

POLICE IN THE 'HOOD

Drug Laws, Police Discretion, and Arresting African-Americans

A thesis presented by

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to

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ABSTRACT:

Drug laws have created a new policing paradigm in America's ghettos. This research examines the first stage of minority imprisonment: police arresting a drug suspect in an urban African-American ghetto. While suspects' race is recognized as significant inasmuch as it correlates with violence, drugs, and varieties of police behavior, the data demonstrate that the primary determinants for arrest decision are variations within police culture. Drug laws have racially biased outcomes even when enforced by unbiased and race-blind police.

The variables linking drug prohibition and an arrest-based police culture are: public drug dealing, drug-related violence, the criminalization and dehumanization of drug addicts, a limitless supply of arrestable criminal offenders, and a 911 system of rapid response unable to prevent crime. In high-drug areas, officer-based variables such as work style, desire for court overtime pay, and morale affect arrest-decision far more than any suspect-based variables. Qualitative and quantitative data were gathered while the author served as a uniformed Baltimore City police officer.

The war on drugs represents the institutionalized continuity of the morally based Progressive and Temperance movements of the past centuries. Cultural, economic, and political systems have become dependent on the war on drugs while millions of Americans suffer in prison, victims of futile drug war.

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I dedicate this dissertation to my academy classmate Crystal Sheffield and the Baltimore City police officers who died in the line-of-duty during my brief tenure: Officer Jamie Allen Roussey, died March 8, 2000; Officer Kevon Malik Gavin, died April 21, 2000; Officer Kevin Joseph McCarthy, died October 14, 2000; Sergeant John David Platt, died October 14, 2000; Agent Michael J. Cowdery, died March 13, 2001; Officer Crystal Deneen Sheffield, died August 22, 2002. 10-7. May they rest in peace.

CHAPTER 1: DRUGS AND POLICE POWER

What is it with the drugs? When there's shootin' or fightin', you don't seem to care! But when there's drugs, you come right away.

—A man speaking to a police officer at a 7-11 convenience store

Handcuffs represent the true power of police. The uniform and gun are, to use police parlance, backup. The authority of police officers rests in their power to legally detain otherwise free citizens. Police are granted great latitude and, at their discretion, may arrest for any offense regardless of severity. Far less visible but equally important is police discretion *not* to arrest. From the jaywalker to a paid informant's drug relapse, police are often asked and sometimes expected to "look the other way." Yet unequal or arbitrary enforcement of the law is hardly a firm foundation for a free and democratic society. While in theory police are duty-bound to enforce the law fully and equally, enforcement of all laws is both impractical and undesirable. Society depends on police discretion to balance full enforcement of the law with situational work realities. Drugs and increased youth gun violence threaten this balance and with it the very concept of professional police discretion. Drug prohibition, drug addiction, and the violent drug trade form an effective prism that controls police discretion and arrest decision in America's urban ghettos.¹

¹ There is no strict definition for an urban American "ghetto." Ghettos can be diverse and encompass a wide variety of cultures and classes (Wilson 1996, Duneier 1992, Anderson 1999). I use term "ghetto" because it is the vernacular of police officers and many (though by no means all) of the residents in the area. While some will always object to the term,

Using participant-observation methods supplemented with survey data, this research examines police discretion and behavior in the Eastern District of Baltimore, Maryland. The Eastern District has a population of 45,000, almost entirely African-American, and a homicide rate approximately 20 times the national average. With more than 27,000 arrests a year, the majority of the working-age male population is under the control of the justice system (Miller 1992). Baltimore's Eastern District exemplifies why the black arrest rate far exceeds the black percentage in the U.S. population and why the U.S. homicide rate, despite recent reductions, remains many times higher than in any other developed country.

To understand the disproportionate imprisonment of poor African-Americans, one must look within the black communities so affected by drugs and police arrests. The mass arrests of poor blacks occur in blighted neighborhoods lacking a white equivalent. Gunshots remain a daily reality in many ghettos. In areas exclusively minority, police behavior toward non-minorities has little practical relevance. Inter-racial comparisons may in fact distract from a greater issue: drug laws have racially biased outcomes even when enforced by unbiased and race-blind police.

Drug-related violence began in earnest with local and national alcohol prohibition in the early twentieth century. The homicide rate declined after the repeal

