constables provide a brief background on the accused (e.g., marital status, employment, children). The third form completed under C.I.P.S. is the 'Show Cause'. This entails all information provided to the Crown Attorney for the accused's bail hearing. There are primary and secondary grounds for a 'show cause'. The primary grounds are to ensure the accused's appearance in court on the set trial date; the secondary grounds are to prevent the accused from continuing or re-committing the offense. The accused must meet the criteria for P.R.I.C.E. (discussed further down) in order to be released until his/her trial date. Any previous releases (i.e., previous criminal record) as well as the present charge(s) are recorded under the 'Show Cause'. Following this information, the detectives outline their own recommendations (e.g., whether there should be a judicial release or whether there should be a detention order until the court date). Both the Crown Attorney and the accused's defense lawyer have access to the 'Show Cause' and therefore, detectives need to ensure, that whatever information they include, can be

defended. If the detective, for instance, recommends that the accused be detained until the trial because s/he is concerned with the possibility of future assault on the victim, then the detective must be prepared to justify that assumption/belief 'on the stand'. Similarly, if the detectives want the accused released with conditions then they too must be noted in the "show cause" form. For example, if the accused is a known drug dealer, the detectives may ask the courts not to allow him to carry any pagers or cell phones; or if the offense occurred in a mall, then the detectives may request that the accused be ordered to stay away from that location, or that a curfew be instated.

When charges are laid and the accused satisfies what is referred to as P.R.I.C.E. (the officers believe that by releasing the accused until his trial, Public interest will be protected; there will not be any Repetition of the offence; the Identify of the accused is not in question; they are confident the accused will be present in Court on the trial date; and that any Evidence in the case has been collected for the trial) then the detectives direct the accused to the officer in charge of the station who must release the 'prisoner' for the following offences: '553 offences' (these are dual offences but where the provincial court judge has absolute jurisdiction, in other words, the accused cannot demand to be tried by judge and jury); dual procedure offences; summary conviction offences; and offences punishable by 5 years or less. Furthermore, one of several forms must be completed by the detectives when releasing an accused. The 'Form 10', also referred to as a 'Promise to Appear' (i.e., the accused is promising to appear in court on a set date for trial if released, and to get fingerprinted and photographed on a specified date, if the division he was brought to when arrested, does not provide those services).

Detectives releasing people on a 'Form 10' are expected to quote the section in the Criminal Code to the accused informing him/her that failure to appear in court or to be fingerprinted and photographed on the set dates will result in further criminal charges relating to 'failing to appear'. If the accused agrees, the 'Form 10' is signed and s/he is subsequently released. When detectives set specific conditions for the release of the accused, then a 'Form 11.1' accompanies the 'Form 10'. The 'Form 11.1' is also referred to as an 'undertaking' because, in order for an accused person to be released from custody, s/he 'undertakes' to satisfy certain conditions (e.g., must notify the detective of any change in address; must not communicate directly or indirectly with the victim until the trial date, must surrender to police any firearms, or must not apply for any Firearm Acquisition Certificates, etc.). There are two types of the 'Form 11': The first is a 'Form 11 without Deposit' (i.e., the accused is released without providing a set cash amount to the police, however, other conditions are placed – e.g. must give passport to police); The second is referred to as a 'Recognizance' – 'Form 11 with Deposit' (i.e., providing the accused does not live out of the province or more than 200 kms away). In order for the accused to be released s/he must first agree to the set conditions and sign the form; the accused is then bound by those conditions until the court case is completed; Finally, a person can be released under an 'Unconditional Release' (i.e., the person is free to go when no charges were laid).

When detectives are not processing 'prisoners' they are expected to investigate 'occurrences' (i.e., reports) submitted by the uniform constables to the duty sergeant. The occurrence is sent to the Records Bureau where it is given an occurrence number and

is subsequently sent back to the division's Detective Office where it becomes assigned to a detective. In principle, the detectives are expected to investigate all 'occurrences' by making phone calls, driving to specific locations to speak to people, and search for further evidence. In practice, however, detective offices tend to be swamped with cases often resulting in little time to 'follow up' on these cases. They often sit on piles of paper for a week or two where any chance of making prospective arrests are diminished as suspects are long gone. Often a telephone call or two are made by the detective and if a determination is made that the suspect is impossible to locate then the case is deemed 'closed' and the phone calls, which indicate some attempt was made, are recorded. Alternatively, in 'occurrences' where arrests are probable (e.g., suspect and address are known) or are considered 'significant', summonses or warrants of arrest are issued. Also, when accused persons do not appear for trial on the assigned court date, then a Summons is served for the individual's arrest. If the case is considered serious by police, then an officer can have a warrant put out for one's arrest which would mean that any officer coming in contact with this person would be obligated to arrest immediately rather than serving a summons to appear in court.

**(ii) Paper Work**

Detectives sometimes refer to themselves or are referred to by other officers as 'secretaries' because of the numerous forms they are daily obligated to complete. The arresting uniform officer is expected to type up a synopsis of the events, while all other forms are completed by the detectives. Detectives will create the 'Information' which is

the charge sheet (i.e., the charges laid against the accused), or will complete a 'show cause' form when the accused is not released but rather placed in a holding cell to be taken to the courts for a bail hearing the next morning. The bail judge will then decide whether to release the accused until the trial date, providing the criteria for P.R.I.C.E. is met, or hold the accused in custody until trial. In addition, there are several other forms that are legally required of the detectives. For instance, if a person is charged with 'fail to appear in court' then there are documents under the Canada Evidence Act that must be served on that person. Further, there are documents for the 'intent to present notices in court' which are papers that need to be legally completed in order to introduce various evidence in court. Clearly, detectives need to have specific knowledge of legal procedures that are required in order to prepare a case for court. Once all the paper work is completed, then the detectives' work is considered done. The officer in charge of the station will read over the report and ensure it was completed correctly. Very often, this is a speedy procedure as the officer in charge of the station has little time to look into all the details of the case and, hence, places trust in the competence and expertise of the detectives handling the case. At that time, if the accused is charged and does not meet the criteria for P.R.I.C.E. then s/he is turned over to the arresting officer(s) for fingerprinting and is placed in a cell. In the morning the police wagon then transports the prisoner to court for a Bail Hearing.

Under C.I.P.S., the detective(s) produce the 'dope sheet'. The charge sheet ('Information'), the synopsis of the events and all other pertinent information are placed into the Crown brief (which includes a copy for the defense). The 'dope sheet' (i.e., the

Crown brief) is placed in a pile, along with others, and every morning a detective from the warrant office in the division takes them to the courts and in the presence of a Justice of the Peace 'swears to the Information' of all the cases 'ensuring' truthfulness and accuracy. In turn, the 'Information' is filed with the courts and then returned to the division where it is subsequently filed under the particular court date set by the courts. Approximately one week before the court date, the division clerks working in the Detective Office will send the 'Information' back to the courts in preparation for court and possibly trial. If, however, an accused is 'show caused' (i.e., kept overnight in custody for a bail hearing in the morning) then the Crown Brief/Crown envelope along with the 'Information' are sent to the courts in the morning with the 'prisoner' by means of the wagon. In this instance, a detective working in the Court Office will have to 'swear to the Information' in front of a Justice of the Peace as a case cannot proceed without this action. Even though this person has not taken any part in the investigation, s/he is expected to read the synopsis of the charge before 'swearing to it' and before entering the court room and confronting the Justice of the Peace. This is to ensure s/he can answer any questions posed by the JP; however, very often this detective does not have the time to read the 'Information' in any detail especially when attending a court room with 20 'Informations'. It is the responsibility of the Court detective to ensure the Crown Brief is taken to the Bail Hearing Court. Furthermore, when the trial date approaches, then the Crown Brief/Crown envelope is sent to the courts through the internal mail system.

The detective office is hierarchical and structured in terms of ranks. The police department is paramilitaristic and demands respect for persons of higher rank. The detective constable who holds the temporary position must answer to the Detective constables who hold the permanent positions, and they both have to answer to the detective. The detective, in turn, is accountable to the Detective Sergeant who is accountable to the Inspector, Superintendent, Deputy Chief and Chief, who are then ultimately accountable, at least in theory, to the Police Services Board. The detective constables will ultimately respect the wishes of the detective. In principle, all officers regardless of their ranks, are independent agents of the Crown and therefore can individually decide how to handle a case (e.g., what charges to lay, to release or not). There are times where there are disagreements between a detective and a detective constable regarding the handling of a case. In these instances, the detective constable is expected to attempt to convince the Detective verbally as to why the case should be handled in a particular way. If an agreement cannot be reached, the detective constable may unwisely take the issue to the officer in charge of the station (i.e., usually the Staff/Sergeant), however, Staff/Sergeants even at times where they may agree with the detective constable's point of view, are not willing to 'break rank' and take the side of a lower ranking officer. In turn, the detective constable only succeeds in 'burning bridges' with the detective and possibly others in the office. Again in theory, the only other options would be to speak to the Unit Commander or go to a Justice of the Peace, like any other citizen, and lay the charge s/he deems appropriate. Speaking to the Unit Commander would not prove worthwhile because, once again, a senior officer would

not 'break rank' and thus challenge the hierarchy. With regards to visiting a Justice of the Peace, the choice of this action would be highly unlikely and would be viewed extremely negative by the department. This officer would be defined as a trouble-maker, disloyal to the department and untrustworthy (this action has never been taken in the history of the police department). In principle, no officer of any rank can tell another officer not to lay a charge with the Justice of the Peace because s/he could be charged with 'obstruct justice' (i.e., a criminal offence). In actuality, a different 'story' is told. In most cases, however, the interviewed detectives concurred that disagreement between officers was rare especially in cases that were considered ordinary, 'everyday Joe Blow'. Variance in decision-making usually resulted in cases that became defined as 'high profile' by the detectives.

All of the detectives' paper work is perused by the officer in charge of the station. This individual often quickly skims through the report due to the impossibility and impracticality of being able to thoroughly inquire into every case, and due to an element of trust that is placed in the confidence and expertise of the detectives. Ultimately, again in theory, the detectives are accountable to the courts in ensuring proper forms are filed and in ensuring there is no falsification of information. If it were ever determined that a detective lied in an investigation, a complaint with the Public Complaints Bureau would be filed by the defense counsel, and both the Bureau and Internal Affairs would investigate.

Detectives tend to classify themselves into two categories: those who are willing to work hard (i.e., 'go the extra mile') versus those who will not. For instance, some are

willing to invest significant time and energy to bring closure to an investigation, while others, may avoid the laying of charges in some cases to escape the paper work. In one example, a uniform officer arrested a man for violating the conditions of his probation. He had been associating with a person who had a criminal record and had not notified his probation officer of the change of his home address. When the officer brought the man to the station, the detective assigned to this case refused to lay any charges. The uniform officer agreed that a charge for associating with a 'criminal' should not be laid simply because it would be difficult to prove in court that the accused was aware of the man's criminal record. However, the uniform officer strongly believed that a charge should be laid for violating the second condition of his probation. The detective maintained that the accused would notify his probation officer of the change of address in his next meeting with the probation officer. The arresting uniform officer disagreed arguing that if the man chose not to attend his required scheduled meeting, then the probation officer would have no way of locating him. This would, in turn, lead to a warrant being issued for the man's immediate arrest. The officer believed that this displayed laziness on the part of the detective who did not want to exert energy in processing the paper work.

***(iii) Re-active and Pro-active Responses***

Most of the time detectives are engaged in re-active policing in the processing of cases once they have been brought to the detective office. As mentioned earlier, there is

very little time for pro-active work where the detectives can leave the station and investigate a case. All of the detective offices primarily engage in re-active work. The only exception is the Major Crime Unit which sends out a handful of undercover detectives to investigate liquor outlets, drug selling (since the centralized drug squad is not deemed efficient in serving the division's needs), prostitution, car thefts, and other criminal activities. In the Major Crime Unit, the detectives are afforded much more time to thoroughly and properly investigate a case and are not confined to the office; they do not rely on uniform officers making arrests but rather generate their own arrests based on their own external 'projects' (e.g., car theft rings, fencing of stolen property, break and enters). While in the other offices, the detectives are often labeled 'glorified secretaries' or 'paper pushers' by other detectives or even uniform officers. However, simultaneously, the detective positions, even though are lateral entries, are considered more prestigious than the front-line officers' work. Firstly, they do not work in uniform capacity but rather dress in business attire while in the office; if engaging in undercover work then casual clothes are the norm. As a result, they receive a 6% pay increase, are given a clothing allowance (approximately \$950.00 per year) and are able to earn a significant amount of money in court time when expected to attend court on their 'day off' receiving a minimum of 3 hours pay at time and a half.

Detective work often means significantly more responsibilities than uniform work. Detectives are not under immediate supervision as the uniform officers, they no longer drive marked police cars and are still able to carry their guns. Therefore, even though the movement from uniform constable to detective constable is lateral, it is seen

as a promotion of some sort. Furthermore, it becomes a real disappointment when at the end of the term, the detective constable is expected to return to uniform capacity. Some detective constables described this as 'a real let down' or 'a slap in the face' having worked hard and invested time and energy in the detective office only to return to the 'streets'. As mentioned earlier, however, in some instances, detective sergeants and detectives worked to assign a 'good' detective constable (i.e., a competent, trustworthy, and efficient worker) to another detective office for another 2-4 years upon completion of his term.

### **'Community Policing' and the Detective Office**

The purpose of the *Beyond 2000* report, published in 1991 (see Chapter 1) was to present a community policing model that would create a partnership between the police and the public. The report published by the Metropolitan Toronto Police provided a long term strategic plan for police service in the years beyond 2000. The report's authors stated that in order for the new model to be realized there had to be changes in the organizational structure, technology, human resources and management structures and processes. In 1993 an experiment was implemented in Etobicoke to test and measure some of the objectives outlined in the report. Since then several organizational structural changes have been made to the Toronto Police Service and several more have been recommended for the near future. The Beyond 2000 Restructuring Task Force produced *The Beyond 2000 Restructuring Task Force: The Final Report* which was based on

findings collected from the draft results of the evaluation, a wide range of research, consultations and general analysis completed between April and November, 1994 (ibid., iii, 1).

Presently, every division has a Detective Office which is responsible for investigative functions such as support and direction to front-line constables on preliminary and follow-up investigations, management and administration of all criminal investigations and cases, and the coordination of plainclothes functions. Every division maintains some criminal investigation function and youth bureau, while other specialized functions such as major crime units, zone enforcement units and drug units, are limited to those divisions that have the resources to operate such offices and whose unit commanders decide that these functions are necessary. Depending on the size of the Detective Office at each division, one or more detective sergeants are responsible for the management of them and as mentioned earlier, the Office is run by detectives and constables that may work either in teams or alone (The Beyond 2000 Restructuring Task Force, p. 136) depending on the number of available detectives and the number of cases, and at times, individual officers' preferences. Every divisional Detective Office operates differently due to the difference in the size of the division (i.e. the number of employees) and thus the different staffing levels. Some offices may operate 24 hours, while others may be only scheduled for a limited number of hours during the day. Moreover, depending on the discretion of the unit commander, individual functions and responsibilities also vary.

One of the police service's goals outlined in the *Beyond 2000 Restructuring Task Force* is to achieve a balance between unit commander autonomy and the strategy of the Department to standardize the size and strength of all full service divisions and to maintain support to the front-line 'service providers' (ibid.). The department's 17 divisions share the responsibility of policing. The divisions vary in size from 100 to 400 uniform members. The Department claims that these inconsistencies have caused problems for their apparently new 'strategic direction' centered on 'neighborhood policing' because while some divisions that employ approximately 150-200 members, are managed by a single senior officer, other divisions with over 400 officers are commanded by several senior officers. Therefore, the *Beyond 2000 Restructuring Task Force* recommends that the police department move away from very large police facilities by re-configuring the staffing numbers to 242 uniform officers and 19 civilians per division; the Task Force claims that this can be met with 17 divisions (ibid., 142). Moreover, the Task Force recommends:

That the divisional Detective Office be managed by a Detective Operation Manager. This detective sergeant will structure the Detective Office to Best deploy personnel so that community problems are addressed and Resolved in a coordinated fashion with other divisional functions. The Detective Office shall include general investigations, youth office and Complaints liaison. It may include plainclothes, drugs, major crime, Frauds, warrants, or other functions the unit commander deems necessary.  
(ibid., 136).

The Detective Operation Manager would be expected to consider solvability criteria which include an analysis of costs and benefits in managing the divisions' investigative functions. The Task Force recommends that under one Detective Operation Manager there should be a supporting staff consisting of one detective sergeant, and 14

detectives and 36 detective constables. The unit commander would ultimately have control of how these officers would be deployed. The Task Force further maintains that a typical deployment may be as follows:

**Detective– 10 detectives and 10 detective constables**

**Youth Office – 1 detective and 6 detective constables**

**Drug Office – 1 detective and 4 detective constables**

**(The specific number of officers from the current drug functions that would also be assigned to each division, will be worked out on a division-by-division basis)**

**Major Crime Office – 2 detectives and 10 detective constables**

**Fraud Office – 4 detective constables**

**Warrant Office – 2 detective constables**

In the Detective Office, there would be 2 detectives and 2 detective constables that would work each of five shifts and would be supported by 3 civilians for clerical supports and 2 for investigative assistance in the Detective Office. In the Youth Office, three teams of two detective constables would rotate between day and evening shifts. The Task Force notes that this would maximize the availability of these officers. The Divisional Major Crime Offices, depending on the discretion of the unit commander, would be responsible for 'old clothes' and 'plainclothes' investigations and could consist of two detectives in charge of 10 detective constables. The divisional Fraud Office may require a minimum of four detective constables due to the complex workload of major fraud investigations, the increasing internationalization of commercial crime, and due to the limited resources available to investigate each case at the central Fraud and Forgery Unit (located at

Toronto Police Headquarters). Moreover, the Warrant Office could be staffed by two detective constables reporting to the Detective Operation Manager (ibid. 137-138).

The Task Force further recommends the decentralization of drug enforcement to the Divisions. All 5 'districts' with the exception of No. 2 have drug squads (each 'district' was responsible for 2-5 divisions; however, within the last two years the force has replaced the 5 district system with the 3 'commands' system; that being, West Command, Central Command and East Command which are responsible for 5-6 divisions each). The former No. 2 District Drug Squad was decentralized to the division level; this was the result of the *Beyond 2000* pilot project in Etobicoke. Officers from the No. 2 District Drug Squad were re-deployed to 21, 22 and 23 Divisions. The Task Force claims that this decentralization was a success in accomplishing several objectives. The purpose of the district drug squads was to 'contribute to the achievement of the Metropolitan Toronto Police Force mission, goals, and objectives by providing effective and continued plainclothes drug enforcement at the district level and to serve as a support service to divisions within the district regarding ongoing criminal investigation' (ibid., 138). Further, they are mandated to 'enforce 'street level' drug problems. Any investigation that progresses to a distribution network at a higher level and takes them from that 'street-level' policy should be directed to the Special Investigation Service (Drugs), managed within Detective Support Command, for investigation. The same policy applies to an investigation that is long term in nature that requires the use of electronic surveillance' (ibid.).

The district drug squads were eager to investigate these 'higher level' cases that involved prominent drug dealers, drug trafficking, drug distribution and drug importation; in other words, investigations that would lead to the discovery of large amounts of drugs. And this, of course, would tend to be very beneficial for the future careers of these detectives. At the point where the case had to be directed to the Special Investigation Service (also referred to as 'Drugs') which handled these 'higher level' cases, then the investigating detectives from the district squad level would be called to join them in the continuance of the investigation. Therefore, interviewed detectives argued that the 'street-level' drugs; that is the drugs that are being sold near people's homes, schools and businesses, were being virtually ignored.

