

Law Enforcement Management Institute

Psychological Screening As It Relates To Police Misconduct

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The

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I. Introduction: Nature and Significance of The Problem

Since the mid-1960s, candidates for law enforcement employment have been screened for psychological problems. So why hasn't the psychological screening process improved? If a police candidate is prone to violence and aggressiveness, why hasn't psychological assessments been devised to distinguish this type of behavior from the norm? 1

The use of psychological screening supports the belief held by most laymen that it can be utilized as a predictor of violent prone behavior in police candidates. Researchers have found, that neither psychological tests nor standard psychiatric interviews have demonstrated much in the way of reliable predictability for police work (Levy 1967). Part of the problem is that certain pathological qualities initially absent at the time of screening may develop later on in an officer's career (Levy 1973). 2 Police misconduct as it pertains to brutality complaints has been associated with other causes unrelated to psychological factors, such as, stress, racism, training and the individual's past behavior patterns.

Psychological screening at this time cannot predict future job performance or behavior in candidates, but when performed with other selection procedures such as background investigative information, it can be instrumental in weeding out unsuitable candidates with some degree of accuracy and reliability. Psychological screening as it is presently utilized, weeds out those candidates with gross mental abnormalities and personality character traits speculated by

psychologists that are not conducive to police work.

The purpose of this research paper is :

- A. To show psychological screening is not predictive of future behavior in police candidates.
- B. To indicate the possible causes of police misconduct as it relates to charges of police brutality.
- C. To provide recommendations for police agencies to possibly decrease incidents of police misconduct.

Limitations

This research will be limited to information collected from publications and documents, face-to-face interviews, and/or telephone interviews. Those interviewed may be assured of confidentiality, but some may not be candid in their responses.

Definition of Terms

Law Enforcement Officer: A person certified as a Peace Officer by the Texas Code of Criminal Procedure, Annotated, Article 2.12 (example: municipal police officer, sheriff, constable, Texas Department of Public Safety officer, etc. and/or their deputies), those persons with similar designations from other states, and those persons designated as law enforcement officers by the United States government (example: Special Agents of the Federal Bureau of Investigation, the Secret Service, Border Patrol etc.)

Police misconduct: departure from procedure, a norm or standard abnormal behavior. It is basically a response to external propositions, pressures and expectations.

Police personality: values, attitudes and beliefs that

police officers use to adjust to their occupation.

Psychological assessments: measure cognitive ability, aptitudes and personality as it relates to law enforcement.

Subculture: a social group exhibiting characteristic patterns of behavior sufficient to distinguish it from others within a culture or society.

TCLEOSE: The Texas Commission on Law Enforcement Officer Standards and Education which is a State of Texas agency that regulates and certifies law enforcement agencies and peace officers in the State of Texas.

II. Review of Related Literature

Psychological Screening

In 1973, The National Advisory Commission on Criminal Justice Standards and Goals recommended that the selection process of every police agency should include psychological tests that measure cognitive ability, aptitudes, and personality. 3 Most of the larger municipal police agencies have adopted this practice and utilize it today. The TCLEOSE Laws, Rules And Guidelines Manual states:

On September 1, 1979, legislated mandates went into effect in Texas which required that applicants seeking TCLEOSE certification (later changed to licensing), be psychologically examined to determine satisfactory psychological and emotional health.

Law enforcement agencies are required to submit documentation of a psychological examination indicating positive or negative results on each applicant. Neither the statutes nor their attendant rules address a requirement for re-examination of a candidate once a satisfactory psychological declaration is on file and

certification had been issued.

TCLEOSE has the legislated authority to adopt rules relating to the appropriate standards and measures to be used by law enforcement agencies in reporting documentation of compliance. Commission authority extends to the establishment of minimum standards relating to competence and reliability; however, original rules did not establish minimum standards as to methods and procedures utilized during psychological and emotional fitness examinations, each examiner made those determinations. As a consequence, a great deal of disparity existed regarding the issues of thoroughness and validity of examination results. 4

Lacking in many departments in the past, was a structured and systematic approach to assess psychological suitability prior to employment. A simple interview was often substituted for testing in a superficial attempt to uncover problems that a prospective employee might bring to the position of police officer. 5 Candidates were employed based on a personal interview by a police officer. The current selection procedures utilized in police agencies today were not performed.

