Justice Quarterly

Publication details, including instructions for authors and subscription information:
http://www.tandfonline.com/loi/rjqy20

Procedural Justice and Order Maintenance Policing: A Study of Inner-City Young Men’s Perceptions of Police Legitimacy
Jacinta M. Gau & Rod K. Brunson
Published online: 30 Apr 2009.

To cite this article: Jacinta M. Gau & Rod K. Brunson (2010): Procedural Justice and Order Maintenance Policing: A Study of Inner-City Young Men’s Perceptions of Police Legitimacy, Justice Quarterly, 27:2, 255-279

To link to this article: http://dx.doi.org/10.1080/07418820902763889

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: http://www.tandfonline.com/page/terms-and-conditions

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae, and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.
There is tension between the core tenets of procedural justice and those of order maintenance policing. Research has shown that citizens’ perceptions of procedural justice influence their beliefs about police legitimacy, yet at the same time, some order maintenance policing efforts stress frequent stops of vehicles and persons for suspected disorderly behavior. These types of programs can threaten citizens’ perceptions of police legitimacy because the targeted offenses are minor and are often not well-defined. Citizens stopped for low-level offenses may view such stops as a form of harassment, as they may not believe they were doing anything to warrant police scrutiny. This paper examines young men’s self-described experiences with this style of proactive policing. Study findings highlight that order maintenance policing strategies have negative implications for police legitimacy and crime control efforts via their potential to damage citizens’ views of procedural justice.

**Keywords**  order maintenance; procedural justice; police legitimacy; stop-and-frisks; qualitative

Jacinta M. Gau is an Assistant Professor in the Department of Criminal Justice at California State University—San Bernardino. The focus of her research is policing, with an emphasis on police-community relationships, racial profiling, and order maintenance. Her work has appeared in *Criminology & Public Policy, Policing: An International Journal of Police Strategies and Management,* and *The Social Science Journal.* Rod K. Brunson is an Associate Professor in the Department of Criminology and Criminal Justice at Southern Illinois University—Carbondale. His research examines youths’ experiences in neighborhood contexts, with a specific focus on the interactions of race, class, and gender, and their relationship to criminal justice practices. His work appears in the *British Journal of Criminology, Criminology, Criminology & Public Policy, Gender & Society, Sociological Quarterly, Urban Affairs Review,* and the *Journal of Crime and Justice.* The authors would like to thank Richard Tewksbury, Ron Weitzer, and the anonymous reviewers at *Justice Quarterly* for their comments on the manuscript. Correspondence to: Jacinta M. Gau, Department of Criminal Justice, California State University—San Bernardino, CA 92407, USA. E-mail: jgau@csusb.edu
Introduction

Police and citizens often hold vastly different views of law enforcement practices. Where order maintenance policing efforts are concerned, this discrepancy may be especially pronounced. Many police administrators and politicians assert that aggressive enforcement of low-level criminal activity sends a strong message to potential offenders that officers will not tolerate even the slightest transgressions. By altering the social meaning of disorder, zero tolerance initiatives are intended to create an environment of perceived constant surveillance (Bratton & Knobler, 1998; Kelling & Coles, 1996; Wilson & Kelling, 1982; see Greene, 1999).

Citizens' perceptions of such tactics, however, may be quite different from those of police and city leaders. Proactive policing initiatives directed at minor offenses exemplify the state's exertion of a level of power disproportionate to the severity of the crimes being committed (Harcourt, 2001); that is, the state brings its law enforcement power down forcefully against offenses that some might consider non-serious or even downright trivial. There is not consensus as to whether the state is justified in employing such extraordinary measures. In addition, evidence suggests that some order maintenance strategies may disparately affect disenfranchised persons such as minorities and the poor (Roberts, 1999; see also Duneier, 1999), as these efforts are not always distributed evenly throughout social strata.

Standing in juxtaposition to the concept of order maintenance policing are the notions of procedural justice and police legitimacy. Procedural justice is the process-based criterion by which individuals evaluate whether they were treated fairly (Tyler & Wakslak, 2004) and it can mean the difference between satisfied and disaffected citizens. The policing literature contains ample evidence attesting to the importance of procedural justice in police–citizen encounters (e.g., Tyler, 1990; Tyler & Folger, 1980), even when such interactions result in arrest (Bouffard & Piquero, in press; Paternoster, Brame, Bachman, & Sherman, 1997; see also Sherman, 1993).

Uniting the concepts of order maintenance policing and procedural justice makes clear the potential for conflict. On the one hand, order maintenance supporters tout the strategy as an indispensable crime-fighting tool (e.g., Dilulio, 1995; Kelling & Bratton, 1998; Kelling & Coles, 1996). On the other hand, aggressive policing can leave citizens feeling humiliated, violated, or even victimized (e.g., Brunson, 2007; Duneier, 1999; see also Sherman, 1993). The popularity of aggressive order maintenance policing among police executives and politicians has, unfortunately, outpaced academic research regarding the strategy's capacity to reduce crime (Worrall, 2006a) and scholars' efforts to better understand its impact on police-community relations (see Roberts, 1999). The need for more research concerning the effects—both direct and collateral—of aggressive order maintenance policing is clear.

Some researchers have examined the effects of order maintenance policing on crime and/or fear. Most have relied upon survey research or official crime data and have typically focused on adult citizens' general perceptions of
disorder, crime, and fear (Bennett, 1991; Braga et al., 1999; Hawdon, Ryan, & Griffin, 2003; Katz, Webb, & Schaefer, 2001; Novak, Harman, Holsinger, & Turner, 1999; Sampson & Cohen, 1988). Quantitative data derived from adult samples, however, capture only a thin cross-section of society and overlook those who may be the very ones who have the most to say about the effectiveness and collateral consequences of order maintenance policing.

In-depth interviews offer a unique opportunity to focus on the experiences of people who have been subjects of involuntary police contacts. Order maintenance policing strategies are supposed to send a particular message to active and potential law-breakers, but it is not at all clear whether or how that message is being received by its intended recipients. Some researchers have undertaken qualitative examinations of these issues in order to gain more in-depth, nuanced understandings of individuals’ experiences (Carr, Napolitano, & Keating, 2007; Carvalho & Lewis, 2003; Chesluk, 2004; Duneier, 1999; Golub, Johnson, & Taylor, 2003) and some have interviewed offenders to investigate their perceptions about crime, disorder (St. Jean, 2007), and aggressive policing (Golub et al., 2003). Again, these studies have revolved primarily around adults’ accounts, with little attention paid to juveniles’ experiences (for an exception, see Carr et al., 2007). This is an unfortunate oversight, as youth are disproportionately involved in violent crime, both as perpetrators and victims (Blumstein, 2000), a fact that supports in-depth examination of their views on order maintenance policing.