With the department's claim to success in the decentralization of No. 2 District through their pilot project in Etobicoke, the Restructuring Task Force is now arguing that drug enforcement should be the responsibility of all police officers deployed to the front line policing service. The Task Force states that the 'Divisional unit commanders have a responsibility to recognize drug enforcement within the divisional boundaries as a unit mandate and to ensure drug enforcement is seen as a high priority in those areas where drugs are determined to be a serious problem' (Ibid., 139). Thus the Task Force recommends, 'That district Drug Squads be decentralized to divisions. Enforcement personnel should be equitably redeployed to the divisions so that unit commanders have a core of specialists from which to form a divisional drug office, if appropriate' (ibid.). The Task Force foresees several benefits ranging from the autonomy of unit commanders

to be able to deploy those drug officers pending on the individual division's needs, that drug enforcement would apparently be more visible to the public and that more attention could be given to 'Neighborhood' problems (ibid.). There are several problems/issues that are ignored by the Task Force here. There is no recognition given to the fact that unit commanders may be more interested in utilizing personnel to satisfy other concerns. Moreover, drug enforcement on the streets is usually not highly visible to the public for various reasons; these include the time and personnel dedicated to investigating these cases and therefore, the frequency of police arrests, the assumption that the 'public' would know the reasons for one's arrest, and the proximity between 'the public' and the arrests. In addition, who decides what becomes a 'neighborhood problem'? In other words, who and what is given more priority, and how is the 'neighborhood' defined?

Moreover, the Task Force notes that 'Obviously there is also a need for divisional drug officers to liaise with the drug section of Special Investigation Services to provide for a multi-faceted Metro-wide drug enforcement strategy....This will contribute to ensuring that illicit drug users, traffickers, and importers at all levels are given the necessary attention, in a coordinated effort. This recommendation requires a high level of cooperation between divisions to assure officer safety and effective enforcement' (ibid., 140). But will this not lead back to the present problem with the district drug investigators choosing to investigate certain cases that will possibly lead to the discovery of large amounts of drugs? These cases would become 'high profile' as they would be reported to the media, which of course, in turn, contributes to the image of a productive police department servicing 'the community' or the 'neighborhood'?

The question that remains unanswered, however, is whether the rhetoric of 'community policing' and the restructuring, as outlined in *Beyond 2000*, has produced any positive changes in detective work to date? The police department has been restructured all in the name of 'community policing'; and therefore, have these changes affected certain aspects of the detective office in terms of what is investigated? Firstly, the policing services have been divided into 3 categories: the Primary Response Unit (these are the police cars that only respond to calls that are considered an emergency – although emergencies are considered to be the responsibility of all officers on the Force, the bulk of emergency calls are answered by members of the primary response office – Ibid., 110); the Alternate Response Unit (these cars respond to calls that are not an emergency and need police assistance immediately in order to alleviate the primary response cars from non-emergency calls) where it is argued by the police department that this unit will enable officers to recognize recurrent problem areas and crime trends affecting the various neighborhoods, and enable them to communicate with the Community Response Office in an attempt to create solutions; and the Community Response Unit (these officers are expected to take a proactive approach and create links within the 'community' by working with community representatives to identify and prioritize local problems, increase community awareness of those problems and involve representatives in the creation of solutions (ibid., 111). One of the main reasons for this change, according to the police department, was that 'Over the years, pressures for timely response to emergency calls and other priorities have increased, while funding from all levels of government has decreased. As a result, the generalist constable role became

sustainable. Constables became more reactive in their response to calls for service and criminal investigations. The problem-solving role of community based policing became secondary, and the generalist constable's time became consumed with response to calls and report taking' (ibid., 108). Therefore, the community response function was intended to focus on short term as well as long term problem solving with concerns raised by the public. The Department considers all police constables in primary, alternate, and community response, and traffic and detective operations, 'Neighborhood Officers'. The primary responsibility of the community response unit is to solve and prevent problems in the neighbourhoods in their divisions. The community response officers are expected to develop community contacts, gather information and improve their understanding of community problems and/or concerns. The department contends that officers who become familiar with these issues/concerns will be more likely to anticipate certain future community problems (ibid., 121).

Now what has all of this meant to the detective offices operating within the divisions? First of all, Community Response officers are expected to liaise with the detectives and provide information on what are deemed serious issues affecting the area which could lead to the undertaking of an investigation by the Detective office or even perhaps a joint project between the Detective office and the Community Response unit. Moreover, every division has developed a *Crime Management* team that consists of the Unit Commander, Inspector, Detective Sergeant, Uniform Staff Sergeant, CRU Staff Sergeant, Crime Analyst, Constable from PRU day shift, Detective or Detective Constable from the Detective office and Detective Constable from the office of Domestic

Liaison, Firearms and Missing Persons. Once a month the team meets to discuss current projects and to identify the need for new ones. Moreover, there is discussion as to possible solutions to ongoing 'problems' in the division or the minimization of them. This allows each division to determine the concerns/problems that most affect the area they police and to discuss and develop possible solutions, however, in isolation from the public. The Detective Sergeant is expected to up-date the detective offices with respect to the decisions made in the meetings that take place once a month and from his discussions with the Crime Analyst who is responsible for compiling crime statistics and describing the 'crime trends' for the area the division polices. Moreover, once a month the mayor, along with his counselors, organizes a meeting where government officials i.e., counsellors, the police, the fire department, building inspectors, lawyers, and other professional groups, and also people residing and/or working in the area, come together to listen to the public's concerns and/or complaints. The police are expected to react to the policing concerns. The Detective Sergeants believe that this was a beneficial way to please the community because individual members felt that their concerns were being acted on now that the police were accountable to the mayor (which they were); the mayor expected the police to investigate every situation raised in the meeting. However, detectives claimed that this restricts the police from fulfilling other tasks, often considered much more significant by the detectives, because there are only so many detectives working on any given shift with limited time and limited resources as a result of limited budgets. Some detectives referred to these mandatory investigations as 'the politics of policing' because the mayor and the counsellors sought to maintain their

popularity with their constituents. The problems/concerns were two-fold: commercial concerns and residential concerns. When citizens at these meetings complained about certain businesses selling drugs or running 'booze camps', then these concerns were recorded on a list; if an individual complained about a resident playing loud music on certain days, then that was also recorded. Similarly if a business complained about prostitution in the area affecting their profits, then that too would be added to the list and so forth. Detectives felt that this 'tied their hands' because they were forced to respond to all of the cases on the list and update everyone during the following month's meeting. And if certain cases had not been investigated then the mayor who had the deputy's home phone number would call and complain. The Deputy, in turn, would want an explanation from the Detective offices as to why these incidents had been ignored.

Therefore, in my study, detectives felt that such forums forced them to avoid investigating other more important problems, and yet ironically, their work was now viewed as 'neighborhood policing' by the various people present at the meetings. Much time was spent investigating these cases in order to achieve some end result that was pleasing to the complainants. But, most cases remained on the list for months and months because in many instances the police could only intervene to a certain point within the boundaries of the law or because they were working with limited resources. What is not realized by members of the public is that most detective work is reactive due to the 'set budget' and the limited time available for proactive work. As previously mentioned, the Major Crime Unit is the only office in the division that predominantly engages in proactive work which means that there are approximately 4-8 detectives per

shift, depending on the division, 'out on the streets' engaging in undercover work as well as plainclothes investigations. And this unit is unrealistically also responsible for investigating liquor outlets, drug selling (since, again as previously noted, cannot rely on the district drug squads), prostitution, car thefts, etc. In fact, when a complaint was no longer considered an issue and was removed from the list, it was a call for celebration according to one Detective Sergeant. Furthermore, drug concerns that are frequently voiced in these meetings are considered difficult to bring to closure due to the fact that the district drug squads spends more time investigating the 'big buys' and not the 'street-level' drug dealers which tend to be the ones that concern the local residents, schools and businesses.

Most field units have created *Community-Police Liaison Committees* in which membership has included business and ratepayer groups, residents, schools, hospitals, other service providers, and community organizations. This committee meets on a monthly basis and the Superintendent of the Division is expected to attend. However, public awareness of it is limited; the police contend that information with respect to the meeting can be located on the police web site and that community officers notify community leaders, business associations and other groups. But, this is very problematic as few people in certain less affluent areas have access to a computer; others simply do not have any incentive to search the web site. Moreover, why are certain groups of people being notified and not others? And how are residents in the area expected to know if not notified by the police?

In other examples, victims groups came forward and complained that detectives tended to display a lack of compassion for the victims. As a result, meetings were organized in schools or at the divisions to discuss these concerns. Interestingly, turnouts were poor as several victims of crime, who had been notified by the police and/or the various victim groups, mistrusted the police and felt that their concerns would not be taken seriously. As mentioned earlier, the Detective offices tend to be overwhelmed with cases to the extent that they operate like an assembly-line (i.e., one in and one out) and where victims are seen as one part of the investigation and are treated as an investigative 'tool' that may lead to an arrest and/or charges being laid.

The cases that were investigated as a result of the various community initiatives were the result of becoming defined as, 'high profile' in the sense that these occurrences became prioritized by the police. The police were placed in a forum where they became accountable to 'a list' or to senior officers who had links with various government officials, professionals and business persons. The interviewed detectives believed that this became a game of C.Y.A. (Cover Your Ass); in other words, even if there was much doubt as to the restructuring of various aspects of detective work, certain tasks were fulfilled in order to create the illusion that policing was an equitable practice that sought to serve the needs of everyone equally by providing a public forum to raise concerns.

Furthermore, the budget set for the detective units plays a role in the manner cases are investigated and which cases/situations are investigated. The Detective Sergeant must ensure that the detective offices are operating within the budget limitations. For

instance, if the court costs are high, it is the Detective Sergeant's responsibility to research which officers are going to court and why. When detectives attend court during their off days then they are paid time and a half ; if however, they are required to attend court during their annual leave then they are paid the equivalent of 2 days pay for 1 day of court. Therefore, the Detective Sergeant attempts to avoid police court appearances during annual leaves. But, if the judge views a detective's testimony as significant in a case s/he will order that detective to come to trial regardless of what the Detective Sergeant's demands. The judge often interprets this action as 'obstruct justice' arguing that the Detective Sergeant should not be interfering with the course of 'justice'. Subsequently, the budget is affected when the detective, who is on annual leave for the entire week or two, is expected to be in court for a lengthy trial. As a result, cut backs are then made in other areas to compensate for these expenditures.

### **Technology and Detectives as Part of 'Community Policing'**

As has been previously discussed in this study, detectives spend several hours fulfilling clerical duties. However with increased technology available to detectives as well as with the delegation of minor case preparation tasks to clerks, it is believed that more time can be devoted to investigations. Presently, *Computing and Telecommunications* are introducing software for the 'Criminal Information Processing System' (C.I.P.S.) as part of the METROPOLIS plan. It is, therefore, part of the

integrated information environment that supports the *Beyond 2000* strategy. C.I.P.S. will entirely replace 'case prep' on the Macintosh system. 'It will initially support the functions of investigative management, laying of charges, case preparation, case tracking, reporting and system administration' (ibid.). The Task Force recommends 'That investigative case managers continue to identify opportunities to make more effective use of technological support. This includes the use of case preparation software to assist in tracking the case progress, and managing and recording information necessary for a successful prosecution' (ibid.). A great deal of clerical work is necessary in the preparation of courses for court and therefore the Task Force suggests that the preparation of cases should be supported with the assistance of clerks and computer workstations which have case management/preparation software. The Report further adds that this type of work should not be 'routinely' done by officers unless their input is required (ibid., 140-141) in order to allow more time for policing duties.

## **Chapter Four: Occupational Culture of Detective Work**

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This chapter focuses on the occupational culture of detectives by examining police social interactions, power dynamics, officers' interpretations and understanding of their roles as detectives, and their relationships with members of the public and the wider structure. The information in this chapter is the result of the interviews conducted for this study. Police, regardless of their differences, whether it be political beliefs, race, sex, etc. experience and learn to relate and identify with the 'occupational culture'. The interviews revealed a series of variables that become translated into police occupational expectations within the various levels of policing. The organizational structure shapes and influences the occupational culture, along with the wider socio-economic order, and therefore, the culture must also be closely examined in order to attempt to understand its relationship to detectives' decision making. The question that can then be addressed in the following chapter is whether it is the structure or the culture that impacts detectives' decision making in the investigation of criminal cases and, more specifically, in the cases that become socially constructed as 'high profile'?

Several common themes, describing and/or interpreting the police occupational culture, were shared by the interviewed detectives. As a result, I have created categories that 'capture' the officers' understanding of the occupational culture and the occupational expectations.

that 'capture' the officers' understanding of the occupational culture and the occupational expectations.

***(i) Detectives as Glorified Secretaries***

Although the move from a uniform constable to a detective constable is a lateral movement (i.e., not a promotion) it is very often considered a promotion due to the level of autonomy in the detective office, the 6% pay increase, the plain clothes pay, the court time (which means more money when attending court on an 'off day') and the complexity and interest in some of the cases they must investigate. However, most of the time is spent processing prisoners and thus dealing with various paper work, as discussed in great detail in the earlier chapter.

***(ii) Detectives as 'Peace Preservers'***

Throughout my interviews with the 50 detectives, there were several examples of the failure of detectives to lay criminal charges in order to maintain or create peace. These actions were commonly referred to as 'judgement calls'. Decisions had to readily be made to determine whether their actions in charging would lead to upheavals or further social unrest and perhaps result in more serious consequences. Often, but not always, the possibility of jeopardizing the 'social peace' was confronted in situations where a large number of people were involved. In the circumstances that involved a

the possibility of negative publicity towards the police organization if the officers intervened. For instance, in cases where undercover detectives were monitoring the activities of people during the gay parade, it was determined that some of the participants as well as observers of the parade were violating several sections in the criminal code by exposing various parts of their bodies. Detectives who felt morally compelled to charge collectively decided to abstain in order not to create any trouble around them while arresting and avoid creating an image of an anti-gay police department. Moreover, the interviewed detectives, who were present at the parade, believed that their actions in this situation could have led to the harming of innocent bystanders if some people, upset with the police actions, chose to intervene and attempt to prevent the arrests. They further felt that this could also have led to serious injuries being sustained by the police themselves. Similarly, in 'ethnic' parades or in demonstrations regarding various cultural claims, where physical violence erupted, police were cautious in determining whether arrests should be made, and if so, ensuring arrests were not only made against one ethnic group and not the other (e.g., in demonstrations that included two opposing groups). In another example, provided by another interviewed officer, three people were arrested for assaulting police in a pro-abortion/anti-abortion rally where violence erupted between the two sides. Subsequently, protesters surrounded the division where the three accused were being held in custody and demanded their release. The detectives, working in the Detective Office, along with the Inspector made the decision to release in order to prevent further violence. In this example, the three accused represented one side of the abortion debate, and the police felt that their actions would be perceived as biased

and therefore bordered on a potential political 'bombshell'. This resulted in 'in-house' turmoil as several front-line officers including middle management became upset and offended at the fact that 3 men, accused of seriously causing injury to officers, would be freed from any criminal violations. Additionally, due to the perceived seriousness of the case, discretion moved up to the point where the Inspector intervened. But, in the words of one of the detectives, 'if it had been your average Joe who had assaulted the police, then that person would have been arrested without batting an eyelid, and he would have been dealt without the interference of the Inspector'.

Arrests were also avoided in circumstances that were not considered 'politically hot' by senior ranking officers. These situations tended to involve large crowds of people where safety issues were of concern; that being, the personal safety of both officers and members of the public. Some examples provided by the interviewed detectives were 'bar fights' that had 'spilled out into the streets', and physical confrontations between people in night clubs. In these cases, detectives tended to avoid arresting people unless there was, what they considered, adequate 'back up' (i.e., a 'high' number of officers responding to the scene). The officers in these situations were concerned with either their own personal safety; the safety of the public, usually referred to as the 'innocent bystanders' and therefore, not those directly involved in the fighting; or expressed concern for both their own safety, as well as, the safety of others.

Once again, the detectives' decisions to not charge were often because police were dealing with situations that were defined as 'politically hot' and would jeopardize the 'social peace' through the creation or continuation of public upheavals, as well as,

attract negative publicity towards the police organization. In addition, circumstances that were not necessarily considered 'politically hot' but involved large crowds of people and issues of people's personal safety fuelled similar police actions, or rather inactions. Similarly, it is interesting to note that there were 'small scale' situations, yet less often, where detectives chose not to lay any charges for the specific purpose of preserving the peace and in the hopes of finalizing ongoing disputes between individuals and/or families. Here, the detectives took on the role of 'peace enforcers' (a term used by the interviewees) or 'peace preservers' rather than act in the manner they much more frequently defined themselves as; that being, 'law enforcers'. Arrests were avoided and/or 'dropped' in order to maintain peace.

***(iii) Detectives as Disciplinarians***

There were several instances where detectives spoke of having to 'teach him/her a lesson'. These cases specifically involved situations where the accused either showed no remorse for his/her actions or for disrespecting the police due to detectives' perceived or real attitudes (e.g., whether it be police assuming someone was being arrogant due to facial expressions or overt actions such as the use of obscene language by the accused). Detectives were more willing to lay a series of charges against a person when s/he was perceived as being uncooperative or showing no remorse. In the words of one officer, 'I will take him to the wall if he's got attitude'. Another officer noted, 'I'll be more heavy handed paper wise because the pen is mightier than the sword.' Detectives possess a great deal of power in their day to day work. They can determine whether accused persons

will take him to the wall if he's got attitude'. Another officer noted, 'I'll be more heavy handed paper wise because the pen is mightier than the sword.' Detectives possess a great deal of power in their day to day work. They can determine whether accused persons are released until their court date or whether they will be placed in jail and 'show caused' the next morning.

Often detectives laid petty charges for the sake of morally disciplining; there was a moral obligation to lay charges regardless of whether police action led to the creation of an individual's criminal record. However, once again this largely depended on the perceived attitude of the accused. Also by exposing individuals to the 'justice' system early on, for those who had no prior criminal record, meant police would now create a written record of an accused's criminal 'history' regardless of how trivial the charge. Very often detectives felt obligated to discipline for petty charges when the accused was perceived as being uncooperative, but, were less often, willing to discipline for similar offences when the person had no prior record and was apologetic and/or remorseful. Those who were more willing to lay charges in these circumstances argued that this step was vital in setting the stage for possible future criminal activity. Moreover, officers described this as a serious concern in the sense that frequently remorseful, apologetic, cooperative people are not as frequently charged for 'first time' less serious offences (i.e., summary and/or dual offences); however, it was stated that police can never verify whether it is in fact their first time offence seeing that often accused persons are not charged in these situations. This is providing no past 'MTP 208/ contact card' was submitted (see Appendix B). They often plea for forgiveness or a second chance given

that it was their first time, 'a mistake' 'a stupidity' or 'carelessness'. Officers noted that a person may cleverly avoid the 'justice' system for several years and interpret it as 'a joke'. One detective suggested that perhaps if police were more willing to spend the time and dedicate the energy in 'doing the paper work' for these petty offences then perhaps people could be disciplined and rehabilitated early on in their lives and prevented from completely delving into a life of serious criminal activity. A criminal conviction early on in one's life was associated with deterrence from future law violating behaviour. In one example, a detective always charged people who he found smoking marijuana. He stated, 'sure some guys think that it's a joke that I charge for smoking a joint but nevertheless when it comes up for court the guy simply ends up pleading guilty and ends up paying a \$25 fine. There's no criminal record because he ends up getting an absolute discharge for a first time offense'. He further explained that if the same person was later found by police committing a crime, then there would be this record of prior criminal behaviour and would more likely force the police to exercise their discretion in charging the person.

Sometimes, their role as 'disciplinarians' has meant falsifying charges in order to punish a person who is deemed a 'career criminal'. 'Trumped up' charges do not seem to be the norm, however, detectives do have the power to falsify evidence and charges if the need arises. In one example, two men who each had over 30 prior criminal convictions were arrested for stealing a cash box. The officers in their investigation realized that these two men were not the ones who had stolen the cash box but rather had come across it in a back alley. But, the men exercised their right to remain silent until they had the opportunity to speak to duty counsel. 'They decided to play hard ball and tell us to screw

guilty and subsequently served approximately 2-3 months in jail. The detective maintained that they plead guilty because due to their lengthy criminal records, they would not have been released during their bail hearing and would therefore spend anywhere from 6 months to a year behind bars awaiting trial. By pleading guilty, they would be released in a significant shorter time.