The Fort Worth Police Department performs psychological screening on all candidates applying for the position of police officer. Candidates are evaluated for any behavioral changes after the first nine (9) weeks of academy training. The evaluation usually takes place after weapons qualification and is considered a reinforcement of the initial psychological assessments. Lieutenant David Ellis of

the Fort Worth Police Department's Training Center stated, "There has not been any findings of behavioral problems; but most candidates showed an increase in patrol success, social interaction and assertiveness. No candidate has been terminated from the Fort Worth Police Training Center because of behavioral problems." 6

Moreover, because psychological assessments are limited, categories measured do not actually indicate overly aggressive behavior, violent tendencies or the probability of police misconduct--all of which are concerns of police agencies employing prospective police officers. It is clear that as police work becomes more complex, a simple "yes/no" screening process can no longer be considered adequate. 7 Psychologists must be able to identify personality traits, motivating fears and individual reactions in certain situations of police candidates. 8

The question of any police officer's mental suitability is thought provoking and, at best, frightening. Officers are never reevaluated during their career after the initial psychological screening, if any, at the time of employment. Most police officers will not submit to psychological screening unless ordered to do so or if it is required of them. Usually the fear of termination and confidentiality of results plagues an officer's decision not to undergo psychological evaluation, reevaluation or counseling.

The Police Personality

The individual who has chosen the occupation of police officer is a unique individual. Most candidates seeking employment as a police officer cite their reason for wanting to be an officer as the desire to "protect and serve."

Although this attitude is promoted within most police departments, the concepts are not usually taught to police candidates. Some candidates find out after training that the job is about staying alive and being able to cope with job stressors the best way possible. Candidates are not taught how to "protect and serve" the community per se, but themselves.

Police training involves defensive tactics, such as hand to hand combat, use of the police koga baton and shooting techniques. Subsequently, because of the training, a transformation of beliefs and attitudes of the candidates takes place. Candidates are taught to protect themselves; and sometimes make the wrong decision in when to use force hence, police misconduct in the form of charges or incidents of police brutality. Professionalism, ethics, compassion, empathy, objectivity and cultural awareness issues are not stressed in training and appear not to be of major concern to some police administrators.

Candidates are taught pride and respect for the uniform and demand the same from the community. Police officers believe they should obtain respect and if necessary, will take corrective action to maintain and avoid

losing respect. The information learned while in training and personal experiences on the street affect some officers in a negative way which can lead to police misconduct.

Police authoritarianism does not come into the force along with the recruits, but rather is inoculated in them through strenuous socialization. The police occupational system is geared to manufacture a "take charge individual", and succeeds in doing so with understanding efficiency. It is the police system, not the personality of the candidate, that is a more powerful determinant of behavior and ideology. 9

The concept of "police personality," whether from selection or socialization includes several features in addition to authoritarianism--among them are cynicism, bigotry, conservatism, group loyalty, and secretiveness. 10 These features are associated with acts of police misconduct and the concealment of such acts. Group loyalty and secretiveness depict the "blue wall of silence" which limits the reporting of bad cops. It also enables the bad cops to remain employed and to continue their acts of misconduct.

Additionally, because of the lack of involvement from co-workers and supervisors, acts of police misconduct go unnoticed and unreported. Police misconduct is usually reported by citizens, not the police officers present at the scene who have witnessed the occurrence and have first hand knowledge of the incident.

Research does not exist to indicate these traits are a part of the candidates' personality before employment;

however, because of the type of assessments utilized by psychologists these traits are not measured. It does appear, however, that many aspects of police misconduct are learned during socialization with other bad cops and the condonment of such acts by supervisors and administrators.

The person who serves as the visible symbol of the disciplinary capacity of Government is the police officer. The badge and uniform tend to transform the individual from another human being into an authority. 11 Role theory may apply, in that, a candidate joins the police force and is changed quite significantly by the demand characteristics of the police officer's occupational role. 12

A police officer's social identity as a law enforcement officer, and therefore as an intruder, is a "master status." It overrides all other aspects of their public identity. What ever police officers may be, they are still cops who can arrest you if they see fit. The exclamation, "Better watch out, he's a cop," underscores the police officer's marginal identity. Presumably police officers withdraw into their own circle of friends and define the public in deviant terms just as they are so defined by them. 13

The most important concern involves the authority and responsibility that has been placed with these individuals and how it will affect those who depend on the police officer for direction and guidance. Most police officers conclude that they have been affected by their career in the police service and that they have changed at both the level of personality and at the level of social attitudes.