The present study contributes to the literature on aggressive policing initiatives in two ways. First, we examine the experiences and perceptions of those who often bear the brunt of proactive policing efforts: urban, adolescent males. This group is disproportionately targeted for street stops, pat-downs, and arrests (Fagan & Davies, 2000; Hemmens & Levin, 2000; Spitzer, 1999). By considering young men’s accounts, we have the potential to better understand whether order maintenance policing accomplishes its goal or if the consequences outweigh any possible benefits. Second, we are able to compare the involuntary police experiences of law-abiding young men with those of active offenders. This allows us to examine whether perceptions of and experiences with mistreatment by police are unique to those youth who are involved in serious delinquency, or if, conversely, these negative experiences transcend delinquency status.

Procedural Justice, Police Legitimacy, and Aggressive

Order Maintenance

While movies, news reports, and other media sources affect people’s perceptions of the police, personal experience with officers also ranks high on the list of

1. The word “aggressive” is used here to describe the frequency of stop-and-frisks and other order maintenance activities, not the manner in which they are conducted. No use of this word is intended to imply that order maintenance policing involves routine physical or verbal aggression by police.
influential factors (Cheurprakobkit, 2000; Skogan, 2005; Weitzer & Tuch, 2002). Citizens value police professionalism (Cheurprakobkit & Bartsch, 2001) and tend to feel better about brushes with the criminal justice system, in general, when they believe that they were treated fairly (Thibaut & Walker, 1978; see also Casper, Tyler, & Fisher, 1988; McEwen & Maiman, 1984; Tyler, 1984). It is, therefore, not enough for police to plow headlong into their law enforcement mission—they must also consider the evenhandedness with which they execute their duties (Skogan & Frydl, 2004; Tyler & Folger, 1980). Failure to do so has the potential to reduce their legitimacy and ultimately undermine their capacity to influence citizens’ behavior and effectively control crime.

Procedural justice fosters a belief in the legitimacy of police (Sunshine & Tyler, 2003) and inspires greater compliance with the law (Lind & Tyler, 1988; McCluskey, Mastrofski, & Parks, 1999). Put simply, believing in the legitimacy of the police and of the criminal law leads people to internalize a moral obligation to obey the law. This framework stands in opposition to a purely instrumental, deterrence-based system of compulsory compliance predicated upon the threat of punishment for misconduct (Tyler, 1990). Compliance with the law is greater when people follow it because they believe in it rather than because they are afraid of being caught and punished. It is, therefore, not just what police do that is important but, also, how they do it. Failure to adhere to principles of procedural justice can reduce public support for police and, in the long run, may even increase crime (Bouffard & Piquero, in press; Paternoster et al., 1997; Sherman, 1993; see also Braithwaite, 1989; Hay, 2001).

The legitimacy that procedural justice engenders is a necessary component of any policing paradigm, including order maintenance. Aggressive policing tactics carry the potential to undermine police legitimacy for at least two reasons. First, the focus of order maintenance policing—so-called “disorderly” behavior—eludes precise articulation of the specific behaviors that should be considered unacceptable and of the reasons why these behaviors are deleterious to community well-being. Disorder-related infractions generally do not have obvious victims but are, rather, violations of the general public order and standards of conduct (see, e.g., Wilson & Kelling, 1982). The idea of “public (dis)order” is far more definitionally fluid than are criminal codes delineating particular prohibited behaviors. Symptomatic of this underlying conceptual ambiguity is a lack of clarity in disorder-related laws and codes, which allows for subjective and potentially arbitrary law enforcement (Roberts, 1999).

Vague or overly broad statutes provide little guidance to individual officers working the streets (Hemmens & Levin, 2000; Roberts, 1999; see also Chicago v. Morales, 1998). Officers face many situations wherein there is no apparent “right” way to proceed. Under these circumstances, police may turn to suspect characteristics or the sociostructural environment for help in deciding the best course of action. The likelihood of these extralegal factors seeping into criminal justice agents’ decision-making is greatest when legal factors (e.g., offense seriousness, evidence of criminal activity) are murkiest (Kalven & Zeisel, 1966; Reskin & Visher, 1986; Spohn & Cederblom, 1991). An abundant body of
knowledge has established that police decisions can be affected by a suspect’s race and/or social standing (Alpert, Dunham, & MacDonald, 2004; Mastrofski, Reisig, & McCluskey, 2002; Skogan, 2005), gender (Brunson & Miller, 2006a), demeanor (Engel, Sobol, & Worden, 2000; Klinger, 1996; Lundman, 1996; Worden & Shepard, 1996), and the environment wherein a given police-citizen encounter transpires (Fagan & Davies, 2000; Klinger, 1997; Meehan & Ponder, 2002; Terrill & Reisig, 2003). This gives rise to decision-making that citizens may perceive as arbitrary even when officers have no intention to discriminate and are unaware that they are conveying such an impression.2

Seemingly capricious decisions can undermine the public’s trust in police because fairness is one of the attributes that individuals desire most from officers (Skogan & Frydl, 2004). When citizens trust the police to exercise their powers fairly and to distribute justice equitably, they are more supportive of officers having a wide range of discretion (Sunshine & Tyler, 2003). Even citizens who have involuntary police contacts express greater satisfaction afterward if they believe the officer treated them fairly (Tyler & Folger, 1980). Conversely, people who believe that the police engage in unfair practices, such as racially discriminatory policing, express much lower support for and trust in the police (Tyler & Wakslak, 2004).

Furthermore, order maintenance policing initiatives operate under the assumption that neighborhood residents largely agree about the prevalence and seriousness of different types of disorder. Despite claims made by some proponents of order maintenance (Kahan & Meares, 1998; Meares & Kahan, 1998; Skogan, 1999), there is little empirical evidence to support this assumption of consensus; there is, actually, evidence to the contrary. Most of the research on this topic calls into question the presumption that neighbors evince high levels of agreement. There is often considerable dissent among community residents regarding which disorder-related issues are the most problematic (Bohm, Reynolds, & Holmes, 2000; Chesluk, 2004; Spelman, 2004; Webb & Katz, 1997).

Scholars have also documented a disconnect between actual and perceived levels of disorder in neighborhoods and communities (Piquero, 1999; see also Hipp, 2007) and have found that neighborhood-level characteristics such as racial heterogeneity and poverty influence people’s perceptions of disorder even more so than disorder itself does (Sampson & Raudenbush, 2004). Even more research has raised questions regarding whether disorder actually exists as an independent phenomenon or whether it is, instead, part-and-parcel to crime itself (Gau & Pratt, 2008; Sampson & Raudenbush, 1999; Worrall, 2006b). There is, thus, marked variation across neighborhoods and individuals regarding what constitutes “disorder” and how much of a community problem it is.