***(iv) Resistance***

It seems that whenever there are new laws and/or rules implemented to protect the accused and make the police more accountable, there is much resistance promoted by police either through their physical actions or verbal language. Change is perceived as a personal attack on police work and barriers to 'justice'. In many instances, detectives felt that change in laws or in the ways they had to conduct their work, made it difficult for them to investigate and make arrests and/or lay charges. And therefore, detectives had to transform into 'innovators' or 'rebels' and think of new ways of 'doing their job' by escaping the new changes. Law makers and various other government officials were perceived as sympathizers to accused persons while neglecting victims of crime. For instance, police (including undercover detectives) must obtain a search warrant prior to searching a motor vehicle unless they have the consent to search by the driver. In the past, more officers were willing to unlawfully search a vehicle and lie in court to the judge by stating they had received the authorization of the driver. But, police are less and

less likely to use this tactic. Due to recent case law, there are several criteria that must be fulfilled in order to have a 'consent to search' such as ensuring that the driver understands that s/he can refuse the police's request and that anything illegal found in the vehicle may bring forward criminal charges against him/her. Detectives further maintained that judges are less willing to believe that someone gave police permission to search the car knowing s/he had illegal drugs or guns in the automobile. Also certain judges, skeptical of certain police conduct, are setting a precedent by dismissing charges against persons in 'consent searches'. This practice has led to an increase in police obtaining search warrants because as one detective stated, 'Sure you might have those guns and drugs off the street as a result of your search, but you won't have those criminals off the street'. Resistance breeds 'innovative thinking' or 'rebellious/alternative thinking'. Detectives claimed that they conducted illegal searches and if in the process they discovered illegal substances then they would place all the material back in the car and then call to attain the search warrant by the Justice of the Peace. In those circumstances, they would then 'hold' the car along with the people in it and simply wait till the search warrant was granted.

Other detectives resisted the Charter of Rights and Freedoms. The Charter was seen as a nuisance by some of the interviewees. These detectives felt the Charter restricted their actions and made their job more difficult. In the words of one detective, 'I mean the Charter protects the criminals and often makes it harder for us to do our job and protect the public. I don't see what the point is (pause); I mean we're not out here chasing after innocent people you know. We're chasing the bad guys'. Alternatively,

other detectives felt that the Charter simply meant that they now had to 'add a few extra lines' in their memo books regarding proper procedures 'ensuring' people's Charter rights were not violated. For instance, regardless of whether or not detectives obeyed the law and read accused persons their rights (e.g. right to remain silent, right to retain counsel) specified in their memorandum book, they would always note that the accused's rights were read to him/her at the moment of arrest. Other detectives always ensured they read accused persons their rights because they felt it was a good habit to follow procedures and never place themselves in situations where they had to lie to cover up another lie and so on and so on. But, they often felt that this process was a waste of time seeing that most accused persons did not bother listening, especially those who had prior criminal records. When accused persons refused to listen to their rights being read, they often yelled obscenities to the arresting officer(s), or spoke simultaneously while the detective was speaking. These detectives chose to resist in a different manner from the above-mentioned officers. While reading people their rights some of the detectives spoke in a condescending manner or used humour to deal with the situation. Some opted to make jokes to his/her partner relating to the accused, while others were condescending in their use of language. In one example, a detective constable, assisting a uniform officer at the time, was responding to a noise complaint at a frat party. While the officers were speaking to the owner of the house, several intoxicated males started berating the officers by arguing that they were law students, were aware of their rights and thus could not be 'touched'. The detective constable challenged the most vocal of the group asking him to approach the officer; this male responded to the challenge and approached the

officer not realizing he had removed himself from private property and was now on public property enabling the officer to immediately arrest him for intoxication in a public place. While arresting him, the officer, in a condescending manner, suggested to the law student that he should perhaps go back and re-read the laws seeing that his law education had failed him here. In another common example, detective constables seeking to obtain information, from belligerent, uncooperative but otherwise lawful individuals, as a form of resistance, utilized tactics that enabled them to effect arrests by promoting confrontations; for instance, detective constables would encourage people to be vocal and vulgar to the point where pedestrians became onlookers subsequently empowering the detectives to now legally arrest the individual and perhaps lay the charge of cause disturbance.

Resistance was also observed in the manner detectives sought search warrants. The purpose of requiring police to attain search warrants from the courts prior to searching people's cars, homes, and so forth is to attempt to create another level of accountability in the hopes of affirming that there truly are grounds for a police search. Detectives, however, invested time in literally 'shopping around' for a lenient Justice of the Peace who would be willing to sign a warrant despite questionable grounds for authorizing a search. Presently, with the increasing use of 'tele-warrants' there is heightened difficulty in 'shopping around' due to the nature of this system; various forms are faxed back and forth to a central location, and the police have no way of knowing which Justice of the Peace they are dealing with until the very end when the warrant is signed and issued or rejected. But, this system tends to be used during the late

forms are faxed back and forth to a central location, and the police have no way of knowing which Justice of the Peace they are dealing with until the very end when the warrant is signed and issued or rejected. But, this system tends to be used during the late evenings or very early mornings (i.e., during non business hours). However, once again, there were some very interesting strategies utilized as a means of resistance to the new system. One detective discussed his close professional relationship with a couple of JP's who had ensured him that they would never hesitate to sign a warrant requested by that officer via the 'anonymous' tele-warrants. Moreover, it was not uncommon for these JP's to influence the decisions of other perhaps reluctant JPs. Although, in my interviews, this was the exception rather than the norm with regards to the use of tele-warrants, it does not detract from the reality that resistance leads to the construction of alternative and/or illegal means.

*(v) Autonomy*

Throughout the interviews, it was quite evident to see the level of autonomy awarded to detectives in their work, except in the few cases that became defined as 'high profile' (see Chapter 5). A great deal of discretion rested in the hands of detectives, from the manner they chose to investigate a case, the number and types of charges laid against an accused person, to the level of energy invested in a case especially in proactive work, provided there was time and/or the budget allowed for it. In one example, a detective

this example, the detective wanted nothing more than to see this person behind bars, but recognized the reality of the court process and realized that it was very difficult if not impossible for this woman to ever attain her money. Therefore, in the eyes of this detective, it was more important that he try and retrieve the woman's money realizing that it was not the police's responsibility to be money collectors. He exercised a great deal of discretion by setting up a meeting with the accused after he had been located by police. The agreement was that the accused, who had informed his lawyer, would show up with all of the woman's money in exchange for the charges against him in this case would be dropped. If the money was not rendered then the detective would arrest and charge the man with the fraud against the woman, as well as with charges for criminal conduct against the banks. Other detectives were not pleased with this officer's execution of power and decision making and basically informed him that if anything went wrong then he would have to pay for the consequences. But, the detective felt that he could not be criticized for 'doing police work' seeing that this woman was receiving more personal attention this way. He recognized that had the case gone to the fraud detective office at police headquarters there was at least a two year back log in cases even for frauds amounting to more than one million dollars. In this example, the detective was exercising his autonomy and discretion to support a victim of crime where it was perceived that the system in place did not offer any support to the victim. Also, it can be argued that this case was deemed as 'high profile' by the investigating detective given the amount of time and energy invested. He felt that he had a duty to take such a personal approach given the amount of money involved and the fact that the system in place did

argued that this case was deemed as 'high profile' by the investigating detective given the amount of time and energy invested. He felt that he had a duty to take such a personal approach given the amount of money involved and the fact that the system in place did not promote the retrieval of money. Here privilege awards privilege; a wealthy attractive woman is given special attention by a detective whose work grants him autonomy. However, in most cases that became defined as 'high profile', discretion moved up the hierarchy or resulted in the collective agreement of detectives rather than to the autonomous decisions of a single detective (to be developed in Chapter 5).

It was interesting to note the relationship between detectives' autonomy in their decision making and the direct influence on the outcome of specific cases. Detectives working in the Detective office frequently handled 'domestic abuse' cases (i.e., cases referring to assaults occurring between husbands and wives, girlfriends and boyfriends, or common-law partners). The personal beliefs of detectives relating to how they viewed these types of offences, had a profound effect on their outcomes as a result of the level of autonomy in their decision making as detectives (however, once again it is important to note that the level of autonomy tended to be affected in 'high profile' cases). There were countless examples throughout my interviews which reflected personal opinions on 'domestic assaults' and the manner they should be handled. Detectives for the most part felt that investigating 'domestics' (as they were referred to by police) was often a waste of time since they rarely resulted in convictions. In 1990, the Solicitor General of Canada sent out a directive to all police departments ordering police to lay charges in 'domestic assault' cases when there was what was legally defined as 'reasonable and

probable grounds' that an assault had occurred. In other words, no longer would the police have the discretion of determining whether they should charge or not. If evidence was present (and of course this is always the challenge for victims especially in cases where the evidence translates into his word versus hers) then the police had to charge; the onus rests with the officers and not the victim(s), and therefore, a victim who does not want charges laid is powerless in this process. Detectives regardless of their viewpoints on woman abuse, claimed that the system (i.e., the new directive) forced them to act when very often their charges did not lead to convictions for a variety of reasons (e.g., the victim did not appear in court on the trial date and therefore the judge dismissed the case, or whether the victim gave conflicting evidence as to the occurrences of the night in question leading to again a dismissal of charges on the part of the judge). Other detectives who were concerned about the frequency of woman abuse cases, took the initiative by utilizing their autonomy and choosing to take certain steps in the hopes of attaining a conviction at the trial level. Alternatively, other detectives used their autonomy to engage in aggressive actions and sometimes, unlike the above-mentioned detectives, utilized 'bully tactics', however, for completely different reasons. They were not passionate and emotionally charged for these victims where they sought some form of justice, but rather they were more concerned with attaining a conviction or for their own self promotion or perhaps because they had a personal vendetta against the accused (e.g., had 'run-ins' with the accused in the past where the person had swore at the detective, or whether the accused made reference to the criminal justice system as being a 'joke' seeing that the courts had not been successful in convicting him in the

past). **Autonomy allowed for aggressive strategies which ranged from clever approaches, questionable conduct, to corrupt practices. Victims in these assault cases were subpoenaed as witnesses; in other words, they were served with papers that legally required them to appear in court on the specified trial date or possibly face a prison term. The interviewed detectives that expressed compassion and/or concern for victims dedicated time to communicating with the victim prior to trial in expressing to her (often the victim in 'domestic assaults' was a woman) the importance of her appearance and testimony in court because even though victims were subpoenaed, often they did not show up on the requested court date. Aggressive tactics utilized by some detectives who felt the victim might not appear on the specified court date, ranged from verbally threatening the victim to lying to the victim with regards to consequences she would endure at the hands of the courts. In the words of one detective, 'We try to scare her into coming in; so I'll say something like, if you don't show up we'll come and boot your door in and drag you in if we have to'. Another detective noted, 'I'll just tell her that the judge would see her as wasting everyone's time, the public's money and in the end would have to pay a serious amount of money and face some years in prison'. Other tactics, as a result of the autonomous nature of detective work, included detectives seeking to obtain a 'material witness warrant' which basically allowed the officers to physically apprehend the victim and bring him/her into court. When a subpoenaed victim did not appear in court on the initial trial date, and when detectives had made attempts to telephone her prior to court but were unsuccessful in locating her, or they discovered that the victim moved and had no way of communicating with her, then the detective could**

exercise his/her autonomy/discretion and seek a 'material witness warrant'. In these instances, the trial date was put off to a later date in order to allow the detectives to search for the victim and bring her into custody where she would then be 'criminalized'; she would be searched and put in jail for the night and 'show caused' the next morning (see Chapter 3). The courts would then decide whether to release her until the trial date informing the victim (now the accused) that if she again refused to appear in court when her abusive partner's case was up again, then she would face additional criminal charges. Again, the significant level of autonomy in detective work allows a detective, at this point, to choose to send a police car to the victim's house and drive her to court on the trial date to ensure her presence. Frequently, however, the victim (now labeled the accused) is kept in custody until the trial date since she does not satisfy the criteria under P.R.I.C.E. (see Chapter 3).

***(vi) Decision-Making in the Detective Office***

A detective constable is expected to follow rank in situations where the detective decides to proceed differently in a case. All cases are not treated in the same manner; the time, energy, resources, money and personnel utilized in a case will depend on whether or not it is deemed significant in the level of seriousness of the charge(s) to whether or not the case is defined as 'high profile' (i.e., depending on who the victim and/or accused is/are; the role of the media in reporting the case, police desire to hide their internal 'dirty laundry' from the public, the political nature of the case, and public expectations/reactions to specific cases). In most cases, detectives tended to agree on how

to proceed with the investigation of a particular case, however, in instances where there was disagreement, the higher ranking officer (i.e., the Detective) would make the decision and the lower ranking officer would be expected to follow the orders and therefore respect the paramilitaristic structure. If a detective constable attempts to break rank then there are severe consequences that must be faced at a later date ranging from being transferred back to uniform capacity to being ostracized by fellow officers. Therefore, regardless of the fact that all detectives are independent agents of the Crown and in principle can individually decide the manner in which a case is processed, actual practice suggests the contrary. In numerous examples, detectives noted that 'their' detective constables had never tried to override their authority. One detective described that for as long as she had been on the job, in the capacity of detective, this had never happened to her. In another example, a detective stated, 'If he did, he would not last long in this unit, he would be chastised by his peers to the point where he'd be forced to leave'

Moreover, this norm is extended to the uniform officers who make the initial arrests in most cases and transport the accused to the police station. In theory, the uniform constable, as an independent agent of the Crown, can demand that the detectives processing the case take a specific approach. But in actual practice, detectives ultimately make the final decisions on what charges to lay, if any, and/or whether to release. Several mottoes expressed by the detectives included 'don't rock the boat' , 'you may win the battle but you won't win the war', 'don't want to get into a pissing contest with the higher ups' and 'bite the bullet'.

their decisions for the simple reason that the other detectives were overwhelmed in their own investigations. In fact, detectives argued that there tended not to be much variance in the decisions in the handling of cases, in a reactive capacity (i.e., in cases resulting from accused persons brought to the detective office by uniform 'front-line' officers). One key difference, however, was in the number of charges laid. Some detectives felt that it was their responsibility to lay every charge possible and let the courts decide which ones to convict on seeing that their role was not one of judge and jury. Others felt that it was their job to lay only the most applicable charges. In either case, detectives laid more than one charge against an accused; this allowed the police, the courts and the accused to engage in 'plea bargaining' where the accused often plead guilty to the 'lesser' charge and thus avoided trial. For the most part, cases were perceived as "clear cut" in the investigation of them and subsequent laying of charges (if any); especially in cases where the detectives did not have a personal interest. The detective office was described as a 'factory outlet' 'in and out'; that is, quickly investigate a case, bring it to a conclusion via a decision on how to proceed, and move on to the next one.

Detectives did not see a great deal of discretion in their decision making. They felt cases would be handled similarly regardless of who the investigating detective in the office was (of course, with minor variance as in the example of the number of charges discussed above) recognizing that most of their cases were considered 'typical', 'average', or 'ordinary'. However, detectives recognized that discretion became important in certain cases for various reasons; these cases I have defined as 'high profile'. In cases that transcended 'the ordinary' and became unique and important to

detectives, for different reasons (see Chapter 5), then differences in decision-making became more exemplified. For instance, in one example, a detective and Staff Sergeant disagreed with the uniform constables' decision to lay a criminal charge against a person who was the relative of both a deceased officer and a serving officer. The accused had initially been released 'on the scene' but later faced certain criminal charges following the police officers' investigation. One of the higher ranking officers was so frustrated with the uniform constables' autonomous attitude that he stated, 'I can order you not to lay a charge'. Had the accused been brought into the station to be charged then the Staff Sergeant and/or Detective would have the authority to drop the charges because as mentioned earlier, discretion rests in their hands, regardless of the fact that every officer of every rank is considered an independent agent of the Crown and can hence proceed in the manner s/he believes to be most appropriate. In this case, the police released the man in order to further investigate his claims; and later it was determined that his arguments were false which led to the laying of a charge. While the officers were processing the paper work before the 'Information' had been sworn, the Staff Sergeant barged into the room and demanded that the charge not be laid. Here the Staff Sergeant and the Detective Sergeant were dealing with well informed officers; that is, 'seasoned' officers who were aware of internal rules and procedures and one had prior detective experience. The officers were concerned that the detective and staff sergeants would refuse to process the various forms or sabotage the swearing of the 'Information'. Several attempts were made to persuade the officers to discontinue the investigation at various stages beginning with their initial dealings with the detective office; one detective upon

learning who the accused was, stated, 'It's a policeman's son for Christ's sake' and refused to assist the officers. When the officers refused to obey the chain of command and exercised their own discretionary powers, negative consequences followed for the officers 'choosing' to 'rock the boat'.

Notably, for detectives working more proactively, disagreement with regards to the exercise in discretion, was more common than in the reactive capacity. This meant that there were times when detectives felt the investigation should be conducted differently than in the strategies suggested by their partners. The disagreement often rested in what would be the best manner to attain an arrest and secure a conviction at the trial level. In the district drug units, for instance, some detectives expressed frustration with 'let go's'. Detectives working in this capacity were weekly given a sum of money for their investigations. Working undercover, they would place themselves in situations where they would buy drugs from the drug dealers and literally walk away from the situation without laying any charges; this was referred to as a 'let go'. Over a months time would pass before the drug dealer would be arrested and charged. The rationale for this was that the dealer would not remember all of the people s/he had sold drugs to in the past month, and therefore, the undercover detective could be utilized for longer periods in the area. If the detective were to make an arrest immediately following the sale then the word would spread quickly to other drug dealers and s/he would not be able to work in that particular environment. By waiting for several weeks before an arrest was made (and often by uniform officers) the drug dealer would have no way of knowing who the undercover detective was until trial. Interestingly, some of the detectives had a problem

with these 'let go's' because they were eager to make an arrest, tended to feel awkward about letting a 'drug dealer' walk free after a sale had been made, and because often it was more difficult to get a conviction in court because of the time that had elapsed between the offense and the arrest. Admittedly, several questions could be raised by the defense lawyers to jeopardize the Crown's evidence. In these discretionary decisions, detectives would make the final determinations regarding whether they were going to proceed with the 'let go' approach, or detective-constables amongst themselves, had to compromise and make a decision; so perhaps they would agree to proceed with this approach for some cases while opting to make immediate arrests in others to satisfy both sides. Team effort was encouraged amongst the detective constables and with the detectives. But once again, if a decision could not be made that satisfied the group, then the detective (the higher ranking officer) would be compelled to 'pull rank' and make the decision for them. And of course, in circumstances, where the detective felt strongly about proceeding in a particular manner then s/he could send out the order, regardless of detective-constables' opinions. Detectives, however, generally spoke of 'flexibility' as an integral characteristic of detective units and often expressed support towards detective constables' recommendations. Even at times when the detective did not necessarily agree with the detective constable's approach, there were some detectives who were willing to offer support providing a convincing argument was put forth. However, if anything 'went wrong' in the execution of the investigation then the detective would ultimately be responsible/accountable. This sense of partnership and flexibility tended to be an integral part of detective work, however, these characteristics

who were willing to offer support providing a convincing argument was put forth. However, if anything 'went wrong' in the execution of the investigation then the detective would ultimately be responsible/accountable. This sense of partnership and flexibility tended to be an integral part of detective work, however, these characteristics were jeopardized in the cases that became defined as 'high profile' (to be detailed in Chapter 5).