There is usually a rather profound emotional "hardening" of police officers after numerous encounters with the public. 14 Police officers are hardened by the deviousness of the criminal element and often times by "law-abiding" citizens. Victims of crimes are not very happy to see police because they feel it is always after the fact. Citizens become frustrated and sometimes will take out their frustrations on the officer using verbal and/or physical abuse. Police officers become accustomed to the deviousness, and bitterness of the criminal element. Consequently, some police officers become suspicious, cynical, distrustful, and skeptical of others. 15

The moral character of an individual recruit, as he or she begins a career as a police officer, can have a great deal to do with the course of that career. Family upbringing, community environment and instruction and societal values all play a role in shaping the character of any individual; and, in the final analysis, every community must recognize that the integrity of its police officers is a reflection of the moral climate in which they live. 16

Causes of Police Misconduct

"The police culture is a sick culture. We take healthy people and make them sick," says one police psychologist who prefers to remain anonymous. Brutality is perhaps the most infamous feature of the police officer's reputation. The police environment itself is looked upon by some psychologists as a contributor to violence. The institution itself--the policies and procedures it insists upon--sabotages the mental health of police officers. 17

A good police officer is a realist who learns by experience, respects authority and knows how to take orders. A police officer likes to give orders and demands respect from juveniles, criminals, and minorities. 18 If necessary, an officer will use force to see that he gets it.

The victim is sometimes blamed for inciting the officer to act. Some police officers rarely admit to wrongful acts even though they are lying to deny their actions. Their only alternative is to lie to avoid termination or severe discipline. If there are no witnesses or evidence to support the charges, some officers will not jeopardize their career or future by truthfully relating the facts of an incident where they are clearly at fault.

Experts on police psychology insist that applicants are attracted to police work by the opportunity to protect and serve. A certain number of rotten apples, predisposed to brutality, make it through psychological testing that is inadequate. 19

The rotten-apple doctrine has in many ways been an

obstacle to meaningful reform. 20 Police administrators seem to be adhering to the traditional "rotten apple" theory as an explanation of inappropriate police behavior. Thus, if an officer is brutal and dishonest, his or her behavior is generally attributed to some bad personality trait rather than to the situation or subculture in which the officer must function. 21

In Freudian terms, the law is supposed to perform the function of the superego, policing the wild and violent id. The problem occurs when the id takes over from the superego and puts on a blue uniform, when authority goes wild. 22

Law enforcement officers routinely work in a violent and dangerous world, where an instant decision may be the difference between life and death. At times fear, poor training and anger toward discipline trigger unjustified responses. 23

Analysts say police brutality has its roots in racism, poor training, slack departmental discipline and fraternal traditions that encourage officers to look the other way when their colleagues turn violent. 24

In addition, responsibilities, values, temptations, fears and expectations of modern police work at times place great strain on the individual officer. 25

A retired police officer who did not wish to be identified related eighty-five percent of police officers are afraid on the street. Police work is a contact sport. You're being challenged constantly. Officers that brutalize people in the station houses are the officers who are the

most petrified on the street. 26

Police officers are conditioned by experience to expect the worst in encounters with the public. 27 A career of confronting the vicious, conscience-less criminal-enemy frays the nerves. The public, they think, prefers its innocence and does not really want to know the violent lengths to which cops sometimes go when enforcing the law. 28

Police brutality is not always concentrated on minority groups. Lower class whites are also victims of brutality. The same reasons for brutality against them apply as in minority neighborhoods. Brutality among whites is unreported because it does not gain the attention of the media. Because most police departments are predominantly white, the cases of police brutality against minorities are widely publicized and sensationalized by the media. It should be noted that there are documented cases of brutality among officers and citizens of the same race. Police brutality should not be looked upon as a racial issue, although the occurrences of brutality within minority communities cannot be overlooked.