2. It is worth noting that police actions do not necessarily have to be unfair for people to perceive them as such (Brunson, 2007; Piquero, Gomez-Smith, & Langton, 2004; Tyler & Wakslak, 2004; Weitzer & Tuch, 2002). Many officers may be committed to equal treatment of all citizens and any bias they evince may be unintentional. Many biases, moreover, are unconscious and any given decision-maker may be unaware that deeply rooted likes and dislikes are clouding what to that decision-maker feels like rational, objective judgment (Harris, 2007).
The second reason that aggressive order maintenance policing may run counter to procedural justice and police legitimacy is that the linchpin of some order maintenance policing strategies—stop-and-frisks—can harm police–citizen relations. Stop-and-frisks are commonly used by police departments that seek to reduce social disorder. Officers may be directed to watch for disorderly behaviors in progress, such as loitering or aggressive panhandling, or for behaviors that are about to take place, such as youths preparing to paint graffiti. Stops can be of pedestrians or vehicles, though in the present study most respondents experienced the former. Stops are not confined to order maintenance activities and also take place when officers suspect persons of being about to commit serious crimes, so any police department using stops and frisks for order maintenance purposes will see stops for serious crimes mixed in.

In theory, order maintenance policing efforts—even those with a stop-and-frisk emphasis—do not have to conflict with procedural justice or police legitimacy. The desire for police protection and effective law enforcement transcends racial and economic lines, and even groups who have historically suffered injustices at the hands of police want something done about local crime and disorder (Brooks, 2000; see also Bobo & Johnson, 2004). The concern, though, is not what order maintenance looks like in theory but, rather, how it plays out in practice. Even Wilson and Kelling (1982), the original architects of broken windows and order maintenance policing, recognized the potential for this strategy to go sour. The fact that order maintenance deals in relatively low-level, non-serious offenses means that there is a lot of room for police discretion and this discretion, in turn, means there is considerable latitude for order maintenance tactics to be applied in a discriminatory fashion. In the present study, the focus is on the practical aspects of order maintenance policing.

A heavy reliance on stop-and-frisks can reduce individuals’ respect for and desire to comply with police because those on the receiving end may view these tactics as unfair and/or heavy-handed. Aggressive stop-and-frisks are a staple of many order maintenance policing efforts (see Braga et al., 1999; Fagan & Davies, 2000; Spitzer, 1999). Vehicle and pedestrian stops require only reasonable suspicion that "criminal activity may be afoot" (Terry v. Ohio, 1968, p. 30), as opposed to the higher standard of probable cause necessary to make an arrest. Investigatory stops are, therefore, key to allowing police to legally interfere with the voluntary movement of "suspicious persons" even when police do not have legal standing to arrest these individuals.

Stop-and-frisks are an important tool for police to have at their disposal, but they do carry risks for both actual and perceived misuse. Proactive policing strategies that revolve around widespread use of field interrogations can lead to the frequent stopping of "troublemakers" even when these people are not committing crimes or behaving suspiciously (Brunson & Miller, 2006b). Instances of frequent, unwelcome police contact have the potential to lead certain segments of the population to believe that police openly dislike them (Brunson, 2007).

It has also been documented that police often conduct stop-and-frisks illegally. Determining how often unlawful searches and seizures take place is
difficult because officers will likely avoid documenting activities they know to be prohibited (Skogan & Frydl, 2004). Evidence from field observations suggests that a substantial portion of stops and pat-downs would not pass constitutional muster should they be challenged in court. Most people who are subjected to unconstitutional searches, however, are not formally arrested and therefore have no opportunity to vindicate the violation of their rights (Gould & Mastrofski, 2004). Any system of law or government that wishes to be seen by its masses as legitimate must obey its own laws (Lind & Tyler, 1988), and the police, therefore, must adhere to the law if they expect citizens to do likewise. Unfortunately, studies of officer compliance with search and seizure laws paint a disturbing picture. Though most police follow constitutional guidelines much of the time, a substantial minority of stops and frisks are conducted unlawfully (Skogan & Frydl, 2004; Skogan & Meares, 2004).

There are other problems associated with the widespread use of stop-and-frisks that threaten citizens’ sense of fairness and procedural justice. Evidence suggests that police stop different racial groups at disparate rates. In particular, African Americans are subjected to pedestrian and vehicle stops at rates disproportionate to their representation in the population, a phenomenon that stems more from area rates of poverty (Fagan & Davies, 2000) and racial composition (Meehan & Ponder, 2002; Spitzer, 1999) than from differential offending patterns across race. Blacks, moreover, may be stopped without cause more often than whites are, as evidenced by whites’ greater likelihood of being arrested after a stop-and-frisk (Spitzer, 1999).

Individuals’ perceptions of racially biased policing have important implications for procedural justice and police legitimacy (Wilson, Dunham, & Alpert, 2004). Specifically, research concerning citizens’ attitudes toward police has consistently found that black adults and adolescents report more dissatisfaction and distrust than their counterparts from other racial groups (Hurst & Frank, 2000; Hurst, Frank, & Browning, 2000; Leiber, Nalla, & Farnworth, 1998; Taylor, Turner, Finn-Aage, & Winfree, 2001). In addition, police can unwittingly contribute to impressions that they harbor personal animosity toward certain groups (Brunson, 2007).

In sum, an over-reliance on stop-and-frisks to carry out order maintenance policing can have implications for police legitimacy because it can damage citizens’ perceptions of the fairness with which police utilize their law enforcement authority. The current study pits the procedural justice and police legitimacy framework against aggressive order maintenance policing to examine the interactions of these perspectives in practice.

Current Focus

The present study analyzes aggressive policing tactics through the lens of procedural justice. Few would argue that disorder is a problem in some communities, but the question remaining is whether order maintenance policing—at
least in the form of aggressive stop-and-frisks—is the best solution. The routine stopping, questioning, and/or arresting of people for disorderly behaviors has the potential to leave them feeling harassed and to lend them the impression that the police care more about petty offenses than about the serious crime problems facing the community (Brunson & Miller, 2006b).

Those on the receiving end of aggressive policing are a key source of information regarding how these efforts affect citizens’ perceptions of procedural justice and police legitimacy. We use qualitative data obtained from in-depth interviews with 45 young men in St. Louis, Missouri, to investigate their experiences with an order maintenance policing program that emphasizes stops and frisks for disorderly behavior. Qualitative data offer unique insight into individuals’ direct and vicarious experiences with police. The range of experiences people have with police is very broad and, therefore, difficult to adequately capture with quantitative survey methods alone (Stewart, 2007). In addition to analyzing the entire sample’s perceptions of aggressive policing and procedural justice, our research strategy allows us to compare the accounts of those not engaged in crime with the views of active offenders. Proponents of order maintenance policing offer that targeting low-level offenders for constant surveillance is appropriate because their status as offenders exempts them from the pleasantries reserved for “decent” citizens. This line of reasoning falls apart, however, if those persons who are not engaged in criminal or delinquent activities also experience heightened scrutiny and a sense of being watched constantly by the police.