Moreover, various detectives assumed a reputation of some sort where they were perceived as exercising more discretion in certain cases/charges versus others, or for being more productive versus those who were more likely to dedicate partial effort to their work. Detectives recognized that often their decision making in past situations affected the decision making of uniform officers. In other words, one pattern of decision making at one level influenced another at a different level. There was a dialectic relationship between the two levels. To offer one example, one Detective had earned himself the reputation of being less willing to charge people for violating various conditions of their probation. Therefore, uniform officers who worked on the same shift as this detective and could therefore end up interacting with him, were less likely to bring in people for the above mentioned charge. According to an interviewed officer, this detective felt that certain violations to one's probation such as failing to notify the probation officer of a change in address were not worth the time and effort of processing the case involving tedious paper work. In addition, he noted that uniform constables who felt this constituted a serious charge, exercised their own discretion. They would choose to bring the person into the station on the gamble of ending up with a supportive detective

acquired reputations influenced specific decision making on the part of front-line officers. Therefore, in the above example, officers who wished to charge a person for violating probationary conditions would ultimately choose to charge the person on the street and release her/him on an 'Appearance Notice'; this basically forced the accused to appear in court on the date chosen by the investigating officer on the scene thus bypassing the detective office.

It was interesting to note that 'discretion' was frequently used synonymously with 'interpretation'. In another example described in the interviews, a detective was exercising his discretion to charge a man with the cultivation of marijuana since police discovered 13 five foot marijuana plants in his apartment. However, a different detective argued that the above specified charge did not apply to this man because case law had shown that cultivation usually referred to a significant size of land (e.g. 1 acre and not 13 plants). The first detective counter-argued claiming that the Criminal Code did not specify any particular size of land in order to charge under 'cultivation' but rather referred to the possession of various materials such as various lighting used to grow marijuana, tools utilized, and other drug paraphernalia. Therefore, in this debate between the two detectives, the ultimate decision in how to proceed rested on the interpretation of the law.

'Interpretation' was also identified in which charges were perceived as being more serious than others. In cases where a person was charged with assault and fail to appear in court, it was observed that the detectives' decision making differed in their interpretation of what would be the more applicable conviction for the accused during

plea bargaining at the trial stage. Some detectives felt that it was more appropriate to plea bargain in court and have the accused plead guilty on the assault charge. Other detectives, on the other hand, felt that pleading guilty to the fail to appear would be more effective. The reason for this belief was that if, for instance, one year later, the accused was charged again for another offense, then he would not meet the criteria for release (i.e., under P.R.I.C.E. it would be assumed that there was the possibility that he would not attend court due to the prior 'fail to appear' conviction) and would thus be 'show caused' placing him/her in front of a bail hearing judge. The judge would determine whether s/he should be released on bail or held in custody until the trial. In turn, detectives had the freedom to exercise their own discretion unless 'higher ranking' officers objected or unless dealing with 'high profile' cases (to be elaborated in Chapter5).

***(vii) Loyalty over Ethics***

It was clear that there were certain expectations from detectives in their encounters with accused persons. Detectives expected honesty and integrity when interacting with the public. Interestingly, the same ethos did not apply to them; rather it worked in the reverse. Loyalty to one another within the detective office was the expected norm even if it meant breaching ethics. In fact from all the interviews in this study, this was the message received loud and clear. Even in the exceptional few interviews with the detectives who claimed they made a conscious effort to ensure loyalty did not interfere with being ethical, several circumstances in their careers had placed them in situations where they contradicted their personal convictions. For these

few detectives, it was argued that in order to create fairness and accountability in the policing system, then ethics had to take center stage over loyalty to other officers. And in fact, they claimed that if a detective follows the rules and proceeds in a lawful manner in the execution of police duties than s/he never has to fear being 'discovered' and/or appearing incompetent in court as one lie is created to cover another. Furthermore, time and energy need not be wasted in taking the extra steps to shelter any lies or fabrications on their part; for example, collectively working with one's partner on the information they record in each of their memorandum books to ensure 'their stories' do not contradict in any way, such as, in their explanation as to how they discovered drugs in the car when they did not have a search warrant. Ironically, these same detectives who spoke of their strong convictions, all had admitted to 'going to the other side' to protect other officers when the need arose. In one noted account, a detective had assisted an officer in the charging of a man with 'possession of narcotics'. However, the detective later discovered that this allegation was completely false; the man never swallowed any illegal drugs nor was he in possession of any narcotics in the first place. The detective, in turn, did not reveal this in court when the man was being tried; he believed his actions would automatically lead to criminal charges being laid against the arresting officer and that would have had several ripple affects within the police culture in terms of why the loyalty within the 'brotherhood' was not protected. The detective maintained that the only factor that protected the other officer was that the accused man refused hospital treatment. Had he agreed to be checked by the doctors in emergency then they would have discovered that no drugs had been consumed. Needless to say, the

man was convicted of the crime and received a jail sentence given he had prior criminal convictions. At the end of trial, the officer approached the detective to thank him for his support at which time the detective responded with 'never compromise my job again'! Till this day, he claims he feels guilt for his actions but notes that he did not have a choice given the internal expectations. The irony is that he perceived his job as being compromised through the illegal actions of the other officer, yet simultaneously felt his job compromised had he unveiled the real story. Regardless of how 'ethical' some of the detectives claimed they were, they admitted to being involved in 'jackpot' situations (i.e., illegal police behavior) or recognized that one day they could face a 'jack pot'. It was the expectation of all officers, regardless of 'jackpot' experiences, that they receive protection and/or support by other officers.

One of the strongest commitments to this notion of loyalty was expressed in discussions surrounding the death of one's partner in the line of duty. The making of 'packs' between partners was quite profound. These 'packs' were 'entered' on the agreement that if one was killed in the course of their policing duties then the other would ensure the killer would not live to talk about it. Therefore, loyalty amongst officers was a remarkably strong characteristic within the culture. Loyalty defined detective work on a variety of levels. Regardless of differences in political and/or religious beliefs, race, gender, ethnicity, or sexuality, loyalty bound the detective community. As observed in the few examples of the detectives who spoke of placing ethics over loyalty, the reverse held true when confronted with the option of revealing officers' illegal practices.

'Snitching', which was a commonly used term in the interviews, was not tolerated within the culture.

***(viii) Competition for the 'Big Arrest'***

For the detectives who were working in an office (e.g. the major crime unit) where more time was spent engaging in proactive work, or for others who had time to engage in undercover work, there was the constant desire of making a 'big arrest' or a 'good pinch'. There were several factors for this passion. For one, the 'pinch' excited them dealing with 'large scale' criminal activity whether that meant dealing with large sums of narcotics and money, gun selling, 'wanted' persons and so forth. Moreover, such large scale activities demanded complex highly sophisticated investigations where special undercover cars could be utilized, sometimes planes, and various forms of technology such as surveillance equipment.. Furthermore, arrests made in these type of investigations often led to media publicity. These cases often became 'high profile' in that the media had learned about them by monitoring police communications but more frequently by the police themselves who were eager to promote their 'good work' as 'crime controllers' to society. In addition, there was competition amongst detectives for the 'big pinch' as such arrests contributed to positive reputations for detectives, a sense of notoriety/fame within the police culture as news of "big arrests" spread quickly within the police station, amongst all the different shifts, as well as to other divisions, and of course, to senior officers who could 'open the doors' to future career advancements. This reputation building often led to promotions, transfers to other detective offices, positive

evaluations from 'superiors', district awards, and acceptance to specialized training courses.

The competition and/or pressure for the 'big arrest' often meant that the less sensational cases were ignored by the detectives, again referring to the detective offices where their mandate was more pro-active. This, for instance, had become a concern with some of the Detective Sergeants who felt that the drug squads should be returned to the division level and not remain at the district level. The reason for this was that these detectives were expected to investigate drug related problems of all levels in their specified area. If they came across, what was referred to as, 'a big player' where the stakes were much higher and the investigation much more complex requiring more resources, time, and greater detective experience, then it was essential that the case be turned over to the Intelligence Unit who were responsible for high level drug investigations. Usually the two detectives, at the district level, who were responsible for the initial investigation, would be relocated to the Intelligence Unit to assist in the investigation. As a result, there was an incentive to attempt to investigate the 'big players' for the same reasons, as discussed above, that related to the level of excitement, notoriety and career advancement; but also, in this example, there was the desire to leave the division and work with the centralized detective office (i.e., Intelligence unit) at headquarters for the duration of the investigation. The centralized detective office was considered a very prestigious unit and very cliquish; that is not to say that they did not deem the district level drug units as prestigious, however, the Intelligence Unit was considered more distinguished. This experience would be included in their yearly

evaluations for their divisional work, and was considered very beneficial when applying for promotions. In turn, often the 'street-level' drug problems were virtually ignored; this often meant that the uniform 'front-line' officers were expected to make attempts to 'police' the drugs and subsequently make arrests.

***(ix) Heterogeneity Transforms into Homogeneity***

As discussed in Chapter 3, detective offices are very cliquish and, in principle, are considered to be a promotion, rather than just lateral movements. Therefore, a great deal of effort was invested in deciding who would be afforded the opportunity to work in the detective office. Ultimately, they sought to gain a 'team player'. Often a series of questions were asked of applicants to determine their 'vulnerabilities' or rather the vulnerabilities of the office if a detective constable ever decided to make an official complaint. Questions ranged from work ethics and willingness to work in a team environment, to whether applicants were capable of 'taking a joke' without being offended racially, ethnically, sexually, religiously, politically, and so forth. Detectives spoke of their willingness to accept people of all races, ethnic backgrounds and sexes, however, were expected to be able to conform to the dominant patriarchal Anglo-Saxon ideologies. Blacks were expected to not be offended by racial slurs; women were expected not to be insulted by jokes regarding their sexuality; 'ethnics' (e.g., Chinese, Greeks, Indians, Italians) were expected to accept stereotypes regarding their cultures and see the humour in them. Heterogeneity in the detectives was encouraged providing they could come to identify as a homogenous group in the office regardless of individual

differences. Women, for instance, were defined by their differences to men, however, simultaneously were expected to become 'one of the boys'; that is, a team player. In one example, a male detective in the drug unit discredited undercover female detectives' success over men in being able to more readily 'make a buy' with known drug dealers than their male counterparts. This detective maintained that it was much easier for women to buy drugs because 'all they have to do is put a little paint on, show a little cleavage, a little leg or something like that, and the old story is these guys are thinking with their dick so it was much easier to sell to the women'. The same detective argued that women had to stop complaining about sexual harassment on the job and not be offended by comments, rumors or jokes relating to their personal sexuality.

*(x) Detectives as 'Experts'*

The interviewed detectives frequently utilized the word 'expert'. Officers considered themselves experts in their field where they felt they understood policing best and that the government and the courts often interfered in their businesses making ill decisions. In situations relating to 'domestic assault' cases, detectives were obligated to lay charges providing there were 'reasonable and probable' grounds that a criminal offense had occurred. Often at the trial level the case was resolved by the judge issuing a 'peace bond' (i.e., where both accused and victim agree not to communicate with each other; the accused is not criminally convicted). Detectives maintained that all of the above could be accomplished at the scene of the crime and save much time and energy invested by the police, the courts and the victim. One detective stated, 'We could have

above could be accomplished at the scene of the crime and save much time and energy invested by the police, the courts and the victim. One detective stated, 'We could have issued the peace bond ourselves and avoided waiting 6-9 months for trial'. Another detective noted 'why go through all the paperwork for just a peace bond at the end of the day'.

Additionally, detectives expressed resentment and/or frustration with certain media or other members of the public that constantly chose to paint a negative picture of the police. Detectives claimed that these people were ignorant of policing issues ranging from not realizing the dangerous nature of their work, failing to understand that police chased 'criminals' in order to protect the public and maintain peace, to not realizing that some laws interfered with 'good police work' which disadvantaged the wider society. Detectives interpreted interference by external agencies/institutions as threatening and demeaning to their profession, where as one detective noted, 'people are always trying to tell us how to do our work; I invite them to spend a single day with us out on the road and see what our job truly entails; that's when I guarantee you they'll begin to rethink some of the generalizations and assumptions they make'. Another detective was quoted as saying, 'Doctors, lawyers and other professionals are not exposed to the kind of scrutiny we are exposed to; I can't see why policing should be any different. I mean when was the last time you saw a passenger of a plane tell a pilot how to fly it? I think people believe they understand the complexity of our work yet they are completely clueless; for most of the public, detective work is what they see in Hollywood movies'.

A decision made by the municipal government in the early 1990's to restrict police, including detectives, from making court appearances on their days off, created a great deal of outrage from the police department. All court dates were to be set on days where the officers worked day shift in order to avoid paying officers time and a half on their off days (with the minimum guarantee of 3 hours). Detectives described this as an example of 'non-police people' trying to make a decision, significantly affecting the lives of officers and the system in its entirety, without understanding the repercussions to that decision. It was claimed that had the advice of the Detective Office been sought, much chaos could have been avoided. Detectives explained that this strategy completely failed and was quickly replaced with the initial system. One serious oversight on the part of the government, extracted from the interviews, was that with all the detectives and uniform officers in court, there were virtually no officers policing the streets and working the detective offices.

Furthermore, within the culture of policing, detectives considered themselves experts in the hierarchy with regards to the specialized knowledge they were expected to possess; for instance, knowledge pertaining to federal, provincial and municipal law violations, recent case law that could affect their investigations, the complex paper work, the technology at their disposal that could be utilized in their investigations, and the rapport they were expected to have with key criminal justice agents such as Crown attorneys and judges. It was not uncommon practice for uniform police officers to call the detectives for advice on current case law and/or suggestions on how to handle a case they were in the midst of investigating 'on the street'.

**(xi) 'C.Y.A. - Cover Your Ass'**

This phrase was a recurring one in the interviews I conducted. 'Covering one's ass' was a strategy utilized by all detectives in order to: 1. Protect themselves when acting illegally and/or inappropriately; and, 2. protect themselves in ensuring their legal actions did not put them in positions where they could later be criticized or falsely accused of illegal behaviour. The three basic rules every officer/detective is taught in the culture of policing, are: First, 'If it's not in your memo book, it did not happen. Second, act surprised and show concern if questioned by superiors, and, third, always stick to your story; the story you record in your memo book'. In one account, where a detective constable physically assaulted an accused, he ensured that in his memo book he recorded the accused's injuries as having been sustained when the accused tripped and fell down some stairs. This information was corroborated with his partner, and together they falsely constructed a story which they similarly recorded in their memo books to ensure there were no contradictory remarks made. At a later date when the accused filed a complaint against this detective constable, he was questioned by the detective and the detective-sergeant. He acted surprised and concerned with the allegations, insisted that he never assaulted the man (i.e., 'tuned him up' in police jargon) and that, according to his memo book, the accused had injured himself falling down a flight of stairs. His actions complemented all of the three rules. Other strategies utilized in 'covering one's ass' when conducting illegal or inappropriate actions were ensuring there were no witnesses around, choosing to work with partners whom they felt most comfortable with and could trust the most, and recording detailed notes relating to an incident.

Similarly, detectives recognized the importance in 'covering one's ass' even when acting within the confines of the law. Ensuring they recorded detailed notes also applied in this case in order to protect themselves from being falsely accused of acting negligently or failing to act altogether. Several detectives made it a habit to always record various events and discussions in their memo books in order to create a paper trail of their actions and a level of accountability. Other detectives protected themselves by not placing themselves in situations where they could be falsely accused of illegal behaviour. For instance, male detectives never entered an 'interview room' to speak to a female accused without either being accompanied by another detective, taping the discussion, or leaving the door to the room wide open where others could hear the conversation. These strategies were utilized to protect themselves from being falsely accused of any sexual misconduct.

Alternatively, as opposed to acting invisibly; that is, beyond the view of witnesses when acting illegally, detectives acting legally, utilized witnesses to concur their actions. For instance, in some cases detectives used force to apprehend a suspect for a variety of reasons (e.g. when orders to place his hands behind his head and lay on the ground were ignored, or for not dropping a potential weapon). If witnesses were in the near vicinity, detectives often yelled out the orders/commands and repeated them continuously in order to ensure people had heard the attempts made by the police before being 'forced' to utilize physical force in the apprehension of the accused. 'Covering your ass is the cornerstone of policing; its about self-preservation regardless of how you conduct yourself as an officer', noted one detective constable.

There were times where detectives disagreed with various decisions made by the detective constable(s) with regards to how a case should proceed. But, due to convincing arguments or simple pleading on the parts of the detective constables, detectives often wanting to create a team environment or a collective spirit allowed them to proceed in the manner of their choice regardless of whether they felt it was the best or most appropriate route (however, this tended not to apply in 'high profile' cases – developed in Chapter 5). Detective constables were expected to 'cover their ass' and if they failed to protect themselves and become vulnerable to external scrutiny, then they were 'on their own' to defend themselves. For instance, in the example of the detective constable assisting the woman who had been defrauded of thousands of dollars, other officers were not supportive of such actions. Nevertheless, they did not object. However, if anything went wrong in this case (e.g., a complaint filed against the officer, negative publicity by the media, etc.) then 'there would be hell to pay' in the words of the detective constable. The recurring theme by all of the interviewed detectives was captured fully in the following statement: 'Do what you wish providing your ass is always covered'.

Several themes emerged from the interviews conducted for this study. These issues dealt with police social interactions, power dynamics within the structure, officers' interpretations and understanding of their roles as detectives and their relations with members of the public, and to a small extent, the wider legal structure. These served to characterize the police occupational culture, as well as, the occupational expectations within the various levels of policing. The police occupational culture is

shaped/influenced by the organizational structure and the wider socio-economic order; the latter strongly recognized but not explored in any depth in this study. The following chapter will bring both structure and culture together in the examination of detectives' decision making. The question that will be 'tackled', is whether it is the structure or the culture that impacts decision making in criminal investigations, and more specifically, in the socially constructed 'high profile' cases.

## **Chapter Five: The Social Construction of 'High Profile' Cases**

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This chapter combines the 'lessons' learned from the previous chapters and puts 'structure' and 'culture' 'to the test' through the examination of detectives' decision making in cases; are all cases treated 'equally'? What does 'equal' treatment entail? What variables presuppose the level of police involvement/investigation in a case. In other words, what accounts for differences in action; is it resources, timing, political climate, individual officer's perceptions? This section will examine the cases that are socially constructed as, what I have defined as, 'high profile' by the detectives in the manner they are investigated. The information presented in this chapter was gathered as a result of formal interviews.

### **Detective Decision Making in 'High Profile' Cases**

Every case is not treated equally. Such factors as the time dedicated to the investigation, the number of officers, technology, budget, and police treatment towards the accused impact on the investigation. The organizational structure and the culture directly affect the manner in which cases are managed. Certain cases, that I have defined as 'high profile', are given priority by the police department, and a series of variables play a vital role in determining whether a case is constructed as such. The variables discovered in this study as influencing the policing of cases and making them 'high

profile' were the following: the 'status' of the accused, 'status' of the victim, role of the media, the desire by the police department to hide their 'dirty laundry', possible political 'bombshells' and the public's reaction/expectation. Each of these variables coupled with the detective structure and culture produced specific results.