George Kelling, a professor of criminal justice at Northeastern University, suggests the terms "war on crime" and "war on drugs" encourage and even demand an all-out attack by police upon criminals--no holding back, no quarter given. Fed up with violent street crime, politicians are often content to send in the police force and demand that it do whatever is necessary while they look the other way. 29

The police are fighting an unwinnable war, assuming large social responsibilities that belong more to

politicians than to police officers. 30

Consider two (2) police traits that stem from the unique role of the police officer and relate these to the likelihood of violence. The first is sensitivity to status. Discussions have indicated a relationship between police authority and power, on one hand, and the need to maintain respect on the other hand by violent means if necessary. The responses of police officers to a question regarding the appropriateness of force have in common the feeling that the use of force is called for when the police officer is treated in a derogatory fashion; when he is pushed around, spat upon, made a fool of, or called a filthy name. 31

According to Banton and Tauber, American police officers cannot rely on the authority vested in their uniform to gain compliance. Instead, they feel compelled to assert their personal authority. The citizen may take offense at the police officer's intimidating manner, and the stage is set for a violent confrontation in which each party is struggling to maintain his self-respect in the face of a perceived threat by the other. Additionally, the lower the status of the citizen, the greater the threat he poses to the officer's uncertain self-esteem. In this context police brutality is indeed understandable. 32

In training and socialization police officers are taught to make people do what they are told to do. If the individual refuses, he suffers the consequences. The officer cannot lose the respect of his colleagues because of an unwilling subject failing to comply. Force is necessary to

effect the request given to the individual by the officer. Once force is utilized, compliance quickly follows.

Officers learn to expect others to acknowledge their status and power, for most citizens extend them compliance and respect. When citizen interaction falls below their standard, they utilize corrective sanctions. 33 Such "attitude adjustments" can be verbal or physical abuse, jail and/or the issuance of multiple citations.

Because their status is insecure, because they are not even sure if they respect themselves, some police officers feel compelled to demand respect from the public. Disrespect for the police was the greatest single reason officers gave for "roughing up" an individual. A disproportionate part of unprofessional or negative police conduct is oriented toward citizens who extend no respect to them. 34

It was found that the presence of an audience seems to be the ultimate incentive to the use of force in one sense. The police officer who is insulted in front of an audience feels that his prestige is dropping.

An officer feels he must prove himself before an audience to indicate that respect for the police officer must be maintained. Disrespectful behavior will not be tolerated. The disrespectful individual is made an example to others to indicate the officer's authority and to show disrespectfulness will be dealt with accordingly.

The second of the two traits, suspiciousness, stems from danger and fear in encounters with citizens. 35

In affluent areas of town there is an inbred fear of the crowd. And if it's colored (minorities), the logic continues, it is poor. And finally, if poor, it must be dangerous. 36 Some officers working in the lower socio-economic areas describe their feelings as a mixture of excitement and fear.

Police officers are most anxious in minority-group neighborhoods, and it is there that most police brutality is said to occur. In white middle-class neighborhoods the police are less worried about their well being and can be more relaxed in their encounters with citizens. Force, then, is not just an expression of personal prejudice or a fondness for violence; It may simply be a way of forestalling injury to oneself. 37

The openness of a community's economic and racial groups is an important determinant of misconduct. In certain communities there exist relatively fixed or castelike boundaries between groups. These boundaries both represent and occasion the mutual suspicion and hostility often characteristic of intergroup contacts. In such a circumstance a police department and its patrol officers are burdened with the task of preserving the existing social order. The fundamental mission of the department is seen as representing the interests of the advantaged segments of the community over and against the interests of the less advantaged. In such a community, structural opportunities for abuse of discretion and unnecessary police force exists because it is tolerated or encouraged by the dominant group

as a means of preserving the existing social order. 38

Citizens in these areas are frequently taken advantaged of by police officers because of their ignorance of the law and their basic civil rights regarding illegal searches and detainment. Sometimes, citizens react aggressively to police officers, not out of hostility, but frustration. Where there is a mixture of citizens in a neighborhood, the minority members are usually singled out and confronted by the police officer. Most police officers are narrow minded and cynical. They possess stereotypical views of minorities and their involvement in the soaring crime rate.

Most of the fear felt by police officers is usually preconceived as a result of the officer's personal beliefs, suspiciousness, experiences on the street, and the number of minorities involved in criminal activities as indicated by incarceration statistics. Coupled with these observations police officers are on guard and apprehensive in these neighborhoods.

