
**THE LUSTER IN THE BADGE: LAW ENFORCEMENT
PROFESSIONALISM AND THE LAPD**

At first glance, it might seem that there is little to logically link police instruction on use of force, search and seizure, arrest procedures, community policing, and diversity awareness. Why, for example, should an academy integrate community-policing concerns with instruction regarding basic arrest techniques? How does it serve the police department or the public to consider demographic characteristics when teaching use-of-force procedures? Does providing equal service to all mean that identical procedures have to be employed for every search, regardless of a person's gender, religion, race, ability to communicate, or handicaps? The answers to these and similar questions are found in the following discussion of a revised concept of law enforcement professionalism, which is used in the remainder of this study.

“Professionalism” as introduced in this chapter inherently incorporates many concepts already familiar to dedicated police officers. The guidelines provided by the LAPD's core values and management principles (see Appendixes E and F) are an example—they rest on the same moral foundation that underlies any profession. A police department that looks to ethics and integrity as touchstones for judgment and service inherently shares elements of a professional approach. We have chosen professionalism as the underpinning for this study because it encompasses and synthesizes all the good elements that these other factors include. In addition, policing is only one of many vocations that can qualify as a profession. Law enforcement personnel also share important characteristics with these other entities while being in their own sense unique. The construct

of professionalism provides a common context for learning from other vocations that serve the public while at the same time emphasizing the special attributes that make police unlike any other group of people in the world.

WHAT DOES IT MEAN TO SERVE WITH THE LAPD?

It is the mission of the Los Angeles Police Department to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life. Our mandate is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain public confidence (LAPD, 2003b).

The above is the mission, the “specific task with which a person or group is charged,” that establishes the reason the Los Angeles Police Department exists and why its officers are vested with the authority inherent in being law enforcement officials.¹ It is a responsibility of all members of the LAPD to “safeguard the lives and property of the people [they] serve” and to do so “with honor and integrity, while at all times conducting [them]selves with the highest ethical standards to maintain public confidence.” The mission establishes service as the foundation of the department’s duties, a service guided by shared standards of a supreme caliber.

This mission specifies “what” the officers of the LAPD are to do; the Department’s statements of its core values and principles lend insights into “how” that primary task is to be accomplished. The principles begin by addressing how police officers are to safeguard lives and property. They are to enforce the law, but not just any law (there are various codes worldwide, many designed to subjugate or control rather than protect those to whom they apply). Department principles explain that officers’ application of the law must be “within a legal spirit which was so clearly set forth by the framers of the Bill of Rights.”² The laws that members of the LAPD enforce are therefore in the spirit of guaranteeing the Fourth Amendment’s “right of the

¹*Merriam Webster’s Collegiate Dictionary*, 10th ed., s.v. “mission,” 1993.

²LAPD, 2003c.

people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” and other fundamental rights and freedoms. Further, officers are not to

enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall [they] deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws³

as held sacred in the Fourteenth Amendment. The people whose lives and property the LAPD safeguards include the same individuals and groups that the Bill of Rights champions.

The Department principles and core values draw directly on these Constitutional guarantees. They do so “by constantly demonstrating absolutely impartial service to the law” while remembering that “the police are the only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interest of community welfare” (LAPD, 2003c). The LAPD police officer is to conduct this service within the bounds of proper authority, “never appear[ing] to usurp the powers of the judiciary” (LAPD, 2003c) and serving all citizens “with equal dedication” (LAPD, 2003e). The police are to unfailingly display “a reverence for the legal rights of our fellow citizens and a reverence for the law itself” (LAPD, 2003c). Police serve “fellow citizens.” The rights they protect are as much their own as they are those for whom they serve. As George Washington wrote, “when we assumed the soldier we did not lay aside the citizen.”⁴ The same is true for law enforcement officers.

Accomplishing the LAPD mission while meeting Department standards requires considerable expertise. It is because the police officer possesses special education and experience that he is entrusted with the responsibility to pay “full-time attention to the duties that are incumbent on every citizen” (LAPD, 2003c). Officers are to develop and maintain this expertise that is unique to them alone. No other group of individuals is so empowered and bears this burden. The LAPD officer’s way of life is one of shared values and responsibility to

³*U.S. Constitution*, 2003, amend. 14.