*(i) 'Status' of the Victim*

The identity of the victim plays a vital role in the execution of an investigation. As noted in Chapter 4, most cases handled by the detectives tended to parallel an assembly line, with small differences separating them; however, this study discovered that the 'status' of the victim produced different results in the conduct of the investigation. One's socio-economic status proved to be an important factor. And regardless of whether the case received media attention or not, police treated it as 'high profile' by investing significant time and resources to such cases. In one homicide investigation, the murdered victim was an affluent, white, female doctor living in a Toronto condominium at 1001 Bay Street. One of the detectives interviewed who was directly involved in this case stated that the homicide team had an entourage of 20 people working on this case for a period of approximately 4-5 months. The homicide office does not have a support staff and therefore they call on officers from different divisions to assist in homicide investigations when they occur. Usually they will bring the first one or two uniform officers, who responded to the murder scene, to work with the permanent Homicide detectives up to 2-3 months unless, of course, the case is 'solved' earlier at which point the officers then return to their original divisions. In the above mentioned

case, the victim had been murdered in the underground parking of her condominium; she had been brutally murdered, and this case received a great deal of media attention. As mentioned earlier, from the information provided by one of the interviewed participants, 20 officers from various divisions were brought to Homicide to assist in what would be months of investigation. The murder occurred during super bowl Sunday and the condominium was filled with visitors. Officers had to interview not only the residents of the building but every single visitor as well since every single person had to be accounted for. Paradoxically, however, when an Indian broadcaster was murdered, shortly after the above murder was solved, very little time was dedicated to this investigation. Three officers from the original 20 remained in the Homicide unit (1 from 52 Division and 2 from 14 Division). When management from 52 Division realized that one of their officers was being utilized to solve a murder that occurred in 14 Division, they quickly 'pulled him out' and brought him back to 52 Division. They felt that 14 Division should be utilizing their own budget (i.e. officers) for the investigation. Similarly, 14 Division 'pulled out' their remaining two officers even though it was considered to be 'their case'. In turn, the smaller team of original ('permanently' placed) detectives remained in the Homicide unit. One of the interviewed former detectives involved in the investigation of the doctor said, 'What it boils down to is dollars and cents; there's only so much in the budget and the department chooses which cases deserve more attention'. He further added that the woman 'was an affluent and prominent Bay Street doctor in the community while the poor 'schmuck' who was an Indian broadcaster was not seen as worthy.' The murder of the female doctor created

much publicity largely because the police worked with the media in providing information and therefore, 'adding to the fuel'; also, because of her affluence she had people associated with her demanding answers including residents of the building and neighbourhood who were shocked at the news of a murder occurring in their presumed safe, 'good' neighbourhood.

The Unit Commander of Homicide and the Investigative officers of Homicide made the decision to bring in the twenty officers which had to be 'okayed' by either the Deputy or Chief of the police department in order to transfer all of these people from their divisions to Headquarters. Officers from various divisions were chosen based on past experiences in Homicide or prior detective experience. Ten of them worked as, what was referred to as, 'suits' which consisted of investigative work canvassing the people in the building, the woman's place of employment, and travelling to the homes, of the people who were visitors at the time of the murder, to speak to them. The other ten worked in a 'plain clothes' capacity speaking to the street hustlers in an attempt to get any tips of the murderer(s). What was clear in this investigation was that it did become defined as a 'high profile' case because of the 'social status' of the victim, the affluent area in which the murder took place, the pressure placed on police by residents and people associated with the victim, and the media attention this case received (as a result of both media interest and police assisting the media with information on the investigation).

Furthermore, as a result of this case being constructed as 'high profile', discretion moved up the hierarchy; no longer were decisions being made at the detective level (i.e.,

the Homicide unit) but management was taking an integral part in bringing in the 20 officers, monitoring the investigation and assisting the media. However, in the murder of the Indian broadcaster only three officers interviewed people in the neighbourhood where the murder occurred and two weeks later, as mentioned above, they were sent back to their divisions. According to one interviewed officer, 'All the contacts that we made in the first two weeks were gone because the key to solve any murder is to create trust and hopefully have people call you; but once we were sent back to our divisions, then those contacts are lost'. Interviewed officers felt that the lack of public outrage, lack of affluence and perhaps his race resulted in limited media exposure and an inadequate investigation. However, in other examples revealed in the interviews, the 'status' of the victim coupled with media attention and/or public outrage were not the necessary ingredients for a 'high profile' case. Wealthy prominent victims who did not receive media attention due to police intervention in ensuring confidentiality or whether the media did not deem the case 'newsworthy' did receive more assistance by the detectives. More time and resources tended to be dedicated to the investigation and police tended to feel more accountable. For certain detectives, they felt that the victim, if displeased with the investigation and/or police attitudes towards him/her and the case, could launch a law suit in the future against the department, could file complaints against the police with the appropriate offices or could perhaps utilize their wealth and contacts to bring negative publicity against the department.

In other cases, although much less frequent, the 'status' of the victim pertained to the physical attraction a detective sensed towards the victim and/or sympathy felt towards

the victim for his/her misfortunes. These cases became 'high profile' in that individual detectives went 'above and beyond', in the investigation, dedicating significant time in the hopes of bringing closure through perhaps an arrest, or compensation for the victim. The most spectacular case that stands out from the numerous interviews was the one concerning the officer who had made a deal with the man who had admitted defrauding a woman of \$22,000 (see Chapter 4). The detective constable, aware of the fact that the fraud office was behind at least 2 years in their cases, which included cases involving frauds surpassing one million dollars, and realizing the ineffectiveness of courts to provide restitution to victims, entered into an agreement with the accused; if the accused returned all of the money then he would not be charged criminally. The tracking down of the accused, and the negotiating of the 'deal' between the accused and the detective constable involved a great deal of time on the part of the officer, much of which was conducted while 'off duty'. This case was treated as 'high profile' by this individual officer. However, this type of treatment was more the exception rather than the norm. Few detectives admitted to ever investing 'off duty' time to their investigations. Most felt that once their shift had ended then it was time to leave police work at work, and many argued that if anything went wrong in a case being investigated when 'off duty' then several complications/repercussions would result pertaining to the organizational structure, occupational culture and the investigation itself. However, when 'on duty' some detectives did note that they tended to invest more personal energy in cases that they deemed 'serious'; where they were emotionally moved/stirred by a case, or where they were intrigued by and/or attracted to the victim.

***(ii) 'Status' of the Accused***

In other examples, once again the 'status' of the person in the case resulted in the social construction of a 'high profile' case. But, the 'status' is not only important when it concerns the victim of the crime but also concerns the accused person. In cases where the accused person of the crime was affluent and well known in various 'communities' the case tended to become 'high profile'; that is, in some instances, depending on the level of notoriety of the accused, the media focused a great deal of attention on the case; in situations, where the accused was affluent but not necessarily known to the public, the police continued to investigate it as 'high profile' by ensuring proper procedures were followed in the conduction of the investigation, rights were not violated, and no 'short cuts' taken in the process. In one example, where a detective obtained a search warrant where it stated 'I shall make a return judgement within 7 days' ('I' referring to the officer), he would ensure the job was done within the stipulated time as opposed to taking 9 days for instance. Proper procedures were followed, he maintained, 'so my case isn't chipped away credibility wise by the defense in court'. Interviewed detectives noted that prominent accused persons were not treated more leniently than others; however, their financial positions enabled them to hire powerful, expensive 'big name' attorneys, that would scrutinize every police action and therefore, it was important that police ensured that 'all the 'I's' were dotted and the 'T's' crossed'. In one specific example, an interviewed detective discussed a case that involved a prominent male who was well known in his 'circles'. This man had been charged with assaulting and stalking his

that would scrutinize every police action and therefore, it was important that police ensured that 'all the 'I's' were dotted and the 'T's' crossed'. In one specific example, an interviewed detective discussed a case that involved a prominent male who was well known in his 'circles'. This man had been charged with assaulting and stalking his girlfriend. He was able to hire one of the best defense attorneys that money could buy; this lawyer had a reputation for being able to 'shoot holes' in police actions and testimonies. As a result, the detectives in the case spent much time following procedures literally 'by the book' and sought advice from other senior officers regardless of whether they were confident or skeptical of their actions in order to ensure errors were not made.

In another instance, the son and daughter of two influential lawyers were involved. The male was harassing and stalking the female, however, through the help of another lawyer, who was a friend of the girl's father, the lawyers decided not to involve the police formally. However, informally, the assistance of a detective constable was requested in accompanying the girl to a school dance and therefore serving as security (when the officer was off duty).

Similarly, another account, described an accused who was charged with 'sexual assault'. He, along with the victim's affluent mother and uncle, were well known in the 'community'. The male victim had been sexually assaulted by another male, and the family of the victim was very concerned of the media finding out about it. Because of 'who they were' the police promised to make every attempt to obtain a publication ban. Therefore, in court, the detectives made the argument that the victim's safety would be jeopardized if his name was identified by the media. As a result, the judge granted the

publication ban which protected the identity of both parties involved. This is a rare privilege, and in the cases where the judge grants the publication ban, much of that accomplishment was due to the support provided by police officials. Thus, more time was spent and more people became involved in cases where the accused possessed certain 'status'. Notably, this type of police behaviour was the exception rather than the norm considering most cases did not involve prominent wealthy accused persons and/or victims.

In addition, cases that involved accused persons who were discovered to be immediate relatives of police officers were treated as 'high profile'. They were more than often given preferential treatment (e.g., charges dropped or not laid, or simple caution given, etc.) by the detectives unless otherwise requested by the related police officer. The occupational culture is such that one officer protects the other which often includes the relatives of the officer as well. As one detective constable stated, 'We're all one big family and have to look out for each other'. But, if the accused was being uncooperative, by not assisting the police in a verbal account of what happened or by not identifying the people involved, then often the preferential treatment was abandoned by the police. In addition, if the accused was perceived as being rude, by making obscene comments to police, claiming that he had connections in the force and therefore, demanding instant release, or was unappreciative of the detective's 'care' then once again the preferential treatment was discarded. The case still remained 'high profile' in the manner it was investigated to ensure that all questions pertaining to it could be properly answered in the event that the accused ended up being related to a high ranking

mean, we'll talk about it and let him know what a pest his son, daughter or whatever was; I mean, I probably would not use the word 'pest', in fact, I just wouldn't, but, I would let him know the trouble that he caused us, and then of course by the end we would follow his orders'.

### ***(iii) Media Publicity***

As discussed above, the media attention towards a police investigation always had a strong impact. Media attention created a sense of accountability on the part of the police department; officers felt their actions would be scrutinized more carefully under the 'watchful eye' of news reporters and therefore wanted to ensure that mistakes were not made. As a result, these cases became 'high profile'. Similarly, in these circumstances, detectives felt they could promote themselves and their 'good work'. The police culture embraced positive publicity towards the police department and this kind of attention always satisfied members of the 'Brass'. Moreover, it could positively benefit the careers of the detectives and detective constables involved, through promotions, awards, and so forth. Often when the detectives were investigating a case where they believed the media would be interested and, in turn, the officers wanted to promote their work, they themselves took the initiative to call the media and 'leak' the story and/or issue an official press release. This was done providing their actions did not jeopardize the case. This was usually the manner in which these cases were 'discovered' by the media; all cases were 'put on the majors' (i.e., forms entailing a brief synopsis of events)

and sent to a specific office at police headquarters where the media could access the information on a daily basis and report what they considered newsworthy.

There were several stories that detectives shared with me concerning the promotion of their 'good work' in 'high profile' cases where there seemed to be much interest on the part of the media and the public. To offer one example here, a detective constable working with the youth bureau at the time, was investigating a case that involved incest; a man was charged with sexually assaulting his daughter. The DNA collected from the accused and the little girl led to two surprising findings: first, the man was shown not to be the biological father of the girl leading to the dismissal of the charge of incest, however, still charged with sexual assault, and, second, the man's DNA matched the evidence collected on a murdered man found a couple of years earlier thus leading to a murder charge. The detective in charge of this investigation noted that this was a serious case due to the fact that it now entailed not only the sexual assault of a child but also a murder, and as a result, extra precautions had to be taken by the investigative office to ensure mistakes were not made that could jeopardize the Crown's case in court. In other words, due to the serious nature of the case, the detectives anticipated a trial and not any plea bargaining. They were eager to ensure police procedures were followed properly and therefore, not enable the defense lawyers to discredit their actions in any serious way. The judge could dismiss the charges if it was determined that 'the administration of justice had been brought into disrepute', for instance, because the accused person's rights had been violated by police. The publicity given to this case also made the detectives feel more accountable as their actions could

now be scrutinized by members of the media and ultimately the public. Ironically, however, the same means was also seen as an avenue for self-promotion and legitimation of the police department and naturally, the individual detectives involved in the case at hand. Several individual detectives had contacts within the media and could call upon them at any time to print a particular story. There were times when the media were helpful in assisting police with their investigations. For instance, in cases where detectives were looking for 'young offenders' (i.e., under the age of 18) accused of criminal violations but could not publish their pictures due to their age, the media often offered support in identifying certain suspects.

In other circumstances, the media would get a hold of the story from scanning and monitoring police miters after which they would rush to the scene of the incident/crime. Here, 'high profile' cases were the result of media initiative and not the police, at least not initially. In these situations, interviewed detectives stated that often reporters could 'get in the way' and even jeopardize the case at hand by publishing pictures of the crime scene, victims, or even arrested persons. However, they contended that media exposure raised levels of accountability as they felt their actions could now be scrutinized by them and the wider public. Therefore, these 'high profile' cases were handled carefully to ensure mistakes were not made.

Additionally, often there were concerns that the media 'blew things out of proportion'. Detectives maintained that they were often carefully scrutinized for cases that were not significant and did not require the media attention received. For instance, investigations that involved young offenders were often prioritized by the media

regardless of their 'seriousness'. In one example, a physical confrontation had erupted in a school between two boys; the media, scanning the police mitters, found out about it and printed the story in the papers the next morning. Detectives investigating this incident noted that the manner in which the story was reported created a very different picture than the actual version. But, this report did concern several parents and teachers at the school, including the school board, which forced the police to spend time in the school giving lectures and/or seminars on youth violence, zero tolerance, weapons, and so forth. Moreover, the media spent much time reporting so-called youth gangs (defined vaguely by police as consisting of three or more individuals engaging in criminal activity). As a result, any incidents that involved teenagers claiming to belong to a 'gang', the media was quick to report them. This resulted in much police time dedicated to the investigation of numerous, diverse kinds of 'gangs' and the creation of 'police files' on the unique 'operations' and structures of these 'gangs'.

***(iv) Protecting their 'Dirty Laundry'***

Cases also became 'high profile' when high ranking officers invested much time in ensuring the public did not find out about certain incidents involving 'questionable' and/or illegal police conduct. This section makes reference to the cases that became known to higher ranking officers either by fellow officers, the courts, and/or public complainants and where there was much concern with negative publicity towards the department if these events were ever exposed to the wider public. This section does not include examples of 'questionable' and/or illegal conduct on the part of the interviewed

detectives where the incident(s) often remained amongst themselves, and usually included their police partner. In these cases, there were either no complainants, and therefore higher ranking officers never became aware of them, or, the complainants were not 'taken seriously' or not believed by the courts and/or other police officials due to their previous criminal records.

These situations were considered by the police culture as 'secret' and therefore not intended for public knowledge. These situations involved the 'questionable' and/or illegal conduct of officers, from all ranks, where public exposure would bring negative publicity to the department. In situations where the police department sought to hide 'the story' from the public, discretion moved up the hierarchy. Senior officers intervened in order to protect the department's reputation, and less senior officers (e.g., detective constables, 'front-line' officers) were expected to not 'break rank' and disobey commands from senior officers. For those opting to act in a manner they felt was more appropriate, serious repercussions would follow. In one example, stemming from the interviews, the case involved three males driving in a car following a group of young females who were driving in their car. The males pulled up next to the car in an attempt to scare the females, and one of the males began to 'moon' the females. This incident was observed by two officers working under cover, in plain clothes capacity, and driving an unmarked police vehicle. The police followed the car with the males off the highway and at one point pulled up next to it, flashed their police light, and motioned to the driver to pull his vehicle over to the side of the road. The police exited their vehicle and flashed their badges to the men who had also exited their car. The man who had 'mooned' the

females was coming towards the officers with a weapon in his hand that turned out to be a belt wrapped around his knuckles. The police ordered him to drop the weapon at which he eventually complied and began yelling 'Do you know who the fuck I am'; this was repeated several times. In the investigation, the officers learned that this man was the brother of a Toronto police officer who had been murdered a couple of years earlier, and his father was a retired detective from the same police department. The officers ended up charging the man once they had completed the investigation which included locating and interviewing the females. A great deal of resistance was brought against these officers; they were told not to lay any charges seeing that this man was a relative of a dead police officer regardless of his violent actions. One staff sergeant said to them, 'I can order you not to lay a charge'. However, charges were laid and the man was never brought into the station. The officer who laid the charge said, 'Seeing the reaction we got from the Detective office, it would have been interesting to see if any charges would have been laid had he (the accused) been brought in'. This officer, who had served as a detective constable in the past, stated that he would have demanded the detectives to charge had the accused been brought into the station (since at that point the case is handed over to the discretion of the detective office). However, according to this officer, 'there would be hell to pay at a later date; it would have become a pissing contest; there are not too many of us like that kicking around'. As discussed in Chapter 3, all officers, regardless of rank, are independent agents of the Crown and can thus, in theory, determine the manner in which a case is conducted. But, in reality, when orders from senior officers are not obeyed often there are repercussions that follow. It was interesting to note that

police fought hard to ensure the media did not have knowledge of the above mentioned case. There would be a great deal of publicity seeing that the public had been aware of the highly publicized murder of the brother only a couple of years earlier. When the case went to court, while all cases are recorded on a list according to the defendants' first and last name and posted outside the courtroom for the perusal of all, his case was interestingly recorded as a number. Moreover, his case was 'diverted' (i.e., an occurrence where a conviction is not rendered, however, alternate agreements are made – this, however, was a surprising decision in this situation given his age and prior criminal record) and he did not attain a conviction. In return, he agreed to write a letter of apology to the victims and give \$500 to a charity of his choice. Moreover, once the decision to proceed with the diversion process was made, however, prior to any decisions on alternate punishment, the Crown in charge of the case spoke to the officers in charge and suggested that they conceal the name of the defendant when speaking to the judge in his chamber in order to avoid any bias on the judge's decision making. Ironically, once in the judge's chamber, in the presence of the Crown attorney, the two officers in charge of the investigation and the defendant's lawyer, the judge began with the following statement, 'Okay so how do you spell \_\_\_\_\_ (defendant's name)?'

The immediate repercussions experienced by these officers was being ostracized by certain people in the detective office. One of the two officers was later given the 'opportunity' to serve as a detective constable for the one year training position and was ironically paired up with one of the detectives who had strongly opposed the officers' actions in the above investigation. This officer was mistreated by this detective, not

offered any training, and was subject to possible disciplining based on fraudulent accusations (of which all were cleared against the training officer via other witnesses, however, the detective did not face punishment for his illegal actions). At a later date, the two officers decided to produce a manual (approximately 30 pages long including cited sources) outlining the inappropriate and illegal actions of some of the members of the department and offering possible solutions to possible equitable practices. The manual was sent to several departments in the hopes of inspiring change. These officers claimed that they were embracing their new roles as 'community officers', as outlined in *Beyond 2000*, by voicing some of the problems within the force and offering suggestions to change. Ironically, their manual was seen as an attack by various senior members of the department and within a few months these officers were transferred out from the division, separated and sent to different divisions. The message sent by the 'Brass' was clear; the department's 'dirty laundry' must be protected and 'junior' officers have no place in decision making nor offering any advice in the first place (so much for the descriptions in 'Beyond 2000'!!!). The officers frustrated and disappointed with what had happened to them decided to 'go public' with the internal corrupt practices of the department. As a result, their story made the front page of one major newspaper and was subsequently reported by others. Notably, the 'high profile' case of the investigation of the relative of the deceased officer was protected from the police department. The case became 'high profile' in that much time and energy was dedicated in, first, trying to convince the two officers not to lay any charges against him, and secondly, protecting his identity in the courts and from the media. This case would eventually become

publicized when the officers took their story to the press which began with their experience in this investigation. The 'status' of the accused is also related in this fourth variable of police protecting their 'dirty laundry' because of the fact that he was a relative of police officers and the department did not want the public to know that the police supported 'their own' even when it concerned violations against the law. The officers stated that even though sympathetic to the fact that the accused was the brother of a 'fallen officer', they could not neglect the fact that he had threatened them with a concealed weapon and more importantly victims were involved. Had the victims chosen to report their experience to the police then chances are the detectives in the Detective Office would not have been unwilling to act for fear of the public discovering the police were protecting relatives of officers. Then these officers claimed that they would be left on their own to defend themselves without the support of the 'Brass'. 'It's a catch 22; it's like stepping on a land mine, any choice is a bad one', said one of the officers.