Officers sometimes exert more force than necessary or overreact when confronting citizens residing in these neighborhoods. Police officers have been known to assault or use deadly force on a citizen before the individual has actually posed a threat to the officer. Some incidents of excessive force occurs because of the area's purported criminal activity, the officer's fear of the area, the perceived threat of danger and the propensity for violence from bystanders or the individual being confronted by the officer.

Departments routinely fail to eliminate "problem" police officers before they do serious harm. The typical victim of police brutality is someone who is considered undesirable by society, says John Jay College professor Robert Panzarella. 39

Even in the best of times, police work is dangerous and stressful, and an officer can face several life-or-death decisions during a single eight-hour watch. Many officers have become more aggressive, if only in self-defense. 40

There are many explanations for police violence, but the most genuine comes from the police themselves. They will tell you that they have to be tough, especially in the ghettos, or they will lose control of difficult situations. The greater their anxiety, the less likely they are to take chances and the quicker they are to try to forestall injury to themselves. 41

Some police officers possess a combination of power and lack of conscience that is extremely dangerous. An officer wears a badge that holds an authority that can wreak havoc if the individual wearing the badge, uniform and gun does not have a clear sense of right and wrong. The badge becomes a shield for the illegal instead of a symbol of protection. 42

An additional characteristic of police misconduct is the fact that it is a learned behavior which can develop in a group setting. 43 Among cops, peer pressure can be stronger than the duty to intervene. 44

An individual's judgement, ordinarily sound and

self-aware, may defer to the collective judgement in a group where individual responsibility gets diffused, scattered among the many.

Group members allow themselves to be carried passively by the group purpose. They also mean to exert social control by exemplary doses of terror on the conceit that violence is the only language the victim understands. 45

If police misconduct is frequent it also tends to be patterned. It is patterned in that:

1. The misconduct is supported by the internal operating norms of the department.

2. New patrol officers are socialized and evaluated in terms of these operating norms, and

3. The dominant administrative coalition of the department is aware of these operating norms and either tolerates or encourages patrol action by reference to them.

Patterned police misconduct is a form of organizational deviance. Individual officers become deviant because of the internal operating norms of their department and because administrators tolerate or encourage deviant policing. Organizational processes rather than individual pathologies lie at the heart of patterned police misconduct. 46

The leader sets the tone of arrogance and disrespect that is read as an invitation to violence by the troops below. 47 How far illegal police activity goes is controlled by the policies, spoken and unspoken, of by the police chief. Official policy, of course, condemns excessive force. But a chief eager for good arrest

statistics and spurred on by a mayor committed to political survival may allow officers considerable leeway if they make enough arrests. 48

Unless police misconduct becomes a public issue little attention is given to police deviance or to problems of prevention or control. 49

Furthermore, the "Blue Wall" which is a conspiracy of silence among police officers surrounds a police department and is very powerful. The Blue Wall of silence as it is called protects those officers involved in acts of misconduct. No officer wants to be known as someone who reported the actions of his/her fellow officer. There is a much stronger wall, the "Brass Wall." The Brass Wall protects the inner enclave, guarding the reputations and careers of officers; it encourages police misconduct. 50 Officers who report incidents of misconduct are relegated to the worst assignments or forced to resign because of retaliatory pressure from supervisors and/or administrators. The guilty parties are protected and given "cush" jobs which appear on the surface to be a reinforcement or reward for their actions. It would take a strong administrator to break down both walls and expose the actions of the officers and the "Brass" that protects them.

In their article on psychological assessment, Mills and Stratton (1982) make the important observation that this over-reliance on the "personality" explanation of behavior is not warranted; rather, that situational variables are very important and are often the determining factor in how

an officer will behave.

Thus, a more appropriate alternative to the "rotten apple" theory might be the "when in Rome, do as the Romans" theory. 51

Summary

What should be done? With respect to unacceptable job behaviors, it seems clear that psychological screening of police officers as it is generally carried out is open to serious question. There is little convincing evidence that these techniques have any appreciable predictive value.

Suggested approaches involve taking advantage of what is known about behavioral consistency and the fact that the best predictor of future behavior is past behavior in similar situations. An interim approach would be to utilize the background investigation by developing a thorough and highly structured system targeted on uncovering a history of tendencies to exhibit unacceptable behaviors.