Methodology and Study Setting

Data for this study come from a larger study investigating the lived experiences of black and white male adolescents residing in disadvantaged St. Louis neighborhoods. The present investigation is based on information obtained from surveys and in-depth interviews with 45 male adolescents who were interviewed between the fall of 2005 and the spring of 2006. The data collection focused exclusively on young males because research has identified them as a group for whom unwelcome police attention is commonplace in the USA (Hurst et al., 2000). Only a handful of studies, however, have offered an in-depth investigation of young men’s perceptions of and experiences with the police.

Respondents ranged in age from 13 to 19, with a mean age of 16. Participation in the study was voluntary and respondents were assured confidentiality. They were paid $25 for participating. Sampling was purposive in nature. Respondents were recruited with the assistance of community-based organizations working with at-risk adolescents. Staff members were asked to identify and approach young men who were known to live in distressed neighborhoods in the city. Interviews lasted approximately one hour and all except one were conducted in private offices at each location.

The goal was to interview young males who were either currently involved in or who were at risk for involvement in delinquent activities, as these youths
would likely have more involuntary contacts with police. In other words, purposive sampling was designed to compile a sample of young men who likely had experiences with police and whose experiences may have been unfavorable. We did not, however, seek out persons known to have had negative encounters or who had overtly expressed hostility toward the police. The sampling was not intended to be representative of all young people living in distressed St. Louis neighborhoods. The interview team consisted of four graduate students. Two were African American and two were white; each student primarily interviewed same-race respondents. The black interviewers and one of the white researchers were from the same communities as many of the research participants.

Data collection began with the administration of a survey and followed with a taped interview. The survey supplied baseline information about young men’s perceptions of police in their neighborhoods. Respondents were asked how often they believed the police: do a good job enforcing laws; respond quickly to calls; work hard to solve crimes in the neighborhood; are easy to talk to; are polite to people in the neighborhood; do a good job preventing crime; and harass or mistreat people in the neighborhood. Youths were then asked whether they had been personally mistreated by the police and whether they knew someone who had been mistreated. These surveys functioned as the basis for some quantitative analyses to complement the qualitative findings. The qualitative data were gathered using a series of open-ended questions that explored youths’ experiences with and observations of the police, including detailed renderings of their encounters. Reliability was strengthened by cross-checking participants’ responses to the survey and in-depth interview questions and by probing for detailed accounts during the interviews.

St. Louis’ socioeconomic character and the style of policing operating within its disadvantaged communities made it an ideal setting to conduct this type of research. St. Louis’ economic and social atmosphere is typical of the highly distressed urban city in the USA. The city encompasses large concentrations of extreme disadvantage that result in social isolation, limited resources, and high crime rates. Table 1 provides census data comparing the neighborhoods in which the respondents resided to St. Louis as a whole and to the entire USA.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Respondents’ neighborhoods</th>
<th>St. Louis City</th>
<th>USA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percent African American</td>
<td>48.1</td>
<td>51.2</td>
<td>12.4</td>
</tr>
<tr>
<td>Percent below poverty</td>
<td>26.3</td>
<td>20.8</td>
<td>13.3</td>
</tr>
<tr>
<td>Percent unemployed</td>
<td>12.9</td>
<td>11.3</td>
<td>6.4</td>
</tr>
<tr>
<td>Percent female-headed households</td>
<td>46.0</td>
<td>47.5</td>
<td>23.8</td>
</tr>
<tr>
<td>Median household income</td>
<td>$23,964</td>
<td>$27,176</td>
<td>$48,451</td>
</tr>
</tbody>
</table>

Table 1 Characteristics of respondents’ neighborhoods, of St. Louis City, and of the USA
As shown, St. Louis itself is socioeconomically disadvantaged relative to the rest of the USA, and the young men in this sample were drawn from neighborhoods characterized by rates of poverty, unemployment, and female-headed families that were relatively high even within this distressed city. These neighborhoods, therefore, reflect the ecological contexts researchers have associated with both aggressive policing and police deviance (Fagan & Davies, 2000; Kane, 2002).

The St. Louis Police Department is one of several law enforcement agencies that has adopted community and order maintenance policing concepts in hopes of reducing crime and improving their relationships with the public. The department is guided by a philosophy that stresses recognition of community oriented policing strategies. There is also a heavy emphasis on Terry-type stops as a form of order maintenance and crime control. As described above, stop-and-frisks are key component of many police agencies’ order maintenance strategies. These stops can be of pedestrians or vehicles and, under an order maintenance framework, are reserved for those persons engaging in suspicious or disorderly behavior. To this end, respondents reported that policing efforts in their neighborhoods primarily consisted of frequent pedestrian and vehicle stops by district patrol officers, detectives, and members of specialized units and task forces. While study participants understood that these strategies were intended to address particular problems such as drug and gang activity, the frequent, suspicion-based stops were also the basis upon which young men came to view this style of policing as intrusive and menacing. Similar to the youths’ accounts studied by Carr et al. (2007), there was some ambivalence among our sample regarding the desire for police to take action against crime and the fear that police do not always use their authority responsibly. As detailed below, these youth characterized their experiences with the police as often constituting harassment.

The data are restricted to young men’s accounts and perceptions of their encounters with St. Louis police officers. In the following discussion of respondents’ experiences with officers, we do not take for granted that the youths’ descriptions of incidents are necessarily correct or that they have provided full accounts in all instances. We are mindful that citizens may misinterpret police officers’ behaviors and motives. Nonetheless, what matters for the present study is precisely how youths described their experiences, observations, and attitudes toward the police. The interviewers attempted to enhance the validity and reliability of the data by asking youths about their experiences at multiple points across the two interviews, by inquiring about their observations of police actions as well as personal experiences, and by probing for detailed, concrete descriptions of events.

In the present analysis, care was taken to ensure that the themes we identified typified the most common patterns in youths’ accounts. This was achieved using grounded theory methods, by which recurrent themes in the data were identified and less common, but still significant, issues were noted (Strauss, 1987). The second author was part of a team that coded the qualitative data
and then categorized the coded material into themes and subthemes. The first author ran descriptive analyses of the quantitative data derived from the survey portion of the interviews. Methodological rigor demanded that we attend to both negative and positive comments that respondents made about the police. In the end, study participants offered few positive statements about their police encounters and it could not be considered a theme in the data.