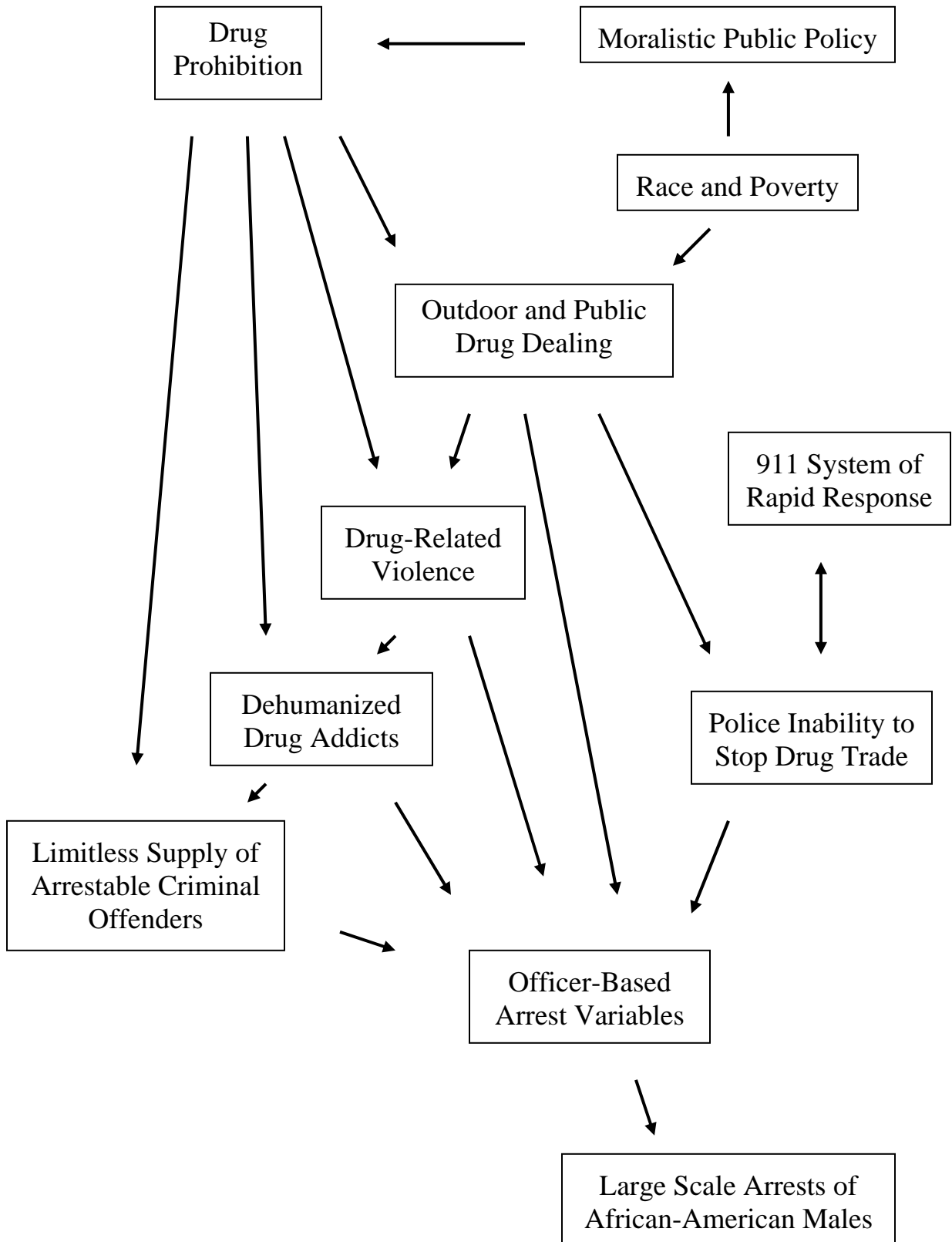
anyone who accepts the concept of African-American urban ghetto would agree that Baltimore's Eastern District qualifies.

of Prohibition and did not rise until an influx of heroin hit U.S. cities in the 1960s. The rate increased again when crack cocaine became popular in the 1980s. Gun-related violence changed the nature of the drug trade and police response toward drugs and the community.

Faced with the Sisyphean task of prohibiting drugs, police have deflected blame with a quantifiable measure they can control: arrests. In the 1920s, prohibition agents claimed success on the basis of more than 50,000 alcohol-related arrests per year. In New York City, the first police drug squad claimed success with 600 arrests. The early-twentieth-century police chief and sociologist August Vollmer understood the harms of both drugs and drug laws. Vollmer made clear that citizen “repression”—enforcement of vice laws—should not be a police function: “Drug addiction, like prostitution, and like liquor, is not a police problem; it never has been, and never can be solved by policemen” (Vollmer 1936:118).

High-arrest neighborhoods share four related conditions: outdoor illegal drug dealing, drug related violence, dehumanized drug addicts, and a limitless supply of arrestable criminal offenders. Outdoor illegal drug dealing leads to drug-related violence. Drug-related violence, in turn, justifies the dehumanization of the most visible manifestation of the drug problem: the destitute drug addict. Destitute drug addicts serve as fodder for an arrest-based police culture (see Figure 1, Drug Laws and the Arrest of African-Americans).

Figure 1: Drug Laws and the Arrest of African-Americans



While these conditions need not exist only in African-American neighborhoods, the majority of high-arrest neighborhoods are primarily minority. As a result, arrests are correlated with race even though race itself is not a direct factor influencing police discretion and arrest decision. Today, more than two million Americans, including 3.4 percent of the total African-American population, are incarcerated (U.S. Department of Justice, Bureau of Justice Statistics 2003). Given current urban conditions and our nation's drug laws, even unbiased and race-blind police will disproportionately impact minorities.