Recognizing that any method of screening for morally negative behavior is imperfect at best, and that such behaviors are to a certain extent situationally determined, it is critical that management hold supervisors more accountable for the performance and actions of their subordinates. In many instances this will involve increasing the amount of direct contact between supervisors and subordinates, and providing supervisors with the resources for constructive action, for example, counseling, training, reassignment, discipline, and so on.

Close supervision, command accountability, operational procedures and job performance criteria which honor the realities of an officer's assignment rather than the ideals of managerial efficiency, all have a role to play in minimizing the opportunities and benefits of

police misconduct. 52

Supervisors and administrators should become more aware of signs indicating negative behavior in police officers. Supervisors, instead of attempting to protect these officers should be more sensitive to those who are victims of these officers actions. Supervisors should be more visible and available to officers to lessen the occurrences of misconduct. Officers should be advised by supervisors and administrators that acts of misconduct will not be tolerated. Some officers at times use a small degree of force to effect an arrest for example, but sometimes cannot distinguish when to discontinue the force. It merely escalates until the victim is injured or the use of force becomes fatal to the victim. Officers actions should not be protected nor ignored by supervisors, officers should be confronted on every questionable usage of force.

The training needs of officers could be changed to reflect more emphasis on controlling anger and effectively handling stressful situations without losing control or using unwarranted force. The cop "attitude" which includes egotism, machoism and the us against them belief should be downplayed. Although this attitude appears to be learned once an officer begins working the street. Scenarios should be practiced where the officer's behavior and communication skills are tested instead of the shoot don't shoot scenarios currently shown in some police academies. An officer can display certain behaviors or actions that can be dealt with by the trainers when they occur in the controlled environment. The officer being trained will also have the opportunity to

explain their actions and behaviors that caused them to reaction in a certain way. With assistance from the trainers the officer's behavior in certain situations if negative, can be corrected and alternative methods suggested.

The "shoot, don't shoot" scenarios are a valuable training tool in a sense, but sometimes due to this type of training some officers are apprehensive when confronting individuals and may wrongfully react in certain situations. Because of the fear of injury or possibly being shot by an individual as depicted in the training scenarios, officers will sometimes become too anxious and will seriously or fatally injure an individual in an effort to prevent harm to himself/herself. Of course, since most officers have a brief time frame to assess most situations, some of their actions are merely a question of instinctive behavior and not police misconduct.

An applicant's background investigative information sometimes is ignored because of the time frame in which the incidents occurred. Applicants are quick to assure recruiters they have matured and are not subject to the same past behavior. In reviewing some applicants' background information within a police department (which will remain unnamed) it was observed those committing aggressive acts in the past, no matter the time frame, have had several complaints of police brutality and the use of unnecessary force. These officers have been retained by the department and their punishment was usually time off without pay. These officers are retained apparently with the hope that as they become older they will

mature and their actions will become less frequent or discontinue altogether. The police recruiter instead of overlooking certain past behaviors in police candidates should be more concerned whether these behaviors will possibly surface or continue throughout the individual's law enforcement career. It appears judging by questionable past behaviors in police candidates, that it is an indication that they will possibly have some behavioral problems on the job if past behaviors in their background go unnoticed and are not dealt with accordingly.

The community should become more involved in holding the police department and it's officers accountable for their actions towards the citizenry in which they have sworn to serve and protect. The community's expectations of their police department should not be ignored by administrators as it so often is. For the most part, the community is understanding of the police officer's role within society and respects that role until it is abused. I am not advocating a civilian review board because it would hinder the police chief in disciplinary decisions and the management of the police department as a whole.

The police department should become more involved and accountable to the community regarding the type of officers being employed and the training being provided subsequent to the officer working the street.

Currently, the Fort Worth Police Department has plans to prepare a pamphlet for distribution to the community outlining procedures to perform if they are involved in or witness what

they deem is improper conduct by police officers. This information furnished to the community will hopefully ensure police officers are more conscientious of their actions and are more perceptive in their choices involving the need for the use of force in citizen encounters. In providing this pamphlet to the community, police administrators are making the statement that acts of police misconduct by officers will not be tolerated. The officer will now be held accountable for his/her actions and will be under close scrutiny by the community in all encounters with the public.

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