Study Findings

Table 2 highlights that several respondents reported having had both personal and vicarious experiences with police harassment. Nearly half reported having experienced direct harassment and 6 out of 10 claimed that someone they knew had been harassed or otherwise treated poorly by the police. The qualitative data revealed that respondents were especially resentful of aggressive police tactics when they were in what they considered law-abiding contexts. Further, they believed that “doing nothing wrong” should have been enough to insulate them from involuntary stops and physically intrusive searches.

Table 3 displays young men’s responses to questions in the survey portion of the interview regarding their assessments of police treatment of neighborhood

Table 2 Percent of respondents who reported experiencing direct or indirect harassment by the police

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes: % (n)</th>
<th>No: % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you ever been harassed or mistreated by police?</td>
<td>46.7 (21)</td>
<td>53.3 (24)</td>
</tr>
<tr>
<td>Do you know anyone else who has been harassed or mistreated by police?</td>
<td>60.0 (27)</td>
<td>40.0 (18)</td>
</tr>
</tbody>
</table>

Table 3 Respondents’ views regarding police politeness and harassment

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Often: % (n)</th>
<th>Sometimes: % (n)</th>
<th>Almost never: % (n)</th>
<th>Mean (SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The police harass or mistreat people in the neighborhood</td>
<td>48.7 (19)</td>
<td>20.5 (8)</td>
<td>30.8 (12)</td>
<td>1.82 (.88)</td>
</tr>
<tr>
<td>The police are easy to talk to</td>
<td>15.9 (7)</td>
<td>34.1 (15)</td>
<td>50.0 (22)</td>
<td>2.34 (.75)</td>
</tr>
<tr>
<td>The police are polite to people in the neighborhood</td>
<td>7.5 (3)</td>
<td>50.0 (20)</td>
<td>42.5 (17)</td>
<td>2.35 (.62)</td>
</tr>
<tr>
<td>The police are polite to kids in the neighborhood</td>
<td>26.8 (11)</td>
<td>29.3 (12)</td>
<td>43.9 (18)</td>
<td>2.17 (.83)</td>
</tr>
</tbody>
</table>

3. We suspect that these numbers are lower than those observed in prior studies involving disadvantaged St. Louis youth mostly because of our inclusion of white study participants who were generally less likely than their black counterparts to report negative, involuntary police encounters (see Brunson, 2007; Brunson & Miller, 2006a, 2006b).
residents. These questions gave study participants an opportunity to share their views about the demeanor of local law enforcement officers.

The findings indicate that most respondents’ feelings about local police were lukewarm at best. For example, half of the young men said the police are almost never easy to talk to, over 40% said the police are almost never polite, and slightly under half reported that the police often harass and mistreat people in the neighborhood. On the other hand, fewer than one in six study participants believed the police were often easy to talk to, fewer than one in 13 reported that the police are often polite, and fewer than one-third said the police almost never harass or mistreat people in their communities.

Respondents’ unfavorable views on police courtesy stemmed in part from their perceptions of widespread police harassment in their neighborhoods. Study participants’ detailed accounts of what they viewed as heavy-handed policing tactics seemingly undermined police legitimacy by weakening officers’ moral authority in the eyes of community residents.

Aggressive Order Maintenance Policing: Widespread use of Stop-and-Frisks

Respondents felt that their neighborhoods had been besieged by police and they reported that law enforcement efforts on their streets consisted primarily of widespread stop-and-frisks. Many study participants came to view this style of policing as overly aggressive and they characterized their involuntary contacts with the police as demeaning and of inordinate frequency. Table 4 shows young men’s experiences with being stopped or arrested.

Nearly 78% reported having been stopped by police at least once in their lives and the number of times they reported having been stopped ranged from 1 to 100 times (mean = 15.84). It is clear from this that the youths in this sample had extensive personal experience with police in stop-based situations. Over 45% of respondents also said that they had been arrested at least once in their lifetime and 22% reported having been arrested in the past six months. Again, this demonstrates that many of these youths were no strangers to direct experiences with police.

Table 4  Percent of respondents who have been stopped or arrested

<table>
<thead>
<tr>
<th></th>
<th>Ever</th>
<th>In the past six months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have been stopped by police</td>
<td>77.8</td>
<td>Mean^1 = 15.84 times (SD = 26.68)</td>
</tr>
<tr>
<td>Have been arrested</td>
<td>45.5</td>
<td>22.2</td>
</tr>
</tbody>
</table>

^1No follow-up question was asked to determine whether or not respondents who had ever been stopped by police had experienced such a stop within the past six months. Respondents were, however, asked to estimate the number of times they had been stopped; therefore, the mean is reported here as a measure of how many times respondents have come in contact with police in a stop-based situation.
Young men reported that police frequently stopped and questioned them for “no reason.” Study participants believed that the poor treatment they received from the police was multi-faceted and was intimately tied to their status as poor, urban males. For example, Maurice\(^4\) said, “[The police] assume you run the streets, steal cars or smoke weed because you dress a certain way, like baggy pants or a long t-shirt and Nike brand shoes. They consider you as a gang member just because of what you were wearing or how you talk.” In agreement, Nate explained, “It’s the way we dress and talk. [Police] pretty much stereotype people …. They think if kids do saggin’ pants and grills, gold [teeth] in their mouth, [that] we punks or we ain’t no good.” Likewise, Kyle commented, “We look thuggish, so [the police] treat us like thugs …. But if you grew up in a perfect neighborhood, the [police] treat you like you’re a human being.”

There was a slight racial difference among respondents in terms of their likelihood of receiving such treatment. White study participants had less troubled relationships with and more positive views of the police than black respondents did. Whereas black and white youths alike reported experiencing unwelcome police encounters, the frequency was less for whites, who primarily risked being stopped in a more narrow set of situations.\(^5\)

Study participants also specifically mentioned the aggressiveness of officers’ actions. For instance, James noted, “[Police officers] ride around and see what’s going on, but some be harassing. They just jump out on you, tell you to put your hands up.” Similarly, Derek observed, “[The police always] harass us, constantly think we stealing and robbing.” And David reported, “Me and my friends was walkin’ and I guess [the police] thought we was hangin’ on the corner. [The police] rode up and pulled us over. First thing they said was, ‘Get on the hood [of the patrol car].’… They told us to spread our arms and legs and then searched us.” These types of police behaviors directly contravene the concept of procedural justice. For people to believe that the police are fair and that the force they wield is legitimate, they must see officers’ actions as reasonable and equitable (see Sunshine & Tyler, 2003; Tyler & Wakslak, 2004). Officers who appear to act on caprice or malice can threaten citizens’ notions of justice.