⁴This quotation appears on the amphitheater immediately behind the Tomb of the Unknown Soldier in Arlington Cemetery.

ensure that all police maintain the standards associated with those values.

Service to the public, special skills and a unique expertise, and the obligation to maintain standards based on shared values are characteristics of a profession. Can it be legitimately said that law enforcement officers, in particular those of the Los Angeles Police Department, belong to a profession and are themselves, individually, professionals? The answer is an important one. While fellow citizens grant to professionals considerable prestige and respect, membership in a profession also demands the acceptance of responsibilities well beyond those of a mere jobholder. The individual who serves only for wages or self-gratification does not qualify for the status of a professional. A professional's work is more akin to a calling than an occupation, a calling that demands full-time dedication of his professional life, service to the public, and a lifetime commitment to the profession's standards.

WHAT IS A PROFESSION?

Numerous books have been written on professionalism and professional organizations. Two that consider military professionalism also highlight ways in which to consider law enforcement as a profession.

Allan Millett identifies six definitive elements of any profession:

- The occupation is a full-time and stable job, serving continuing societal needs;
- The occupation is regarded as a lifelong calling by the practitioners, who identify themselves personally with their job sub-culture;
- The occupation is organized to control performance standards and recruitment;
- The occupation requires formal, theoretical education;
- The occupation has a service orientation in which loyalty to standards of competence and loyalty to clients' needs are paramount;

- The occupation is granted a great deal of collective autonomy by the society it serves, presumably because the practitioners have proven their high ethical standards and trustworthiness.⁵

Millett notes that “professional” status encourages its holders to behave in a more socially responsible manner. At the same time, there is considerable freedom and responsibility granted to individuals who make this sacrifice. They

create their own ethical codes; establish their own educational system; recruit their own members; and maintain a unique occupational culture on the assumptions that the professional’s services represent social good, that the monopoly conditions that the professional prefers represent human progress The professional’s competency will be judged by his peers, and his conduct will be determined by the norms of his profession. He will not abuse society’s faith in his skill by ignoring either his client’s needs or the regulating judgment of his colleagues. . . . the professional’s relative freedom is conditional and ultimately depends on continuous social approval. Without constant self-policing and task success, a profession can narrow its own freedom and destroy public trust as rapidly as it gained its relative autonomy.⁶

Professional status is conditional upon members maintaining their standards through self-policing. That does not mean that professions will not suffer lapses by their members. The My Lai massacres of the Vietnam War and more recent cases of child molestation by clergy provide ample evidence that they do. Such incidents place the onus of recovering professional status squarely on its members, those collectively responsible for the initial dereliction.

Samuel P. Huntington defines professionalism based on the three “distinguishing characteristics”: corporateness, responsibility, and expertise. He defines each of these as follows (Huntington, 1957, pp. 8–10, 15):

⁵Millett, 1977, p. 2.

⁶Ibid., p. 3.

Corporateness

The members of a profession share a sense of organic unity and consciousness of themselves as a group apart from laymen. This collective sense has its origins in the lengthy discipline and training necessary for professional competence, the common bond of work, and the sharing of a unique social responsibility . . . Entrance into this unit is restricted to those with the requisite education and training and is usually permitted only at the lowest level of professional competence.

Responsibility

The professional man is a practicing expert, working in a social context, and performing a service, such as the promotion of health, education, or justice, which is essential to the functioning of society. The client of every profession is society, individually or collectively. . . . Financial remuneration cannot be the primary aim of the professional man. . . . The profession [is] a moral unit positing certain values and ideals which guide its members in their dealings with laymen. This guide may be a set of unwritten norms transmitted through the professional educational system or it may be codified into written canons of professional ethics.

Expertise

The professional man is an expert with specialized knowledge and skill in a significant field of human endeavor. His expertise is acquired only by prolonged education and experience. It is the basis of objective standards of professional competence.

Like Millett, Huntington recognizes that professionalism is a goal, because “no vocation, not even medicine or law, has all the characteristics of the ideal professional type.”⁷ That in no way excuses any member of the profession from doing his utmost to gain and maintain the prescribed standards. It does allow that the occasional

⁷Huntington, 1957, p. 11.

member of the profession will falter and that other members will have to repair the resulting loss in public confidence.