In another example of a case becoming 'high profile' internally, where effort was exhausted in order to conceal police actions from the public, was in an incident where a detective broke a woman's arm. The case became 'high profile' internally, to protect it from becoming 'high profile' externally via the media and perhaps government intervention. The detective in this case noted that he and other detectives working in the Drug Squad 'raided' a house known to police as a 'crack house'. This interviewed detective claimed that he attempted to arrest one of the women in the room. 'The stupid broad was ranting and raving acting like an idiot; all she had to do was keep quiet. And she was just a little stick; skinny as hell you know; I could have held her down with one

intervention. The detective in this case noted that he and other detectives working in the Drug Squad 'raided' a house known to police as a 'crack house'. This interviewed detective claimed that he attempted to arrest one of the women in the room. 'The stupid broad was ranting and raving acting like an idiot; all she had to do was keep quiet. And she was just a little stick; skinny as hell you know; I could have held her down with one hand but you try and be careful with her – you know a woman – so I got a hold of her arm and I'm just holding her and she wants to run out of the room. Well, of course I'm bigger than her, and she runs out of the room and I'm not letting go of her arm; well her arm gave and it broke'. The woman, being the owner of the house, was charged with 'possession for the purpose of trafficking'. An ambulance was called and the Special Investigative Unit, that responds whenever someone is seriously injured or killed due to police intervention, was notified. This detective further added, 'We knew the shit was going to hit the fan over this'. The Drug Squad detectives collaborated their notes and ensured every form was completed properly and that every proper procedure had been followed in this investigation. Two weeks after the incident, the woman filed a complaint with the police complaints bureau that the detective had broken her arm with his night stick. The bureau investigated and exonerated the detective under section 24 of the Charter of Rights and Freedoms which states that an officer can use 'as much force as is necessary'. She was told that if she did not agree with the outcome she could file a complaint at the provincial government level. They too exonerated the detective. At the preliminary trial, her case became committed to court. However, at the trial (trial by judge and jury) the federal Crown's office decided to 'stay' the charges against her (i.e.,

groups and other citizens. Once again, the expression ‘dotting all the I’s and crossing the T’s’ was utilized by this detective in this particular investigation. ‘This was a time where we really made sure every ‘I’ was dotted and every ‘T’ was crossed’, he said. The police culture within the detective office worked as a team offering support to this particular detective in order to protect him from any possible charges. Moreover, time and energy was dedicated to this case to ensure their ‘dirty laundry’ was not exposed. Thus this case became ‘high profile’ in the manner it was handled internally within the police circles. Another detective who had knowledge of this case, commented.

Like Rodney Dangerfield says, ‘You get no respect’ and so we have to try and help one another because we work hard to do our job right, yet, one honest accident, which can happen to any one of us, can destroy you. We try and help one another because once it gets out the boys at the top will leave you out to dry; cowards, they’re just interested in making sure they look good knowing full well it can happen to any one.

This is an example of the ‘us versus them’ mentality within the police organization (‘us’ being the junior officers, and ‘them’ being the senior management e.g. Chief, Deputy Chief, Superintendent and Inspector). Furthermore, according to the above quoted detective, the ‘them’ would not hesitate to make an example out of the officer(s) responsible for the incident by means of some form of disciplining. However, in this research the opposite held true. The ‘us’ work with the ‘them’ to conceal the ‘high profile’ case from becoming exposed externally to the public. ‘High profile’ cases that refer to internal ‘dirty laundry’ being exposed are not only the concern of the lower ranks but, more so, the upper ranks who strive to portray a positive image of the police to the public as a way of legitimating police work. For instance, in the case involving the brother of the deceased officer, as mentioned above, the officers took their story to the

press which subsequently made the front page of one of three largest newspapers in the city. Internal sources from the newspaper, whom I spoke with, said that the Chief of the police department was fuelled with anger for printing the story without informing him first; (this particular newspaper has the reputation of being 'pro police' and often work with various police officials in reporting police related stories). The tension felt throughout the newspaper's head office was such that it inspired a cartoonist working for the newspaper to draw a caricature of the Chief sitting in the passenger of a marked police car and ordering the driver to slow down in front of the newspaper's head office while he 'mooned' it.

Similarly, in another case, where one male officer, was secretly operating an escort service and working as a prostitute, the Chief intervened to avoid public exposure. Some information pertaining to this case was provided to me by 9 officers whom I questioned about the incident. Not surprisingly, every single one of them was aware of the case, and shared many 'stories' or 'rumors' as to the circumstances surrounding it. Since none of them were directly or even indirectly involved, the information provided perhaps is not the best source. As a result, I cite Ellis' and Dekeseredy's writings on the case. I chose to include it, however, because it serves as a terrific illustration of the workings of the 'Brass' to 'hide their dirty laundry' and it is one of the few examples the public ever gets to 'see'. According to Ellis and Dekeseredy (1996:112),

Junger was an embarrassment to the police force, a blot on its integrity as a Highly professional force. A public prosecution would convert a police organizational secret into a public spectacle. The police force would then be publicly embarrassed. How, they wondered, can we get rid of Junger without going public? Their solution was to make him an offer he could not refuse.

**“Let’s make a deal,” they decided.**

**.....Internal Affairs investigators and Junger’s lawyer met to discuss the details of a mutually acceptable agreement. Its term were that Junger would resign from the police force.....if:**

- all charges against him were dropped,**
- all evidence associated with the investigation were destroyed,**
- he was given a letter of reference which did not refer in any way to his deviant and criminal conduct, and**
- the details of the deal were kept confidential.**

**Before actually signing the agreement, the investigators contacted their unit commander (staff inspector) in order to get his permission. He was away, so the chief of police (now retired) was contacted and told about some parts of the agreement. Permission to sign it was requested from him. It was granted, and an officer signed on behalf of the chief.**

**In the process of carrying out their part of the deal, a “request to withdraw” form was completed and sent to a Crown prosecutor. The investigator who made the request to withdraw the drug charge gave as the reason Ms. Langford’s lack of credibility as a witness. Because a police officer was involved, the prosecutor sent the request to the supervisor of prosecutions, who decided to reject the request and proceed with the charge.**

**The staff inspector who commanded the Internal Affairs unit was told that Junger was going to be prosecuted on the narcotics charge. The staff inspector then telephoned the supervisor of prosecutions and mentioned the deal: Junger resigns and we drop the charge. He asked that the charge be dropped “in the interest of the force.” Prosecutors conferred and decided to drop the charge. The letter they sent confirming this decision identified the poor quality of the evidence and not the deal as the basis of their decision.**

**In another example from the interviews, the Deputy of the police department was involved in the illegal sale of firearms, however, he was only verbally reprimanded. ‘He received a slap on the wrist’, said one detective. He was a senior officer and was well protected by the ‘upper ranks’. Notably, had he been charged under the Police Act, the media would have had access to this information which would have naturally brought the police department negative publicity. The two civilian employees, on the other hand, who were employed at the police firearms unit were dismissed for engaging in the same**

behaviour. As a result, the Toronto Police Association fought vigorously for the reinstatement of the two employees and were eventually successful. In the interim, another officer noted that the Association filed a complaint with the Ontario Commission of Police Services regarding this apparent two-tier system of discipline (i.e., one being for officer and one for civilian members). Initial attempts were made to conceal the incident regarding the Deputy, but, was eventually 'leaked out' by unknown sources.

Therefore, in the above examples, higher ranking officers intervened to protect the department's 'dirty laundry' from public exposure. Lower ranking officers (e.g., detective constables, 'front-line' officers) who were directly and/or indirectly involved in these cases, and therefore were privy to 'sensitive' information, were expected not to 'break rank' and disobey commands from senior officers by promising to conceal 'the story' from other officers and, of course, outside sources. The question that remains unanswered here is to what extent does this happen? Judging from the information collected, there were few examples that detectives could think of that involved the interference from higher ranking officers to conceal 'questionable' and/or illegal conduct on the part of themselves and other officers. The category 'Protecting their Dirty Laundry' was, however, included because it sheds some light into the power of higher ranking officers. More importantly, it raises serious questions around illegal police practices and which complaints are 'taken seriously' leading to the investment of time and energy on the part of the department to conceal these incidents from the public. Given some of the descriptions of illegal police conduct, provided by interviewed officers in the previous chapter, another significant question is raised, as to whether more public

complaints are dismissed by the police for being not credible/valid or whether people are less willing to complain. It is important to closely examine the four examples provided in this chapter and ask why these, in particular, were handled in the manner they were.

***(v) 'Politically Hot' Cases***

Cases also became 'high profile' when they had the potential of becoming 'politically hot'; that is to say, could alarm many people in the larger community. For instance, during an abortion rally, some officers were injured by 'pro-life' demonstrators. Although, initially arrested and charged, officers from the upper ranks gave the order that the charges be dropped in order to avoid further problems seeing that the demonstrators had moved in front of the police division which was, at the time, 'holding' the arrested individuals.

In another example, officers following the processions at a 'gay pride' parade were ordered, once again, to drop charges in an incident which involved a 'pushing match' between three individuals at the parade. Moreover, undercover detectives, present at the same event felt that charges of 'indecent exposure' should be laid against several individuals who were exposing their genitalia. One interviewed detective stated, 'I thought it was inappropriate behaviour especially with children present'. However, the senior officers did not support the laying of indecent exposure charges for fear of the police department being labeled as homophobic. 'The media would focus on the arrests rather than the parade, and we just don't need that kind of attention' said one detective.

thought it was inappropriate behaviour especially with children present'. However, the senior officers did not support the laying of indecent exposure charges for fear of the police department being labeled as homophobic. 'The media would focus on the arrests rather than the parade, and we just don't need that kind of attention' said one detective.

Another instance involved a former RCMP officer as the complainant. He claimed that someone had stolen some private property belonging to him. In the investigation, it was discovered that the complainant was lying and that he in fact had given permission to the accused to borrow some of his possessions. When the complainant learned that charges would not be laid, he threatened the two detectives with filing a complaint against them 'for discriminating against him because he was gay'. This threat made one of the two detectives nervous (the higher ranking of the two) leading him to lay every applicable charge on the accused and leaving it to the courts to determine whether the complainant was lying or not. The lower ranking detective (i.e., the detective constable) did not agree with the charges but eventually had to 'follow rank' and not break the 'chain of command'.

Often in demonstrations detectives and sergeants are willing to make attempts to avoid charges if able to. Advice often given to detective constables and front-line officers, at the various demonstrations, is to 'maintain a low profile, don't take sides and watch what you say so as not to appear biased' explained one of the interviewed detectives. There were countless examples from detectives involved in undercover work at demonstrations, parades and social events where they were encouraged to maintain a low profile. During the Carribana parade, to provide one example,

undercover police kept a low profile, while the uniformed police made various attempts to integrate with the crowd and show support. It was not uncommon for uniform police officers to pose for the media with marching participants of the parade displaying their costumes or to be photographed dancing with the crowd or the parade participants. Several of these pictures are yearly printed in the city's largest newspapers in order to present the police force as being supporters of Carribana and more specifically the 'black community' in light of the serious concerns various members of the 'black community' and others have had with the police.

Other events described concerned the Greek and Slavic Macedonian community. The members of the Greek community had erected a statue of Alexander the Great in the center of the city's 'Greek town' to commemorate this person's legend. Members of the Slavic Macedonian community argued that Alexander the Great was Slavic Macedonian (not Greek) and therefore, promised to come to 'Greek town' on a specified date and lay a wreath to honor this man. Undercover detectives, along with uniform officers, were present on that date to prevent any violent outbreaks. Members of the Intelligence Unit were there working undercover observing and taking pictures of members in the crowd. Eventually, according to one interviewed detective, in order to appear neutral, the police did not allow any sides to lay a wreath and were subsequently successful in avoiding violent confrontations. Moreover, the media publicity proved to be beneficial for the police department as these undercover detectives and officers were commended for their success in maintaining peace between the two sides.

Other incidents that involved possible attacks by women's groups, child protection workers and other government offices were carefully scrutinized by police and/or the courts before proceeding with the laying of charges. In one example, two Sri Lankan teenage girls had lied to detectives about being abducted and threatened of being raped. The girls were cautioned on tape about not fabricating evidence, however, they continued to lie. In the end they confessed that they concocted the entire story because they were afraid to go home after staying out late dancing and drinking at a club; and they feared going home with alcohol on their breath because they were Muslim and in their family and their faith, drinking was prohibited. Therefore, they in turn went to the police and created the story of being abducted once they got off the bus. The Detective in charge of this investigation went to the Crown to discuss possible laying of charges against the teenagers. 'I wanted to teach them a lesson and ensure they did not waste police time and resources on pure lies' said the Detective. But, after discussing the matter with the Crown attorney, the Detective along with the attorney, decided that it would be best not to lay any charges seeing that they were concerned with the message that would be sent out. 'If it had hit the papers a bad message would be sent out in terms of how police treat possible sexual assault victims', commented the Detective. They were further concerned that various special interests groups would argue that this would have detrimental effects on legitimate sexual assault victims; perhaps making them hesitant in coming forward to talk to police, fearing possible aggressive police tactics during questioning, to ensure there was no falsification. As a result, these cases became

constructed as 'high profile' internally as they were handled with care by the detectives in order to avoid any possible politically explosive repercussions.

In addition, detectives became accountable in such cases as a result of community initiatives brought forth by political interests. For instance, in the example provided in Chapter 3 concerning the mayor's 'list'; all citizen complaints concerning police matters were recorded and detectives were expected to investigate and respond to them in the following meeting. If complaints had not been acted on then the mayor would call the Deputy at home and demand answers at which point the Detective Sergeant would then have to answer to the Deputy. In turn, these cases became 'high profile' due to the fact that detectives had to investigate them even though, very often they felt that time and energy could be dedicated to other more significant cases and/or concerns.

***(vi) Public's Reaction/Expectation***

The public's reaction to a publicized case and/or public expectations of the police in their actions (e.g., demands for a quick arrest) also contributed to the social construction of 'high profile' cases. In other words, detectives investigating these 'types' of cases worked diligently by investing long hours, often involving over time, and investigating thoroughly through the use of numerous officers and other resources. For instance, sophisticated technology was utilized in the collection of evidence and the conduction of name searches in order to 'solve' cases; this usually referred to arrests being made and hence satisfying what was perceived as an outraged public for the crime at hand. There were many such examples provided by the numerous detectives in the

study. Two examples, in specific, concerned a serial rapist that had worried and outraged many people who demanded arrests. In both these cases, all other investigations in the Sexual Assault Unit had been put on hold while all the unit's resources (i.e., budget, personnel and technology) were dedicated to the search for the rapist. Alternatively, in another example, a known drug dealer (i.e., known to police) operating a 'crack house' was shot by another known drug dealer who had come to the house demanding money. Detectives searched for the accused who was wanted for attempted murder, however, the case received very little media attention. According to one of the investigating detectives, he noted, 'The public doesn't care about one drug dealer trying to kill another drug dealer, and if the public doesn't care, the media doesn't care'. As a result, detectives did not feel the level of accountability while conducting their investigation in this case versus the rape cases, and thus this did not qualify as a 'high profile' case.

Numerous examples of public outrage were provided by the detectives working with the former district street crime; this unit specifically dealt with youth violence. Much media attention was given to youth violence particularly when it involved shootings in schools, weapons charges, and gang related activities. This raised much concern by parents, teachers, the board of education, and neighbors and counselors of the area. These types of incidents led to much public outrage as parents panicked over the compromising of children's safety; teachers too became concerned with safety issues; the board members worried about the reputation of the school as a result of the negative media publicity; politicians worried about maintaining their jobs and as a result several

months were spent engaging in 'damage control' promising the creation of safer schools; and neighbors worried about their safety and possible negative effects on property investments (e.g. homes) due to the consistent publicizing of the school's name and location. As a result, these type of school incidents became 'high profile' as much pressure was placed on the police department by various members of the 'community'; this created a strong sense of accountability amongst the detectives as the public demanded answers, and subsequently led to lengthy thorough investigations in the hopes of making arrests. An example of the 'thoroughness' of these type of investigations, gathered from the interviews, involved a series of gang related violence against students in one particular school. After numerous interviews with witnesses and victims, all the four teams of detective constables of the street crime unit (totaling 12) drove out, at the same time, to the locations of the known suspects to make the arrests. Due to the heightened police accountability in this 'high profile' case, the detectives wanted to ensure that all suspects were arrested at the same time to prevent the 'tipping off' of others leading perhaps to the fleeing of suspects.

### **Culture vs. Structure**

This chapter closely examined the social construction of 'high profile' cases. It examined the unequal treatment of cases in the manner they were investigated by the detectives and attempted to explore the variables that played a role in the different treatment. Both 'structure' and 'culture' impacted detectives' decision making at different levels within the police hierarchy. The variables which transformed cases into

'high profile', in the manner they were investigated, revealed that in some circumstances it was the culture that affected detectives' decision making and in other instances it was the organizational structure which had a profound effect. In the examples that included media exposure, 'politically hot' cases, and in cases where the public was perceived by the police to demand certain results, the police organizational structure impacted decision making. Firstly, in these incidents, discretion moved up the hierarchy where decisions were being made by more senior officers; sometimes this meant the Detective Sergeant of the station, or the Inspector or Superintendent, and sometimes it even meant the Chief of Police. When the media were involved in the reporting of a criminal investigation, the detectives felt more accountable in the sense that their actions could be more readily scrutinized by media people and other members of the public. Therefore, in these circumstances they ensured that the organizational rules and procedures were followed in order to ensure their actions were justified if ever questioned by others. The phrase, 'dotting all the I's and crossing the T's' was a saying utilized by all the interviewed detectives in cases where the media were involved. Once again, due to the fact that they felt their actions could be closely monitored and/or questioned, rules and procedures were followed in order to ensure they could not be accused of any wrongful or illegal conduct in the future. In 'politically hot' cases and in cases where police perceived the public as demanding certain actions, again it was the organizational structure that impacted decision making and discretion tended to move up the police hierarchy in these circumstances. The more senior officers utilized their discretion along with the array of enabling laws at their disposal to order detectives not to lay charges or even, in some

cases, to drop charges where it was believed to be in the police department's best interest in order to avoid any negative publicity. Furthermore, the structure, which also included the new restructured organization of policing described by the police 'brass' as promoting community-police relations through a number of ways (as defined in *Beyond 2000*), impacted decision making in the detective office when external publicity was given to a case. The interviewed detectives claimed that the numerous restructuring that took place in order to aim towards 'community policing', for the most part, did not solve any problems, and in instances, where it did, solutions were only short term, as the 'problems' were merely shifted into other geographic areas, or resurfaced in the future again. Meetings were organized with members of the public representing neighborhoods, professional groups, ethnic/racial groups, and victims of crime. In these instances, detectives felt that the external publicity created by these organized meetings forced them to investigate certain incidents in order to satisfy these groups; detectives felt these actions would be interpreted as 'community policing' by the public. In turn, they recognized that while such actions were taken to police/investigate what sometimes they considered insignificant cases, time and resources were taken away from other possibly more 'important' and more 'serious' cases in need of police intervention and investigation. When internal police decisions were made to promote 'community policing', however, without the public's attention/interference, the structure did not necessarily impact decision making in cases. Quite often, the police culture, intervened at various levels; sometimes this translated into officers resisting action claiming that they were independent agents of the Crown and should make their own decisions on what

to police. When 'community policing' decisions were made by the Crime Management team of the division, sergeants and/or detective sergeants could argue that they were short-staffed and could not afford to utilize their officers in the type of work suggested by the Crime Management team.