Young men regarded officers’ proactive policing practices as insidious and believed that officers attempted to restrict their movement within the neighborhood by threatening to arrest them for minor ordinance violations (i.e., demonstrating, loitering, trespassing, and peace disturbance). Many respondents attributed officers’ poor treatment of them to the types of neighborhoods they lived in. For example, Darius observed, “[The police] will lock you up for anything.” Further, several young men said that friends and relatives were reluctant to visit because of the pervasiveness of aggressive policing in their communities. Mike explained, “[My neighborhood] is hot, real hot. [The police]

\(^4\) All names are fictionalized to protect respondents’ confidentiality.

\(^5\) For example, white study participants reported that they were more apt to be stopped by police while associating with black males, dressed in hip-hop attire, or traveling through racially mixed or majority-black neighborhoods.
lockin’ you up for anything, just for trespassin’…. You gotta meet people down the street, or out on the corner to get picked up.” A handful of young men also expressed concern about visitors’ well-being. For instance, Raynard noted, “I was talking to [some] of my friends, and they was just getting ready to leave my house and had started walking down the street. The police pulled up and started patting them down for no reason.” Respondents’ determinations that officers’ actions were guided, in part, by the characteristics of the neighborhood offers further confirmation of previous researchers’ findings that neighborhood context can shape police behavior (Fagan & Davies, 2000; Klinger, 1997; Meehan & Ponder, 2002; Terrill & Reisig, 2003).

Respondents appeared to understand the need for crime-control efforts in their neighborhoods. They also acknowledged that as part of the law enforcement mission, it was sometimes necessary for officers to detain and question “suspicious looking people.” The majority of our study participants could not understand, however, why police would target them when they were engaged in clearly lawful activities. For instance, Todd and his friends were detained by officers as they walked home from school: “The police got out of the car and were like, ‘What ya’ll doing?’ I said, ‘We’re coming home from school.’ [The officer] was like, ‘What’s in the book bags?’ He came over and started checking but couldn’t find nothing but books.” Similarly, Martez described how he and his friends were subjected to a series of physically intrusive searches while in what they considered an unquestionably law-abiding context:

We was playin’ basketball and [my friend] put a wristband in his gym bag .... The police thought it was some crack so they stopped him and was harassing him, like, “where its at?” He was like, “I ain’t got nothin’.” After they checked him, they checked all of us. Only thing they found was wristbands, white wristbands .... [The police officers] took all six of us in [to the station] and was checkin’ our mouth[s] and [other body parts] ... to see if we have drugs and they found out [that] we didn’t.

As Martez’ account points out, police interactions with respondents and their associates were not just experienced as invasive, but also were physically intrusive. Further, young men seldom considered avoidance of arrest following involuntary police contact to be appropriate conciliation. For example, Jamal described an encounter with police. He noted, “The [police] stopped me and they ran my name and said I needed an [identification card] ’cause I wasn’t in the system. [The officer] was like, ‘I’m not arresting you [but] can I put you in handcuffs though and run your name?’” Jamal’s, Martez’s, and Todd’s accounts illustrate what many young men considered the arbitrariness of officers’ decisions to stop, question, and search them. Further, even though Jamal realized that he was not under arrest, he took exception to the public humiliation of being placed in handcuffs like “a common criminal” while the officer called in his personal information.

Some respondents spoke directly to the effects that these seemingly groundless police actions had on the respondents’ ensuing behavior toward the police.
Respondents who believed they had done nothing wrong were more likely to defy police commands and were more likely to adopt an outwardly hostile demeanor toward the officers. Maurice recounted a time when officers suddenly surrounded him as he sat on the front porch of his home. Maurice recalled that, “This one policeman said, 'Do you live here?' I said, 'Yeah.' He said, 'Come down here.' I said, 'No.' He said 'Why you refuse to come down here?' I said 'Cause this my front [and] I can sit on it. Why you messin’ wit me?' He said 'Well, you shouldn’t be on the front porch. Come down here, sir.' I walked into the house.”

Lorenz described another act of defiance. As he explained, “The police [told us], 'All y’all go home.’ But we went to the park instead.” Derek provided an example of the resistive attitude youths may display in response to police commands that seem irrational to them. After being told to disperse from the corner they were standing on, Derek and his friends responded by “loud talking him, bad talking him. But when he started talking about people gonna go to jail, we just left.” When asked what policy changes they would like St. Louis Police to make, the majority of respondents said they would like for officers to abandon the practice of what they considered unjustified stops. Derek suggested that a change in approach might foster greater compliance with police commands:

I guess [officers] think that if they don’t talk [harshly] people might not take them seriously, but they ought to know that if you talk like [that to people] then people are gonna talk like that to you. If you just come to people in a calm way, then people will [respond] like, “Yeah, yeah, we’ll move off the corner.” But when you come around, flying down the street, throwing your brakes real hard and jumping out [of the police car] like, “You guys need to get your asses off this corner or all you motherfuckers are gonna be locked up,” man we ain’t going nowhere.

Young men’s accounts thus provide strong support for prior researchers’ notions of procedural justice and the consequences of police actions that run afoul of fairness (e.g., Mastrofski et al., 2002; Tyler, 1990). We next analyze what happens when stop-and-frisks (justified or not) turn ugly. We investigate in detail study participants’ encounters with discourteous officers and how their perceptions of these situations helped to undermine police legitimacy.

**Officer Discourtesy: Eroding Police Legitimacy**

It was not simply that study participants took issue with being stopped, questioned, and searched on a frequent basis—most young men were especially troubled by the way officers spoke to them during these unwelcome interactions (see also, Mastrofski et al., 2002; Tyler & Wakslak, 2004). Specifically, they reported that officers were routinely discourteous and that they used inflammatory language, racial slurs, and name-calling. For example, Kyle said, “[The] police will drive by and yell, ‘You get off the corner or we’re gonna ...
whoop your asses.” Similarly, Antwan noted that the police shouted at him and his friends to “get ya’ll asses off this corner. What the fuck are ya’ll big, stupid motherfuckers doing?” And Lorenz said:

We was [sitting] in the car; we was just sittin’ in there. [Police] got us out the car, check[ed] us and said he found some drugs in the car. And [the officers] said, “One of ya’ll goin’ with us.” [To decide] they said, “Eeny, meeny, miny, moe, catch a nigga by his throat,” and locked up my friend because he was the oldest.

While most of our respondents said that police occasionally spoke harshly to them, they reported that officers were more apt to direct demeaning and offensive language toward blacks. For example, black study participants said that officers frequently used racial slurs. Bob explained, “[Police] like to curse at people for no apparent reason. They shout bitches, hoes, niggers.” Other young men linked officers’ crude language to racist attitudes. For example, Martez offered, “I think cops [are] racists. That’s what I think because they call us niggas.” In addition to undermining police legitimacy, discourteous language was viewed by several respondents as dehumanizing. For instance, Antwan complained that, “I’m a citizen and a human being just like [the police]. I deserve respect.” There was no apparent relationship between officer race and the use of derogatory language toward respondents; in fact, most respondents did not mention the race of the police officers at all and, when asked, said they believed that officers’ race is not a factor in the way they treat citizens. One exception to this trend was black study participants who reported that African American officers were more likely to show concern for their well-being.