Both authors' definitions share many characteristics. They present discussions in the context of the military, but each emphasizes that their definition of a profession applies to any vocation that meets the specified qualifications. Either man's professional tenets could be adopted for use in this study without loss of understanding. Millett is more explicit, using six characteristics to articulate that which separates the professional from others in a workforce. Huntington exercises greater conciseness, a brevity that is nonetheless no less inclusive or demanding than Millett's. The following adopts this more concise of the two as the primary vehicle for analysis, incorporating pertinent elements of Millett's conceptualization where they improve understanding of the demands professional status poses for the City of Los Angeles police officer.

IS LAW ENFORCEMENT A PROFESSION?

It would appear obvious at first glance that law enforcement has a legitimate claim to professional status. Regarding corporateness, law enforcement officers are bonded by a cooperative sense of union based on shared expectations and responsibilities. The responsibility for self-policing has always been and must always be an integral part of senior police officers' charters. Entrusted with greater authority, they have both a professional and bureaucratic dictate to enforce standards. But a profession cannot surrender the responsibility for internal policing solely to those of higher rank. Any "code of silence" notwithstanding, a police officer failing to address shortfalls in other members of his vocation fails in his duties. Depending on the severity of the shortfall, he may be, and should be, liable to punishment and banishment from his force.

Police officers also have a broad responsibility to society—their client. They perform a service that is essential to its functioning. Pay is of course important, and nobody expects a professional not to receive fair compensation for his services. Financial remuneration, however, should no more be the primary motivation for assuming the status of a police officer than it is for a doctor practicing medicine or a military officer leading the nation's youth in peace or war.

With regard to the third tenet, police officers clearly have special expertise. They receive specialized training and are expected to maintain a combination of physical, communications, and diplomatic skills unique to their vocation. Legislators make law. Judges and lawyers interpret and deal with alleged and actual breaches of the law. Only police officers assume a full-time occupational responsibility to enforce the law or interrupt the processes that cause such breaches. They do so with training that begins at an academy and continues throughout their careers. That training delineates professional standards that an officer must follow, including those pertaining to restraint when using force, adherence to the spirit and letter of the law, and control in exercising the formal and informal authority inherent in status as a police officer.

While the above demonstrates that police work incorporates elements of corporateness, responsibility, and expertise, there are reasonable arguments against conferring professional status on the police. Some, for example, argue that personnel who might have to kill in pursuit of their responsibilities cannot be professionals, because they do not serve the best interests of all in the society that they are to serve.⁸ Police must sometimes use deadly force in fulfilling their duties. Nevertheless, just as the military ultimately seeks to maintain peace and stability and must sometimes use lethal force, so do police desire to maintain a safe environment free of crime. That the greater number are protected through the occasional unfortunate demise of a threatening few certainly does not preclude the police officer from professional status as long as the application of force remains within the constraints of acceptable standards.

Some argue that police officers are “subsumed within a vast government bureaucracy” and therefore lack “the autonomy and interaction with a bona fide clientele enjoyed by the traditional professions” such as the clergy, doctors, or lawyers.⁹ The argument would be persuasive if professional status were only granted to those perfectly attaining the condition of self-regulation. Government mandates, however, influence many aspects of medicine, law, and any modern

⁸Matthews, 1994, p. 18.

⁹Ibid. The comments are made with respect to the military but apply no less to police forces.

profession. All are answerable to regulation and the rule of law. External bureaucratic oversight should not preclude attainment of professional standing.

Another question is of self-perception. Self-perception is critical to professionalism. No vocation can be considered professional if its members do not accept the collective responsibility to maintain a specialized expertise, to limit membership to those with the requisite skills and who adhere to established standards, and to have a primary motivation of serving society. It is therefore pertinent to ask whether police officers themselves view their work as a profession.