Additionally, for the most part, detective work is very 're-active'; there is little time for proactive work and due to the 'set budget' most of their time is spent in a reactive capacity. At the divisional level, the Major Crime Unit tended to be the only unit that predominantly engaged in proactive work and could thus work with or without members of the public to 'solve' certain 'problems' in certain areas. The 'community policing' structure with its multi-faceted procedures and goals aimed towards improving police-community relations, was the influential force in cases where the detective offices became accountable to the public as a result of the various community initiatives. These cases became defined as 'high profile' as they were given priority by the police. For instance, cases became prioritized when the police were placed in a forum where they became accountable to the 'mayor's list' or to senior officers who had links with various government officials, professionals and business persons. The interviewed detectives believed that this became a game of C.Y.A.; that is 'Cover Your Ass'. In other words, even if there was much doubt as to the restructuring of various aspects of detective work, certain tasks were fulfilled in order to create the illusion that policing was an equitable practice that sought to serve the needs of everyone equally by providing a public forum to raise concerns.

There were instances, as briefly mentioned above, where it was the police culture rather than the structure that impacted decision making in 'high profile' cases. For instance, when the 'status' of the accused, and the 'status' of the victim referred to officers or relatives of officers being the victims of crime and/or the accused person, then the culture operated in a manner that broke rules, laws and/or violated procedures, in order, to protect the officer or family member of the officer. Time and energy was dedicated in these circumstances to ensure officers were protected. But, in cases where the officer or his/her family member was accused of a criminal offense that was considered serious in nature and where there were victims and/or witnesses to the crime, then there was little the culture could do to offer protection to the accused. In these circumstances, discretion did not necessarily move up the hierarchy unless it involved a senior ranking officer or a member of his/her family. Similarly, one's socio-economic status proved to be an important factor within the police culture. Here, the culture determined the significant investment of time and resources by detectives in these cases rendering them 'high profile'. Alternatively, in cases that received media attention, and in cases where police perceived them as 'damaging' to the department if the media and/or public became aware of them, then the organizational structure impacted the manner in which they were investigated. When the media was not involved, and when there was not a perceived threat of negative publicity if ever the 'story' was exposed externally, then the culture primarily influenced decision making. The culture also enabled officers to assist certain victims of crime and/or accused persons, depending on their 'status', in avoiding external publicity. For example, in some cases, wealthy prominent victims did

not receive media attention due to police intervention in ensuring confidentiality; here the culture operated to protect themselves from any future law suits or personal complaints filed against them seeing that these people could perhaps utilize their wealth and contacts to bring negative publicity against them and the department; and perhaps other detectives offered special treatment in some cases to affluent people because of what they represented in this market based economy. Even though none of the interviewed detectives spoke of giving special attention to affluent people by taking them more seriously, considering them more worthy and/or giving them more respect, these possibilities must be explored given the social economic order. It is important to recognize this social order where financial success is directly associated with power, and where it embodies a series of positive images and meanings; and due to the fact, that in my study one's socio-economic status played such a vital role in the manner investigations were conducted. Furthermore, in cases where police were attempting to protect their 'dirty laundry' from public awareness, it was the police culture that impacted decision making rather than the organizational structure consisting of rules and procedures and the 'community policing' ethos. In situations where the police department sought to hide 'the story' from the public, discretion moved up the hierarchy. Senior officers intervened in order to protect the department's reputation. The less senior officers (e.g., detective constables, 'front-line' officers), who were directly or indirectly involved in these cases and, hence, were aware of the 'sensitive' issues, were expected not to 'break rank' and disobey commands from senior officers by promising to keep such incidents to themselves. These situations were considered by the police

culture as 'secret' and therefore not intended for public knowledge. 'Culture' and 'structure' when juxtaposed to one another, are shown to be significant forces when applied to detectives' decision making in criminal investigations. While the police organizational structure influences the occupational culture, they both play a role in the shaping of police discretionary powers. Sometimes the culture is the key 'player' and sometimes it is the 'structure' depending on both the internal and external social forces at hand.

Justice, is commonly defined as rightfulness or fairness, in a wide range of contexts. Notions of 'justice' and 'equality' in policing will be debated and explored at a theoretical and conceptual level, and then applied empirically through the use of various examples. 'Justice' in the occupational culture of policing is not about equal representation of all people seeing that policing ultimately results in the control of the lower socio-economic groups. This can be witnessed in the cases that become defined as 'high profile' and are subsequently given considerable attention by detective offices, for instance in the cases that are considered more important because of : 1. who the person/people in the case is/are 2. police perception that the media may consider the case newsworthy, 3. the media has already publicized the case, 4. police are planning to 'tip off'/notify the media, 5. police fear the media will report a certain case, or 6. Detectives' perceptions as to the seriousness of the case. The occupational culture is shaped by both the organizational structure and the wider dominant social forces in society. The organizational structure operates in a manner that allows detectives existing as part of an occupational culture to realize that 'screw ups' will not be tolerated in cases where the media gets involved in order to 1. avoid negative accounts and/or negligence on the part of the police and 2. to protect the higher ranking officers since cases that come to be defined as 'high profile' by the police involve decisions being made higher up on the hierarchy and therefore become more centralized. 'Basically, rules are created to protect and promote particular perspectives, and their meanings are always negotiated among more powerful participants' (Visano 1998:3). Also there needs to be an examination and inquiry into the cases where detectives 'go out of their way' to ensure that the media does not notice them. For example, in the Baylis case one can witness the

occupational culture of policing operating in a manner to ensure their 'dirty laundry' is not exposed to the public. The occupational culture, as discussed earlier, is shaped by both the organizational structure (that demands respect/loyalty to the rank and file, shapes the power relations within the department, etc.) and the wider society (that demands certain expectations from the police i.e., operating 'fairly', and serving dominant economic interests). It will be argued that the notion of 'justice' in police discretionary powers largely depends on the wider social economic order (that protects dominant interests) and the occupational culture that functions to protect themselves (e.g. avoid negative publicity, promote 'good work' to present police effectiveness and efficiency, etc.). Those with economic power (i.e. possessing money/resources/assets) are able to define their own 'justice' by being in privileged positions where they can demand an abundance of police service and receive media attention (e.g. in the case of Caroline Warick, the wealthy, white, female doctor murdered, in 1991, in a Bay St. condominium in Toronto, Canada, also in the case of the murder of Jon Benet Ramsey). The less powerful (i.e., the less wealthy), on the other hand, are vulnerable and in many instances succumbed to the dominant ideologies, that reflect the interests of the powerful, and therefore are not in positions to demand exceptional police service nor spark the interest of the media.

To begin with, what does 'justice' in police decision making entail? Should 'justice' refer to the equal treatment of cases by police? The term equality, is often associated with the 'same quantity, degree, merit etc.' or 'having the same rights, privileges, etc.' However, when the term is applied to policing and more specifically to detective decision making in individual cases, to what does it pertain? Does it refer to equal time spent on a case or equal

resources utilized? Alternatively, does it refer to equal enforcement of laws for similar cases? To what extent is equality and 'justice', in the occupational culture of policing, shaped by the economic state of the wider society and to what extent is it shaped by the organizational structure of policing?

Equality issues play a major role in political, economic and social debates and, of course, in policing. The concept of equality is very complex and conjures up various meanings and interpretations. Consensus about the meaning of equality continues to be elusive. Some theorists, as well as practitioners, have argued that in order to experience equality, society must witness the elimination of formal legal barriers of exclusion based on characteristics such as income, gender, race, sexual orientation, physical disabilities, ethnicity, religion etc. However, in order to achieve equality we must strive to eradicate inequality on a far broader scale. The elimination of formal barriers to full participation in social and economic life is not sufficient in creating an equal society; that is, a society where there is equal social and economic opportunity and perhaps equality of outcome. Various theorists, practitioners and activists have argued that equality of opportunity is not enough. For instance, two cases may be given police attention. However, what makes one case more important than the other; how does a case become a 'priority' and become perceived or defined as 'high profile' by the police and/or media; what makes them newsworthy? In other words, why is one case given more officers, time, money, and other resources often making the significant difference between an arrest(s) being made or not. An inquiry into the occupational culture is vital in order to understand how decisions are made by detectives. Presently, in Canada there is formal equality guaranteed under the Charter of

Rights and Freedoms, but yet we do not have social and economic equality nor is there equality represented in the Criminal Code. For instance specific actions/behaviors are defined as illegal. However, 'criminal' behavior challenges a particular historically socially constructed social order, and therefore 'criminal' conduct is an inquiry into expressions of power and cultural controls. For instance, 'Corporate, white-collar, professional or elite crimes, and also crimes against the environment and injuries in the workplace, are largely disregarded' (Visano 1998:7). Therefore, formal mechanisms do not lead to equality in practice. What must change is the very foundation of the social and economic order to attain a semblance of equality.

According to Aristotle, 'Justice is equality' (Nicomachean Ethics). A just society is an equal society but equal doesn't necessarily mean having the same because people have different interests, different desires, different attitudes towards work, life etc. Therefore *equal* in the detective office could refer to *equal access to* police services and resources, providing we live in a world where differences are not socially constructed (e.g. class, gender and racial differences). Unfortunately we do not live in that type of world. Plato's beliefs are still echoed loudly today. He said, 'Everywhere there is one principle of justice, which is the interest of the stronger'. According to Larry Temkin in *The Just Society*, he discusses the differential treatment of 'identifiable' people from 'statistical' people.

An entire nation, or even an entire world can get caught up in efforts to prevent the imminent death of some sailors lost at sea or a little girl trapped underground while remaining largely, if not wholly, unmoved by the knowledge that a greater number of statistically predictable lives could be saved if the same resources were spent on improving a dangerous intersection, reducing toxic emissions, or making a vaccine more widely available (Temkin 1995:88).

Similarly, parallels can be drawn to policing. For example, there are public demands for an arrest whenever there is a bank robbery, and the police are well equipped to investigate such a case; the public's expectations and dominant economic interests result in certain cases becoming 'high profile' versus others. The robberies are the 'identifiable' crimes, however, where corporate crime is concerned, the public is very rarely made aware of the extent of corporate crimes (i.e., the number of occurrences and the level of seriousness) and police are neither trained nor encouraged to police such cases. Police also lack accessibility. Tax payers' money is spent policing identifiable crimes as opposed to statistical crimes, and people predominantly perceive blue-collar crimes as being more serious than white-collar crimes. Therefore, there are structures in place (e.g. the criminal justice system) that produce inequalities and unless changes are actually made to the structures themselves and the ideologies, then any attempt to change is simply window dressing. Thus the occupational culture of policing, which ultimately leads to certain decisions being made in specific cases, is a derivative of larger concerns relating to the social economic order.

According to Rosenberg,

It might be argued that just because we cannot attain some end-  
for instance complete equality - it does not follow that we need  
not try to attain it. Thus, even if complete equality is an unattainable  
ideal, it might nevertheless be obligatory to strive for it. For  
pursuing an unattainable goal may be the best way or the only way  
to achieve some other attainable goal. Pursuing the unattainable  
goal of complete equality could be the best way of achieving the  
attainable goal of minimizing social unrest.

(1995:55).

But aside from the debate on equalizing naturally occurring differences, Rosenberg says that we must 'equalize for humanly imposed differences in abilities which generate obstacles to equality (ibid. 57). For example, equalizing for differences in resources available to certain ethnic and racial children or equalizing for differences in wealth to African-Americans as a result of years of slavery. But the question is how much is enough? How do we, for instance, place a dollar figure for years of slavery of African-Americans? According to Rosenberg, 'outcome equality means that the just society will have to equalize for natural and social advantages and disadvantages in order to ensure the attainment of equal outcomes' (ibid.). He further argues that the causes of inequalities must be identified and then removed by society or compensate for them. But, he also says that there is such a thing as earned or deserved abilities and disabilities. He further argues against radical egalitarianism because he says that in order for something to be earned or deserved it must be free from deterministic causes. However, if we started at zero differences and at some point there was difference in outcome of welfare among people, then there must be a cause; that is, a difference in character, personality or make-up. However, these differences do not lie in the individual's control; they too are the result of natural or human (social) causes (ibid. 58).

If radical egalitarianism requires that we equalize for difference not under agents' control, it requires that we equalize for these differences in character. But in doing so, radical egalitarianism excludes desert, and has no room for the possibility that outcomes might be earned, that agents are autonomous and responsible for their own choices to a degree that makes any difference in the material quality of their lives. (ibid.).

Moreover,

**In addition to preventing agents from employing their benefits to others, radical outcome - egalitarianism will have to prohibit or offset the differential effects of domestic upbringing and socialization on the earning - power and welfare – attaining powers of individuals. Since no one deserves the family, friends, or primary schools he has, or the good or bad upbringing they provide, equality of undeserved outcomes in welfare will require interference with domestic arrangements, both to improve upbringing and sometimes to worsen it, so that all end up with upbringings that equalize welfare (ibid. 59).**

But a concern here is how does one measure good versus bad upbringing, and while some would define a particular person's upbringing as 'bad', that person may have become more successful in terms of wealth, for instance, than a person with a 'good' upbringing? Therefore, Rosenberg says that equality of welfare - outcome is not a reasonable responsibility of a just society. However, what about equalizing for income or wealth? According to Rosenberg, equalizing for wealth or income involves a continuing and massive interference in individual lives (ibid. 60) and therefore, the creation of a Marxist state. He does not deny the fact that great discrepancies in wealth combined with political organizations can enable people to control and exploit others, however, he believes that there are many other ways, aside from equality in wealth and income, to prevent these kinds of outcomes from materializing (ibid. 62).

According to the philosopher, Harry Frankfurt,

**A concern for economic equality, construed as desirable in itself, tends to divert a person's attention away from endeavoring to discover - within his experience of himself and of his life - what he himself really cares about and what will actually satisfy him..... Exaggerating the**

**moral importance of economic equality is harmful, in other words, because it is alienating**

**(1988:135-36).**

**Therefore, society must strive for equality of opportunity, says Rosenberg; that should be the normative goal of society. And in order to create real equality of opportunity, there must be equalization of socially constructed barriers and naturally generated ones. However, equalizing opportunity does not only require the removal of human(social) or natural obstacles (Rosenberg 1995:62-3).**

**It would mean weighing and balancing sets of different obstacles that face individuals and determining whether they are equal. It requires us to burden some with extra obstacles if we cannot remove the obstacles from others; it requires us to withdraw advantages when they are unequally distributed, or to add burdens if these advantages cannot be withdrawn (ibid. 63).**

**Rosenberg says that ultimately equality of opportunity requires statistical equality of outcome as its test and therefore, in the end requires equality of outcome in wealth and/or income (ibid. 64-65) (therefore, not only equal access to police services and resources but also equal level of attention/priority given to all cases). But according to H. Frankfurt, as mentioned earlier, this would distract us from truly discovering ourselves and our limitations.**

**Empirically, how can society strive towards equalization of socially constructed barriers and naturally generated ones? Variables such as income, race, gender, ethnicity, religion, dress, physical attributes, dis/abilities etc. play a vital role in every day life in**

determining, for instance, whether or not a case is treated seriously by detectives. Today in North America, equality in police service may be granted in theory but in practice there is a very different reality. People do not have equal access to certain social settings. Equality of opportunity (equal access to) exists for those who are in positions of privilege/power and hence equality of outcome is not the end result (e.g. case solved or not). As stated earlier, Rosenberg argues that in order to achieve real equality of opportunity, there would have to be equality of outcome in wealth and/or income. And in order to measure equality of opportunity, he says that statistical equality of outcome must be used as its test. The question, however, still remains whether these types of equality constitute 'justice'?

The concept of justice has come to be defined as the administration of what is right and fair. According to Cupit, once we adopt the notion of justice as fittingness then we accept that justice is determined by avoiding treating people as less or more than they are (Cupit 1996:4). He says that there is a distinction between comparative and non-comparative justice. Cupit does not support the argument that in order to treat someone as equal, it is necessary to treat him/her in the same way and therefore to treat as unequal it is necessary to treat in a different way. Cupit argues that cases can be treated differently without treating them as 'different' and therefore still treating them as equals (ibid. 30). For instance, two cases may be treated differently in the amount of time spent investigating them (i.e. because one may require the interviewing of more people, perhaps pictures and/or fingerprints need to be taken, etc.) and yet both cases can be considered as receiving equal treatment (i.e., in the degree of priority that is given to them by the detective office). In an example given to us by Feinberg, in *Rights, Justice and the Bounds of Liberty*, God

arbitrarily chooses to save some human beings even though none deserved to be saved (1980:281-2). Cupit argues that there has been no non-comparative injustice since no human deserved to be saved, however, he asks whether it is still unjust because it is comparatively unjust seeing that some were saved over others (1996:30). According to Cupit, '.....justice is not always comparative: injustice does not arise only through failures to treat equals as equals and unequals as unequals. It remains to be seen whether all non-comparative injustice has the form which justice as fittingness requires' (ibid. 33). Cupit maintains that utilitarianism is sufficient to treat all as equals (ibid. 32). Utilitarianism does not consider one's interests as more important than another's and therefore, one does not have superior status to anyone else (Mill 1962:319-20).

If adopting utilitarianism is indeed sufficient to treat all as equals, then utilitarianism can be successfully defended against the charge that it may lead to injustice - in so far as injustice is supposed to arise from a failure to treat all as equals. Conversely, if we accept that utilitarianism is sufficient to treat all as equals, but still wish to argue that utilitarianism is consistent with injustice, we must show that in some other way utilitarianism treats people as less than they are. It will not be our equality which utilitarianism fails to respect, but some determinant of our non-comparative status. That is, we will need to show how utilitarianism treats us all as less than we are (Cupit 1962:32-3).

The definition of 'justice' in policing is the result of the economic state. It seems that those who have the money/resources/assets are able to attain freedom and define their own justice. In the words of Kolm, 'economic justice is not only a very large part of justice in society, it can also be seen as all of it, since desires, interests, conditions, and rivalries between them can be expressed in economic terms' (Kolm 1996:3).

According to Kolm, the central application of distributive justice is the allocation of services, goods, resources or commodities that are scarce and raise rival desires; this he refers to as economic justice (Kolm 1996:32). On the other hand, Buddhists abandon material wealth in order to free themselves from 'attachments'. Therefore, freedom for the Buddhists is not valued a means for what it enables one to obtain (ibid. 42). But in capitalist society, is freedom a means to equality or an end in itself? In North American society freedom is perceived as a means to achieving certain goals in life, and protecting economic interests (i.e., property, assets).

Kolm believes that freedom is the means required to obtain desired consequences and for exercising one's capacities for movement, action, choice, reason, decision or will power. Basically, freedom/liberty is choice, says Kolm, and (intentional) action. Liberty permits choice and choice requires liberty (ibid. 44). Equality, according to Kolm, is not an arbitrary ethical stance, but rather just the opposite; its essence is non-arbitrariness, and it is a logical requirement of rationality and not simply an ethical position. Therefore, Kolm argues that justice refers to practical reason and is intended for choice (ibid. 35-36). Kolm uses one of Alexis de Tocqueville's (1836) statements to support his argument. Tocqueville said, 'He who wants freedom for anything but itself does not deserve it and will soon lose it'. Therefore, according to Kolm, freedom from values and possibilities is not possible or rather is not practical. This can be interpreted to mean that there must be a purpose to demand certain freedoms in society.

Kolm recognizes that freedom is by nature a means to achieving certain things (ibid. 42), however, he raises a profound question when he asks,

Can one sensibly take a means as an end value? This is indeed possible for a means of individuals and an end value of a conception of justice, as a mere sharing of responsibility between the individuals and the policy that implements redistributions or respects or protects the “spontaneous” allocation. However, the above remarks suggest that liberty can also be valued in its own right by the concerned individuals, who attribute to it an intrinsic, final or end value..... (ibid.).