Prior research has shown that citizens’ demeanor is often influenced by police officers’ behavior toward them (Wiley & Hudik, 1974); thus, aggressive or demoralizing police actions have the potential to inflame a situation and expose citizens to more serious kinds of malfeasance. For example, Tommie noted, “There was a fight in the neighborhood and a bunch of people was standing around. [The police] was like, ‘Ya’ll gotta go home,’ and somebody said, ‘We ain’t gotta go nowhere.’ They thought it was me and the officer said, ‘I’ll have you missing [cause your disappearance].’” Officers also took exception to being questioned about the appropriateness of their conduct. For instance, Jamal observed, “I guess [the police] thought we were fina run. He was like, ‘Why you guys walkin’ away?’ My friend kept asking, ‘What did we do?’ The police was like, ‘I should punch you in the mouth.’” Respondents argued that officers routinely provoked youths in order to have a reason to physically assault them. James explained:

It was the Fourth of July, and the police thought I had been shooting off fireworks. When they jumped out I didn’t have no fireworks, but I did have a lighter. [One of the officers] was like, “We should beat your ass [just] for having this.” I just looked at him. ... I wasn’t gonna respond to him like, “Yeah right,” [because] he would have just hit me.
Young men’s accounts provide evidence of the potential for serious ramifications when those charged with enforcing the law do so in a manner that is unjust or even illegal.

The Experiences of Law-Abiding vs. Law-Violating Young Men

Table 5 contains information concerning respondents’ current and past involvement in serious and minor forms of delinquency. Serious delinquency included the following self-report items: carrying a weapon; stealing over $50; stealing a motor vehicle; attacking someone with a weapon or with the intent to seriously hurt them; committing a robbery; or selling marijuana, crack-cocaine, or other drugs. In all, more than one-third of the young men reported participating in serious delinquency within the last six months. On the other hand, almost all of the youths reported having engaged in minor forms of delinquency or status offenses, including: skipping classes; being loud or rowdy in public; avoiding paying for things; drinking beer or liquor; stealing $5 or less; lying about their age to get into someplace or buy something; or running away. Thus, our sample captured variations in delinquent involvement. It is, of course, worthy of note that all 45 of the teens interviewed did come from disadvantaged areas and were considered to be at risk for delinquency even if they had never actually committed any criminal acts. A sample of low-risk youths from a wealthier area of the city might have produced different findings. We see this not as a validity issue but as an indication that care should be taken when generalizing these results to youths of other backgrounds.

While one might expect that individuals involved in crime or serious forms of delinquency would report having more negative police contacts relative to law-abiding respondents, young men’s accounts revealed few systematic differences in the nature and extent of their experiences with aggressive policing. Specifically, both serious delinquents and non-delinquents complained of what they considered frequent, routine harassment by police.6 Our research suggests

Table 5  Percent of respondents who have engaged in specified forms of crime and delinquency

<table>
<thead>
<tr>
<th></th>
<th>Ever</th>
<th>In the past six months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have engaged in any kind of crime or delinquency</td>
<td>88.9</td>
<td>82.2</td>
</tr>
<tr>
<td>Have engaged in serious forms of crime</td>
<td>46.7</td>
<td>35.6</td>
</tr>
<tr>
<td>Have engaged in status offenses</td>
<td>84.4</td>
<td>75.6</td>
</tr>
</tbody>
</table>

6. A supplementary chi-square analysis revealed no significant difference between delinquent and non-delinquent youth on their reports of having experienced police harassment (Pearson’s $\chi^2 = 2.501, p = .114$). This offered further evidence that there was no difference between the two groups and that delinquent males were not more likely than their non-delinquent counterparts to experience maltreatment by police.
that young men came to understand that no matter how hard they tried, they were not able to convincingly present themselves to officers as law-abiding, even when they were just that.

Discussion

This study was an effort to better understand the intersection of procedural justice and aggressive order maintenance policing. Interview data from 45 young men in a socioeconomically disadvantaged urban area revealed that these citizens harbored ambivalent feelings about the police. While study participants recognized that the police had a difficult job to do, they questioned the wisdom and utility of relying heavily on stops, frisks, and field interviews. In particular, respondents resented what they considered unfair, aggressive targeting by police. They believed their socioeconomic status and/or race made them de facto "suspicious persons" in the eyes of officers and that as a result, they were subjected to heightened—and unwarranted—levels of police scrutiny. Study participants perceived officers' widespread use of stop-and-frisks for suspected disorderly behavior as a form of harassment because they sometimes felt that they had done nothing that merited such treatment. Several respondents expressed the view that police judged them based on their clothing, accessories, friends, and/or the neighborhoods in which they resided. They felt that police would use the inferences they drew from these surface characteristics as justification for stopping, questioning, and/or frisking them even when they were not engaging in crime. Overall, young men reported feeling that they were perpetually under officers' gaze.

Several respondents believed that police treated citizens differently depending on where they encountered them. These findings are especially troublesome. In particular, using neighborhood-level characteristics as heuristic devices for decisions regarding how to treat residents could further exacerbate one's perception that the police act unfairly toward them. Citizens of disadvantaged neighborhoods run the risk of feeling that they are being judged on the basis of the neighborhoods they live in (Jones-Brown, 2007). Such a perception could strain the already tense relationship between police and poor, minority citizens.

Another theme that emerged from the analyses was respondents' feeling that officers were frequently discourteous and even verbally abusive. In addition to the potentially deleterious effects that such disrespectful treatment of citizens may have on police legitimacy, this kind of behavior also increases the likelihood that police-citizen encounters will be rife with animosity emanating from both parties. Prior research shows that citizen demeanor can influence police actions and, therefore, help determine whether an encounter is civil or confrontational (Engel et al., 2000; Klinger, 1996; Lundman, 1996; Worden & Shepard, 1996). This finding indicates that people, such as the young men under study here, who are subjected to routine maltreatment at the hands of police may
begin approaching police encounters with an uncooperative demeanor. Outward displays of hostility toward police could put police on edge in anticipation of possible verbal or physical attack. Whether or not the encounter turns violent, the mutual suspicion and distrust exuded by police and citizens could leave both with negative feelings about one another.