The answer is a mixed one. Several retired senior police leaders with whom the authors discussed the issue thought it infeasible, claiming that the officer on the street was too focused on a steady job and its pay to qualify as a professional. LAPD Police Chief William J. Bratton's belief that policing is a profession is evident in his previously cited quotation. Evidence from other LAPD officers varies. Police probationers showed limited understanding of professional responsibilities but recognized that the academy sought to instill desirable traits in recruits and to define acceptable standards of performance. None of the probationers interviewed cited a desire to serve the community when asked why they joined the force, nor did any of the field-training officers whom we interviewed. Their predominant motivations were, in fact, pay and the need to find a job.¹⁰ Yet nearly all students in a Department watch-commander course cited a desire "to help people" as the primary reason for becoming police officers.

The Department does seek to instill the tenets of professionalism in its training. Recruit Training Program Learning Domain #31 on "Custody," for example, emphasizes values such as "integrity in all we say and do," "quality through continuous improvement," "respect for people," "reverence for the law," and "service to our community." In recognition of a need to better interact with those served, the curriculum also cites an objective of "reestablish[ing] partnership with community." Specific guidance includes "protecting the statutory and Constitutional rights of the arrested person while they are in the officer's charge" and recognition that "a

¹⁰LAPD probationers focus group and FTO focus group notes, December 14, 2002.

peace officer that shows a callous disregard for an arrested person's safety can be subjected to departmental discipline (up to and including termination)." The lesson goes on to include discussions of specific Bill of Rights protections and responsibilities inherent in the "special position of trust" given to peace officers based on "their authority over others."¹¹

The evidence as to whether LAPD officers consider themselves to be "professionals" is contradictory. Those writing of the broader law enforcement profession are less ambivalent. The mid-20th century saw considerable efforts to establish a professional policing model that included identification of principles (or standards) as well as providing police departments some level of independence from politics, ensuring satisfactory officer training and discipline, and impartiality in enforcing the law.¹² The LAPD at that time represented the model of such a professional force while under the oversight of Chief William H. Parker. The ideal was a situation in which police corruption was controlled via the selection of qualified candidates for police duties and internal handling of Department problems.¹³ The popular form of this ideal was *Dragnet* (Joe Friday and his characteristic, "Just the facts") in which the police professional was honest, tough, and technically proficient. While missing nuances, the depiction of a technically proficient force that attempted to maintain complete objectivity during interactions with the public was not far from reality.

But Joe Friday would fail to qualify as a professional police officer in Los Angeles today. His integrity and dedication deserve no less respect now than they did 50 years ago, but his overly reserved manner should, deservedly, be relegated to a past age. Police standards have evolved. Police professionalism now demands expertise and an understanding of the community in many ways not previously appreciated. Law enforcement officers today seek not only to deal with crimes already committed but to prevent crimes by addressing the issues that underlie them. "By-the-book" adherence to regulations has been replaced by increased reliance on innovation, initiative,

¹¹LAPD, revised 2001a.

¹²Fyfe et al., 1997, p. 15.

¹³Walker, Archbold, and Herbst, 2002.

and expertise in interpersonal interactions more akin to August Vollmer's concept of policing than the reform-based organizations that resulted from a misapplication of his principles (see Kelling and Coles, 1996, p. 75). Herman Goldstein, a scholar and longtime student of policing, notes that expanded standards for policing now require officers to

- assist those who cannot care for themselves: the intoxicated, the addicted, the mentally ill, the physically disabled, the old, and the young
- resolve conflict, whether it be between individuals [or] groups of individuals
- identify problems that have the potential for becoming more serious problems for the individual citizen, the police, or for government
- create and maintain a feeling of security in the community.¹⁴

Bratton and Andrews add support for a post-reform concept of policing, noting that now "police work is by nature decentralized and discretionary."¹⁵

In sum, the question of whether law enforcement qualifies as a profession might best be answered by considering two separate questions. First, can law enforcement qualify as a profession? There appears to be ample evidence that it can. Second, can the LAPD be a professional force? It was considered so in the mid-20th century, albeit by standards that no longer apply (and that in truth failed to meet even the definition of professionalism at the time). We now turn to evidence regarding whether it can be so considered today.

CAN THE LAPD BE A PROFESSIONAL FORCE?