Therefore, in order to strive towards a just society and more specifically ‘justice’ in police discretionary powers/decision making, people must strive towards a just world where there are certain freedoms guaranteed and where everyone constantly interrogates one another’s actions in order to ensure less inequalities. There must be a social contract that people voluntarily accept for the betterment of society. According to Rousseau’s *Social Contract*, there was a ‘General Will’ amongst people and therefore a social contract was formed by free and equal individuals. Rousseau believed that people could be freed if they could be released from a particular form of society. The problem was to find a type of society that would protect all people via the united power of an entire political organization, and where every person remains free and equal. Rousseau felt that the government can be a constant threat to people’s freedom and is in a position to undermine the sovereignty of the people, if they choose to do so, and as a result, believed that an ‘aristocracy’ , which was the balance between a democracy and a monarchy, would be the best form of government. This ‘aristocracy’ type of government would consist of a minority chosen on the basis of age and experience and would govern with patience and divine wisdom. (Rousseau, 1968).

Hegel, on the other hand, in the *Phenomenology of Mind* (1807), recognized that there is no intrinsic reason why one group of people should subordinate themselves to the will of another group of people, and therefore each person is free to decide for himself his personal objectives in life (Hegel refers solely to males; he believed females possessed a different social status). A premise to his political philosophy is that freedom is a value for all people. However, a quintessential problematic question that he was concerned with, is one I seem to be always obsessing about, and that is, what form of political organization is most appropriate for free individuals? What justifies the power/authority of a particular government body and its demands and limitations or even at time restrictions of certain actions and therefore certain freedoms?

Dominant ideologies are powerful social forces in society that influence and shape people's lives. These ideologies limit and/or restrict people's freedom and level of equality. For example, when looking at the Criminal Justice System people 'buy into' the 'justice for all' motto not realizing the extent to which the 'Justice system' favors the wealthy in society.

Criminal justice plays an ideological role in support of capitalism because people do not recognize that the principles governing criminal justice are reflections of capitalism. The principles of criminal justice appear instead to be the result of pure reason, and thus a system that supports capitalism is (mistakenly) seen as an expression of rationality itself! (Reiman 1998:197).

According to Foucault, people accept the present penal system as a method of punishing and/or reforming criminals, however he notes that prison fails to eliminate crime and therefore one should perhaps view the prison as an organization that produces delinquency

‘extremely well’ (Foucault 1979:277). Therefore, he argues that ‘delinquency, solidified by a penal system centered upon the prison, thus represents a diversion of illegality for the illicit circuits of profit and power of the dominant class’ (ibid. 280). According to Foucault, an article printed in *La Phalange* on December 1, 1838, read, ‘there is not, therefore, a criminal nature, but a play of forces which, according to the class to which individuals belong, will lead them to power or to prison: if born poor, today’s magistrates would no doubt be in the convict-ships; and the convicts, if they had been well born, ‘would be presiding in the courts and dispensing justice’ (ibid. 289).

According to Antonio Gramsci (1957), people are governed by the dominant ideologies in society; that is, the ideologies of the powerful and people consent to this because they are made to feel that these values, laws and morality are in their best interest. People consent to the coercive nature of law because they think its common sense. They come to believe that the law serves all people equally rather than seeing the law as the legitimator of the values of the dominant class. And they come to believe that this ethos of individualism, represented under capitalism, is in their best interest, and they consent to this praxis because they see it as being common sense rather than critically analyzing and questioning it.

The dominant class is successful in producing a number of illusions in order to legitimate their position of control and one method utilized in creating illusions to camouflage positions of power is through the use of language. As Gadamer stated, language is the fundamental mode of operation of our being-in-the world, and the all embracing form of the constitution of the world” (1976:3). Expressions such as ‘justice for

all', 'community policing', 'to serve and protect' are utilized by those in power to present society as free and therefore 'just' where every person has equal protection, equal service, equal rights, equal voice, etc.... At the manifest level, these common expressions indicate justice and freedom for all people, while at the latent level they affirm conformation to the economic order, competition, exploitation and discrimination. Therefore, language serves as a chameleon as words are used to express equality amongst people while simultaneously covertly operating to fulfill the hidden agenda in protecting the present economic order.

The social economic order (i.e., capitalism) makes it unlikely for those in power to respond to the demands for justice by the less powerful in society (Thompson1992:72). Similarly, under its present form, it is a system that predominantly demands a certain set of values, ideologies and morality; and these reflect the interests of the powerful. Liberalist democratic ideology suggests that individual rights are protected and people are made to think of law and morality as being synonymous. According to Gadamer, the authority becomes dogmatic power, in other words, it becomes not negotiable; it is seen as legitimate and legal and hence accepted as reality.

Material equality is not a reasonable expectation of a just society seeing that it would involve a continuous and massive interference in people's lives and secondly, a concern with material equality may divert a person's attention away from experiencing particular phenomena that he/she really cares about. Moreover, equality of outcome is also not a reasonable expectation of a just society because there are differences in people's levels of interest, personal time dedicated to performing particular tasks/jobs, talents, etc. However, society must strive towards creating a world where there is equality of

opportunity and in order to accomplish this, changes must be made to the economic and social order. In other words, causes of certain inequalities must be identified and then removed by society and there must be equalization of socially constructed barriers and naturally generated ones.

Therefore, the micro politics of police discretion need to be more broadly conceptualized in terms of the concept of 'justice'. What constitutes 'justice' in detectives' decision making can begin to be explored only after one is able to place certain values on various degrees of economic power, freedom and equality. And therefore, to attempt an exploration of 'justice' in police decision making, it must be pursued in association with an interrogation of the occupational culture shaped and influenced by the organizational structure and the social economic order that creates the dominant ideologies.

## Chapter Seven: Closing Remarks

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This study focused on the Toronto Police Service and consisted of many parts that were significant in achieving a clearer picture of both the police organization and culture and the interrelationships that link them and influence detectives' decision making. The restructuring of the police organization, as a result of 'community policing' initiatives was explored with specific attention given to the impact on detective offices. In my analysis of police discretionary powers, focus was given to the construction/interpretation of 'high profile' cases. All criminal cases handled by the detective offices were not treated equally in the manner they were investigated. The time, energy, number of personnel, and other resources, such as technology, dedicated to the investigation of a case depended on a number of variables. My study revealed that in the cases that did not become 'high profile', detectives claimed that there tended to be agreement between officers in terms of how a case should be investigated; for instance, who should be interviewed and what charges to lay, if any. Detectives were given autonomy in their work to make decisions for themselves or with the partners whom they were often paired with, and were encouraged by their 'superiors' to ask questions if unsure as to how to proceed in a particular case. There tended to be agreement between officers in their decision making; and when there was disagreement, they 'talked it out' and collectively came to a decision. Even when the more senior officer (i.e., the detective) did not necessarily agree with the decision of the detective constable, s/he was

willing to allow the detective constable to proceed in the manner s/he thought was most appropriate if s/he could provide a rationale for that approach. The detective office was described as a 'factory outlet' 'in and out'; that is, detectives were expected to quickly investigate a case, bring it to a conclusion via a decision on how to proceed, and move on to the next one. Detectives did not see a great deal of discretion in their decision making when investigating the 'everyday', 'typical', 'average' or 'ordinary' cases. They felt cases would be handled similarly regardless of who was working in the detective office. The one key difference noted in these 'ordinary' cases was in the number of charges laid. While most detectives felt that it was their responsibility to lay every charge possible and let the courts decide which ones to convict on, others felt that it was their job to lay only the most applicable charges. Regardless of individual detectives' preference, laying more than one charge, was the 'unspoken rule' used by all detectives/detective constables, in order to be able to 'plea-bargain' in court where often the accused was encouraged to plead guilty to the less serious charge while being dismissed of the other charge(s) and avoiding trial.

However, when certain variables were involved, detectives tended to investigate these cases differently in the time, energy, and/or resources invested. These cases comprised the minority, however, were given 'special' attention by the police. They became prioritized and hence 'high profile' (as I have defined) from within the detective office. These cases consisted of the following variables: the 'status' of the accused, the 'status' of the victim, the role of the media, 'politically hot' cases, police wanting to hide their 'dirty laundry' and cases where the public demanded certain results. Moreover,

decision making tended to move up the hierarchy in some of these instances that rendered the case 'high profile' from within the police department. Each of these variables coupled with the detective structure and culture produced specific results. The question that was raised, however, is whether it is the police culture or is it the structure that influences decision making. In Ericson's book *Making Crime – A Study of Detective Work*, he notes that detectives operate within organizational rules to ensure their actions can be justified; however, he further contends that detectives do not simply respond to the 'stimulus of organizational influences' but rather interpret the organizational influences. Moreover, he states,

detectives and other criminal control agents can be treated as if they operate with freedom of choice within the limiting conditions of their organizational circumstances. They are responsible for their actions and must be judged accordingly. Our research has described and analyzed the process by which detectives make events into crimes and people into criminals (1981:208-9).

In my study, however, a thorough investigation of the above-mentioned variables which transformed cases into 'high profile', revealed that in some circumstances it was the culture that affected detectives' decision making and, in other instances, it was the organizational structure which had a profound effect. Effects on decision making were produced at different levels within the police hierarchy depending on the internal and external social forces at hand.

Recognizing that police discretion can be studied from a number of vantage points, this dissertation attempted to more broadly conceptualize its practice to the notion of 'justice' and its concomitant interpretations. The point was made that what constitutes 'justice' in detectives' decision making can begin to be explored only after one is able to

place certain values on various degrees of economic power, freedom and equality. Using the critical conflict theory as a framework, it was shown that policing is not about equal representation of all people seeing that policing ultimately results in the control of the lower socio-economic groups. This was witnessed in the cases that become defined as 'high profile' and were subsequently given considerable attention by detective offices. Notions of 'justice' in police discretionary powers largely depended on the wider social economic order that protected the dominant interests. Those with economic power (i.e., possessing money/resources/assets) are able to define their own 'justice' by being in privileged positions where they can demand an abundance of police service and receive media attention or even ensure they do not receive any at all to protect their identities. Notions of 'justice' further reflected the occupational culture that functioned to protect themselves from negative publicity and ensured their 'good work' was noticed by the public in the hopes of presenting police 'effectiveness' and 'efficiency'. Also, detectives' sought the praise of their 'superior' officers leading perhaps to promotions, positive evaluations and awards. Moreover, 'justice' in detectives' decision making also extended to the organizational structure where, at times, rules and procedures were followed to appear 'just' in their operations, and where 'community policing' initiatives were sought when the police became accountable to various external sources.

Officers are products of the environment they live in which is riddled with conflict, and therefore, more time must be spent critically interrogating the economic and political social order and how these social forces impact 'policing' and hence decision making. Moreover, more time must be spent examining the police organizational

structure which is directly influenced by the wider political and economic environment producing inequalities such as gender, race and class, and serving the interests of the economically powerful. Hence, the prioritizing of cases in detectives' investigations cannot be divorced from gender, race and class. 'Policing', in whatever form, should not be about serving those in privileged positions while excluding marginalized 'others'. Equality in the representation and service of people must be the goal, and therefore there must be equal access to police services and resources. This, however, would mean striving for a world where differences were no longer socially constructed (e.g., class, gender and racial differences).

Most people consent to the present form of 'policing' because they 'buy into' the illusion that it works, that it is the best way to ensure public protection, and it serves the masses equally. More time must be spent looking into the reasons people 'buy into' this notion of 'equality' and 'justice' in policing; and why less of them make any attempt to challenge it. Is it a question of lack of time in people's lives, a sense of apathy or perhaps a sense of helplessness in the face of such an organizational 'monster'. Perhaps others see it as a 'valuable' option given the number of jobs that are created as a result of this structure and given the market based environment we live in that demands for the protection of private property.

Moreover, within every organizational structure there is an occupational culture that is influenced/shaped by both the structure and the wider social economic order. Therefore, police officers working within a police occupational culture are continuously defining and interpreting rules laws, procedures, orders from within the police hierarchy,

verbal 'stories' from other officers giving them 'advice' or 'informing' them on how 'policing' and/or the bureaucracy of 'policing' operate, their perceptions of the public's perceptions of them and their work, and of course, their perceptions of their colleagues' perceptions of them. All of these impact detective decision making in their investigation of cases. Symbolic interactionism, is able to 'capture' the meanings of symbols within the culture. These meanings are not necessarily created or found in the social phenomenon of policing but may be the result of the wider socio-economic order as has been mentioned, and yet in other instances, the meanings of symbols are produced specifically by the social interactions of the group without the impact of the wider socio-economic and political environment. In some of the examples provided, the police, operating within the occupational culture, resisted new rules interpreting these actions as an attack on their worthiness as officers, their 'expertise', and their identity as "law enforcers and peace enforcers". In other examples, detectives were shown to value loyalty to one another over ethics; this again was the result of a culture that promoted 'secrecy' and a sense of 'brotherhood'. There is the need for human agency in order to understand how ideas, decisions and actions are socially constructed. Here is where symbolic interactionism was very useful in my attempt to understand the police culture and structure and their impact on decision making. Using a symbolic interactionist perspective, emphasis was given to how police interpret and share symbols; moreover, I examined the importance of these symbols in shaping/influencing human interactions and shaping human behavior. Symbols and meaning and the process by which they were created and understood were explored. However, symbolic interactionism must be used

in association with critical conflict theory because symbols, language and the meanings we assign to them are a result of the wider social world we live in; they do not exist in isolation. As Gadamer (1976:3) stated, 'Language is the fundamental mode of operation of our being-in-the world, and the all-embracing form of the constitution of the world'. Therefore, to study policing at the micro level where emphasis was only given to the police social interactions in their every day work would be very limiting and would only paint a partial picture of the phenomenon of 'policing'. However, to apply symbolic interaction without critical conflict theory would mean excluding notions of power, control and conflict within 'policing', and therefore, for example, one would have to avoid recognizing the fact that there is little 'negotiation' between two police officers at different levels within the hierarchy. In this sense, symbolic interaction impedes with conflict theory, noting that within the symbolic interaction paradigm it is suggested that, through social interactions, structures are defined and created, and therefore, in my study, the principles of symbolic interaction are modified to incorporate ideas that recognize that there may be little or no room for negotiating decisions in the organization of policing.

Perhaps, elements from the phenomenological perspective should be applied in future attempts to understand police discretionary powers, specifically decision making. The reason I say this is because phenomenology recognizes individual consciousness that may or may not be the result of the physical environment (Husserl: 1960). Unlike positivist thinking that asserts that everything in the world can be investigated by empirical means, phenomenology extends to anything that is in people's consciousness

(ibid.). The same officer can be observed making different decisions in similar situations and the question that is raised, in these circumstances, is what accounts for difference in decision making? How do variables such as gender, race, class, ethnicity, religiosity, sexual orientation, 'dis'/ability, impact decision making? All of these variables are socially constructed in the world we live in leading to stereotypes/misconceptions of people. But, people can act in contradictory ways regardless of personal attitudes and perceptions; what accounts for the contradictions? How do individual officers' moods, sense of 'love', self-esteem, spontaneous impulsive actions, personal experiences (e.g., a death in the family), impact/influence decision making in their day to day paid work? Phenomenology encompasses/considers everything that appears in one's consciousness as sociologically important and therefore, in need of inquiry. While symbolic interaction only examines the meanings police attach to symbols/actions/gestures/language and therefore, how they make sense of their 'police world', phenomenology takes into consideration other points of inquiry that are not necessarily produced in the social setting being studied, however, may impact decisions made in that social setting. Therefore, individuals' values, beliefs, moods, desires, dreams, thoughts, hopes, and other feelings exist in peoples' consciousness, and therefore, by taking these points of inquiry into consideration, perhaps more light can be shed into people's interpretations of the various levels of meaning of phenomena, how they interrelate and hence, how people construct their 'worlds'. Therefore, it is important to consider instances where police make decisions that were 'guided' or 'fueled' by perhaps personal problems at home, a dream they had the night before, 'inner demons' such as thoughts of suicide, or perhaps

religious beliefs that forced them to refuse to protect an abortion clinic from 'pro life' demonstrators leading to the injury of an employee. Sure many decisions made by individual officers are the result of the organizational structure and occupational culture that they operate in their day to day paid working lives, however, there are other elements in peoples' consciousness that must also be considered in any attempt to study a particular social phenomenon.

This study contributed to the literature on policing by developing the concept of police occupational culture in reference to agency, structures, and their impact on detectives' decision making using two theoretical frameworks. Critical conflict theory and symbolic interaction were applied and, as discussed above, at times complemented one another while, in other instances, contradicted one another. More time must be spent deconstructing these theoretical paradigms in order to 'extract' the essence of their foundations and attempt to see if one is 'stronger' than the other when examining what impacts/influences the lives of individual officers, their perceptions, their decision making, and 'policing' as a whole. The contribution is original in that no one has examined the social construction of detectives' decision making, and more specifically, the creation of 'high profile' cases from within police circles. Moreover, it provides a critical analysis of 'community policing' initiatives within the studied police department and locates their 'significant' influences and level of impact on detective work and 'high profile' cases.

Questions to closely consider in future writings would be what are the similarities and differences in discretion between detectives and other police persons, and what

accounts for these findings? How is the concept of discretion negotiated, constructed and understood by various officers, in light of 'community policing' initiatives, and what is the role of seniority within a paramilitaristic police force? Moreover, how do the findings in this research project compare to other police departments nationally, as well as, internationally? This study included interviews from officers with present or prior detective experience from a variety of different detective units both at the division level and the specialized detective offices often located at police headquarters; and therefore, it would be worth 'investigating' in the future to see whether 'discretion' and conceptions of 'justice' differ within these organizational variations (i.e., from one detective office to the next) and what accounts for these differences and/or similarities. Additionally, how far does discretion have consequences, positive or negative, in terms of individual officers who have achieved a different level of consciousness that conflicts with the present organizational structure and/or culture?

It is important to note that confidentiality was ensured in all my communications with interviewed officers, and personal traits such as sex, age, race/ethnicity and number of years in service were not identified in almost all instances because to do so could lead to the identification of interviewees from police members reading this dissertation. However, the name of the police department had to be identified because reference was made to very specific 'community policing' initiatives and restructuring processes as a result of the documentary analysis of the department's *Beyond 2000* report. In addition, detectives' perceptions of 'community policing' and its impact on their work, specifically in decision making and 'high profile' cases, were noted. I recognize that by

**publishing this study, with the identity of the department, it may restrict me from access to certain people within this 'Service' in the future but it will also 'open the gates' to others who will analyze and judge this project and recognize the importance of it. It is hoped that the contributions of this study, both theoretically and substantively, will not only stimulate other researchers' sociological imagination but will encourage further critical analyses into the many facets of 'policing'.**

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PERSON IDENTIFICATION					
Surname					
G1		G2			
Aliases / Nicknames			DOB (YYYYMMDD)		Birth Place
Sex	Colour	Hair	Eyes	Height	Weight
Address					<input type="checkbox"/> NFA
Telephone No.			Driver's Licence No.		
Dress / Deformities / Occupation / Etc.					
CONTACT DETAILS					
Date (YYYYMMDD)		Time (24 Hr. Clock)		Patrol Area	
Contact Location (include direction of travel)					
Officer's No. (s)			Unit	Platoon	
1.		2.			
VEHICLE DETAILS					
Vehicle Licence No.			Plate Logic: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Specify Description:					
Year	Make	Model			
Colour	Style			<input type="checkbox"/> Driver <input type="checkbox"/> Passenger	

Associated with: <input type="checkbox"/> Gang <input type="checkbox"/> Motorcycle Club		Status of association: <input type="checkbox"/> Associate <input type="checkbox"/> Member
Specify name:		
Circumstances of involvement:		
CPIC <input type="checkbox"/> ON FILE <input type="checkbox"/> NOT ON FILE		
COPS <input type="checkbox"/> ON FILE <input type="checkbox"/> NOT ON FILE		
MANIX <input type="checkbox"/> ON FILE <input type="checkbox"/> NOT ON FILE		
Attending (School, Etc.):		Grade
Father (Surname, G1)		
Mother (Surname, G1)		
<input type="checkbox"/> Divorced <input type="checkbox"/> Separated	Parent advised by investigating officer <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> TPS 204 Sent (Range No.) <input type="checkbox"/> TPS 204 Not Sent (Reason)		