The broad conclusion is that aggressive order maintenance manifesting in the form of widespread stop-and-frisks can compromise procedural justice and, therefore, undermine police legitimacy. This has a wide range of implications for police policy, both at the level of the patrol officer who interacts with the public daily and at the administrative level where departmental missions and philosophies are forged. Prior research has documented that tattered faith in officers’ ability to carry out their duties fairly and equitably can spark a decline in public support for police organizations (Sunshine & Tyler, 2003; Tyler & Wakslak, 2004) and in the public’s compliance with the criminal law in general (Bouffard & Piquero, in press; Lind & Tyler, 1988; Paternoster et al., 1997; Sherman, 1993; Tyler, 1990). Police agencies that embrace order maintenance, therefore, need to be aware of the possible ramifications of this strategy; specifically, they need to cast a keen eye toward the collateral consequences of waging a battle against social disorder. Police-community relations are already strained in many cities and neighborhoods, especially those that are socially and economically distressed (Renauer, 2007; see also Klinger, 1997; Sampson & Bartusch, 1998), and aggressive order maintenance could hit these shaky alliances particularly hard.

Study participants’ accounts underscore the need for police agencies to ensure that officers engaging in order maintenance and other aggressive policing activities carry out their duties fairly and equitably and that they adhere to strict standards of professionalism. The fact that many of the youths’ experiences analyzed in the present study involved stops, frisks, and other activities that fell short of formal arrest is no reason to take these young men’s accounts less seriously. Stops and frisks that do not result in arrest may seem harmless because the citizen is not subjected to formal sanctions. Formal sanctions, however, are but one potential consequence of stops and frisks—there also are a host of informal outcomes such as shame, embarrassment, anger, and feelings that one’s personal integrity has been violated.7 For these reasons, stop-and-frisk policies should not be taken lightly and police departments should be

---

7. It was precisely because of the fact that a stop-and-frisk amounts to much more than a "petty indignity" or "minor inconvenience" that the U.S. Supreme Court held in *Terry v. Ohio* that stop-and-frisks are governed by the strictures of the Fourth Amendment. The Court rejected the state’s argument that seizures and pat-downs that do not rise to the level of arrest and full-blown searches are outside the purview of the Fourth Amendment’s proscription on unreasonable searches and seizures and held, instead, that these actions are sufficiently intrusive to warrant a reasonableness requirement (*Terry v. Ohio*, 1968). Of worthwhile note, given the context of the present study, is that the petitioner in *Terry* and his companions who were also stopped and patted down during the same incident were all black teenagers (Skolnick, 2007). Unlike many of the respondents here, though, Terry and one of his companions were armed and the group was likely about to commit a robbery.
cognizant of the profound effects that even these relatively informal police procedures can have for police-citizen relations.

As described earlier, order maintenance policing entails a large amount of officer discretion and abuse of this decision-making power can discredit police in the eyes of community members. The establishment of boundaries for the exercise of discretion could help ensure that officers are allowed enough discretion to do their jobs but are not granted unbridled decision-making authority. Clear guidelines should be in place so that officers know when it is (and is not) appropriate to stop citizens and how intrusive frisks may (or may not) be under different circumstances. Academy and in-service trainings should educate officers on the laws of search and seizure and on the importance of upholding citizens’ rights for both the legal purpose of evidence suppression and for social reasons, such as the need to promote healthy relationships with the community. Police administrators and supervisors should promote a culture of respect within the department and make it clear that mistreatment of citizens will not be tolerated within the organization.

Public awareness campaigns and the solicitation of feedback from citizens could help police ensure that the crime-reduction strategy they have chosen has not compromised perceptions of fairness and justice. One vital component of a strategy such as order maintenance is notifying the community of the types of behaviors that police will be cracking down on so that citizens know in advance what actions are likely to draw the attention of police. A notification policy such as this could also serve as a check on police behavior, as a public statement declaring that police will be watching for certain activities obligates officers to limit their enforcement efforts to only those persons whose behavior clearly falls within the prohibited realm. As demonstrated in the current study, a constant source of frustration among the vast majority of respondents was that the police routinely stopped them for what they perceived to be no valid reason.

Efforts are also necessary to force into the open a dialogue about sensitive issues such as the long-standing tension between police and some of society’s traditionally marginalized groups. Officers may believe in good faith that what they are doing is a legitimate and effective effort at crime control and that their actions (e.g., stops, frisks, and/or field investigations) are justifiable even when premised more on gut-level suspicion than on observations of unlawful activity. It is important for officers to understand the damage that such factually groundless stop-and-frisks can do over time. A two-way exchange of information between police and the local community could elucidate to each group the other’s reasons for responding the way they do sometimes. Police departments have a tendency to shy away from candid discussions with the public concerning uncomfortable or potentially volatile topics such as citizens’ perceptions of racial discrimination. Many departments that have confronted these issues head-on have improved police-community relationships (Harris, 2007), an example that should help dispel the lingering fear that continues to hold other departments back.
In a similar vein, allowing community members to express their opinions about local problems and police performance can help assure citizens that the police department is attentive and genuinely concerned about working with the community. Feeling that one’s voice has been heard and taken seriously is, as discussed earlier, integral to procedural justice and police legitimacy (Paternoster et al., 1997; see also Thibaut & Walker, 1978). Respectfulness, moreover, is very important to citizens and something that many residents of poor, urban areas feel they do not typically receive (Stoutland, 2001). Police executives and supervisors can make it clear to patrol officers and others who deal with the public regularly that professionalism and respectful treatment toward all citizens is non-negotiable. Internal guidelines that require officers to be courteous and professional in all their dealings with the public can reduce citizen complaints against officers without hindering officers’ law enforcement capabilities (Davis, Mateu-Gelabert, & Miller, 2005; Greene, 1999). After all, fairness and effectiveness are complementary—not competing—principles of policing (Skogan & Frydl, 2004).

Future research should continue examining the ways that modern policing strategies, such as order maintenance and zero tolerance, might (whether willingly or unintentionally) threaten procedural justice. The findings from the present study offer strong preliminary evidence that should be explored by future tests employing multiple methods. The generalizability of the findings presented here could be examined by analyzing samples from different cities across the USA and by expanding the range of respondents to include adults, females, and other racial groups, such as Latinos.

Another group not represented in the present study but obviously deserving of attention is the police themselves. Interviews with the officers who are personally charged with carrying out order maintenance policing could offer vital insight. It would help the order maintenance discussion markedly to know what the police themselves think about stop-and-frisks and other broken windows-based strategies. Future researchers would add much to the body of knowledge by delving into police officers’ reasons for doing what they do and obtaining their opinions about the effectiveness, drawbacks, and overall wisdom of the order maintenance approach.

Within all of this is the need to find not only flaws but horizons. Researchers should attempt not only to uncover hidden problems within popular police strategies, but also to offer solutions to them. The ultimate goal for scholars and police executives alike should be determining how to best formulate effective crime reduction strategies that promote public safety while still emphasizing procedural justice and police legitimacy.

References


Jones-Brown, D. (2007). Forever the symbolic assailant: The more things change, the more they remain the same. *Criminology & Public Policy, 6*, 103-122.