The LAPD has made efforts to become a professional force as the term is currently understood in policing. There is room for improvement, and it is the charter of this study to consider how that can be brought about in training involving use of force, search and

¹⁴Herman Goldstein, *Policing a Free Society*, Cambridge, Mass.: Ballinger, 1977, p. 35, as quoted in Fyfe et al., 1997, p. 37.

¹⁵Bratton and Andrews, 1999, p. 14.

seizure, arrest procedures, community policing, and diversity awareness. The solutions must have a Department-wide perspective. Authors Kelling and Stewart note that the successful implementation of police professionalism today requires “major changes in the training of police officers, supervisors, and managers, as well as in staffing, organization, and administration of police departments.”¹⁶

The following pages address the nature of these necessary changes as they pertain to training the men and women of the LAPD. To the question “Is the Los Angeles Police Department a professional law enforcement organization?” the evidence in too many ways supports a negative response. “Can the LAPD be a professional force?” Evidence seems to support an affirmative answer, but individual and collective dedication to making the necessary changes is necessary to get there from here.

GETTING THERE FROM HERE

An LAPD effort to achieve professional status is important only in the sense that it makes the organization a better servant of its clients, the people of Los Angeles. It is the purpose of this study to determine how the Department can achieve that end through the medium of training the force so that it is more proficient in the five areas of concern. Huntington’s tenets of professionalism—corporateness, responsibility, and expertise—provide a vehicle to better understand what is necessary to meet that purpose. Those tenets, in fact professionalism itself, provide a foundation essential to successful training and implementation of areas of use of force, search and seizure, arrest procedures, community policing, and diversity awareness. Success in attaining professionalism demands commitment to public service, requisite expertise throughout the Department, and the realization that fellow officers have a responsibility to assist their colleagues when situations stress the patience of even the best. Figure 2.1, each element of which will be explained in detail in the pages that follow, helps to portray how the three tenets can assist in the development and execution of LAPD training. The objective of that training is to better prepare law enforcement officers for the task of

¹⁶Fyfe et al., 1997, p. 23.

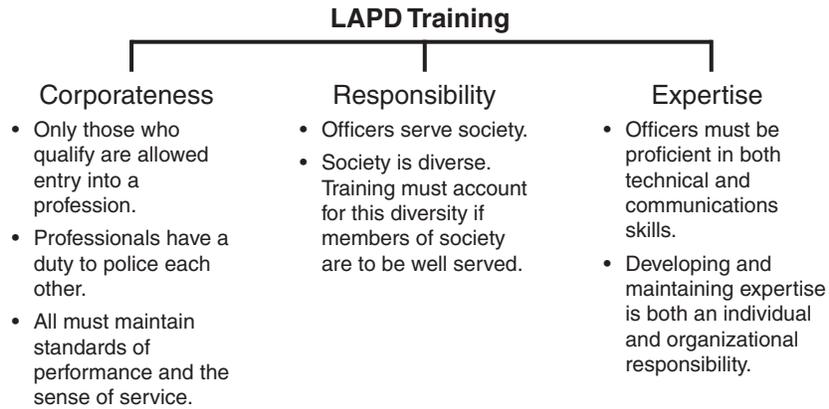


Figure 2.1—LAPD Training Construct

meeting the demands inherent in daily accomplishment of the Department’s mission.

It has been noted that there are those who believe that police are not and never will be professionals. These individuals see law enforcement officers as little more than wage laborers. Such doubters find it unconvincing that there are police officers who have the necessary expertise, will act to correct other officers’ shortcomings, and are dedicated to public service. They consider those personnel demonstrating these abilities to be exceptional, outliers perhaps best considered as professionals without a profession. Many looking at the performance of the LAPD over the past two decades might agree. But neither the past nor the present need determine the state of the future. That every profession falls short of the ideal is established. That police officers could be professionals should certainly not be considered beyond the realm of the achievable. That there are already examples for others to follow is encouraging. That such status is a goal entirely suitable for these invaluable servants of the public as a whole seems unquestionable. As such the overarching recommendation of this study is the following:

The Los Angeles Police Department should adopt a concept of police professionalism that incorporates the tenets of corporate-ness, responsibility, and expertise as the mechanism for guiding the development and execution of its training, to include training in the areas of use of force, search and seizure, arrest procedures, community policing, and diversity awareness.