Police-specific variables, often unrelated to issues of crime or drugs, are the best determiner of police discretion vis-à-vis arrest decision. To paraphrase a slogan of a well-known gun lobby: drug laws don't arrest people, police arrest people. While changing drug laws would be the most effective way to reduce the incarceration of nonviolent drug offenders, changing police culture and attitudes towards drugs could prove equally effective. The focus of this dissertation is the confluence of factors that allows police to arrest drug offenders and is responsible, in part, for two million incarcerated Americans.

Research methodology is discussed in Chapter Two. The research sites are described along with the three stages of research: the police academy, field-training, and police patrol. I present the questionnaire and discuss qualitative research issues regarding police access, participant-observation methods, and acceptance into the police world.

Chapter Three is a review of police literature. It begins with a brief history of crime theory and policing in the nineteenth and twentieth centuries, followed by a discussion of more contemporary issues including the relationship between police and crime, community policing and Broken Windows, and police discretion as it relates to police and African-Americans.

Chapter Four examines the drug trade in the ghetto. First I describe a “typical” drug-dealing corner. Then I emphasize the high level of violence surrounding the illegal drug trade in the ghetto. Finally, I show the standard police response toward public drug dealing. This police response is seen as ineffective.

The failure of 911 rapid response is the focus of Chapter Five. Police patrol is largely controlled by citizens’ calls to 911 for rapid police service. Using quantitative data of 911 calls for service, I show how an active drug trade creates high call volume. The 911 system represents and perpetuates the failure of reactive police. The high percentage of 911 calls that do not need police service contributes to a focus on rapid response, which is particularly ineffective at preventing crime and public drug dealing.

Chapter Six describes police socialization. After police learn the formal rules in the police academy, informal rules become dominant on the street. Drugs are blamed for the poor social conditions of the community and the hostility of the public toward the police. Police likewise develop a hostile attitude toward the

community. The drug addict in particular is dehumanized and becomes fodder for an arrest-based police culture.

Chapter Seven examines the drug trade and police officer discretion. One police squad can contain a wide range of working styles and arrest numbers. Even in an environment in which drug-related crime can be found on nearly every block, police morale, a desire for court overtime, and years of experience all affect arrest decision more than any suspect or crime-based variable. The bulk of all arrests are discretionary, and police-specific variables are the key to understanding arrest decision. Case studies are provided for high-arrest and low-arrest police officers.

Chapters Eight and Nine place the U.S. drug war in the context of the prohibition movement. Today's drug laws are seen as a continuation of the temperance movement of the nineteenth century. Alcohol prohibition is the focus of Chapter Eight. I place prohibition in the moral context of a battle against evil. The link between prohibition and crime was clearly demonstrated in the 1920s and in the years following the repeal of alcohol prohibition. Drug prohibition, examined in Chapter Nine, is a direct continuation of the movement that had banned alcohol. After relating a brief history of drugs in America, I describe the drugs-violence nexus: the vast majority of drug violence stems not from the actual ingestion of banned substances but rather from the trade in illegal drugs. The moral framework of the war on drugs, however, prevents rational discussion of our drug policy while providing the justification for arresting drug offenders.

I conclude in Chapter Ten. While not optimistic about the likelihood of much-needed reform of our drug laws, I offer the possibility of lessening the harms of the current laws. Drugs have been illegal for close to a century; the explosion in prison population, however, has occurred only in the past three decades. By focusing on police culture, the number of nonviolent drug offenders arrested and imprisoned could be drastically reduced.

The war on drugs and an arrest-based police culture disproportionately affect African-Americans. On a policy level, any effort at effective and humane drug policy will fail without understanding police discretion and behavior in high-crime areas. On a theoretical level, drug laws that fail to account for police behavior will increase public hostility and embitter police. Despite concern over racial profiling and the occasionally highly publicized police-involved shooting, police operations in America's ghettos receive little sociological scrutiny. Until police behavior in the ghetto is better understood, America's urban core will be typified by crime, blight, and mass imprisonment. Much can be done.

Much is at stake.

CHAPTER 2: METHODOLOGY

Just what I needed, is a college boy. . . . What's your degree? . . .
Sociology? You'll go far. That's if you live. . . .
Just don't let your college degree get you killed.

—Clint Eastwood as Harry Callahan in *Dirty Harry*, 1971

Much police activity has no official record at all, making the nuances of police work difficult if not impossible to quantify. Official statistics are notoriously susceptible to manipulation (Young 1991, Manning 2001). Punch (1979) argued that participant-observation research may be the best and perhaps only means of gathering valid data on job-related police behavior. This research utilizes extensive participant-observation.

In this case, participant-observation follows a symbolic interactionist methodological stance. A thorough qualitative analysis emphasizes, in Blumer's (1969) words, "the world of objects, the sets of meanings, and the schemes of interpretation." Multi-sited research examines both the front-stage and the backstage activities of police.

Research Site

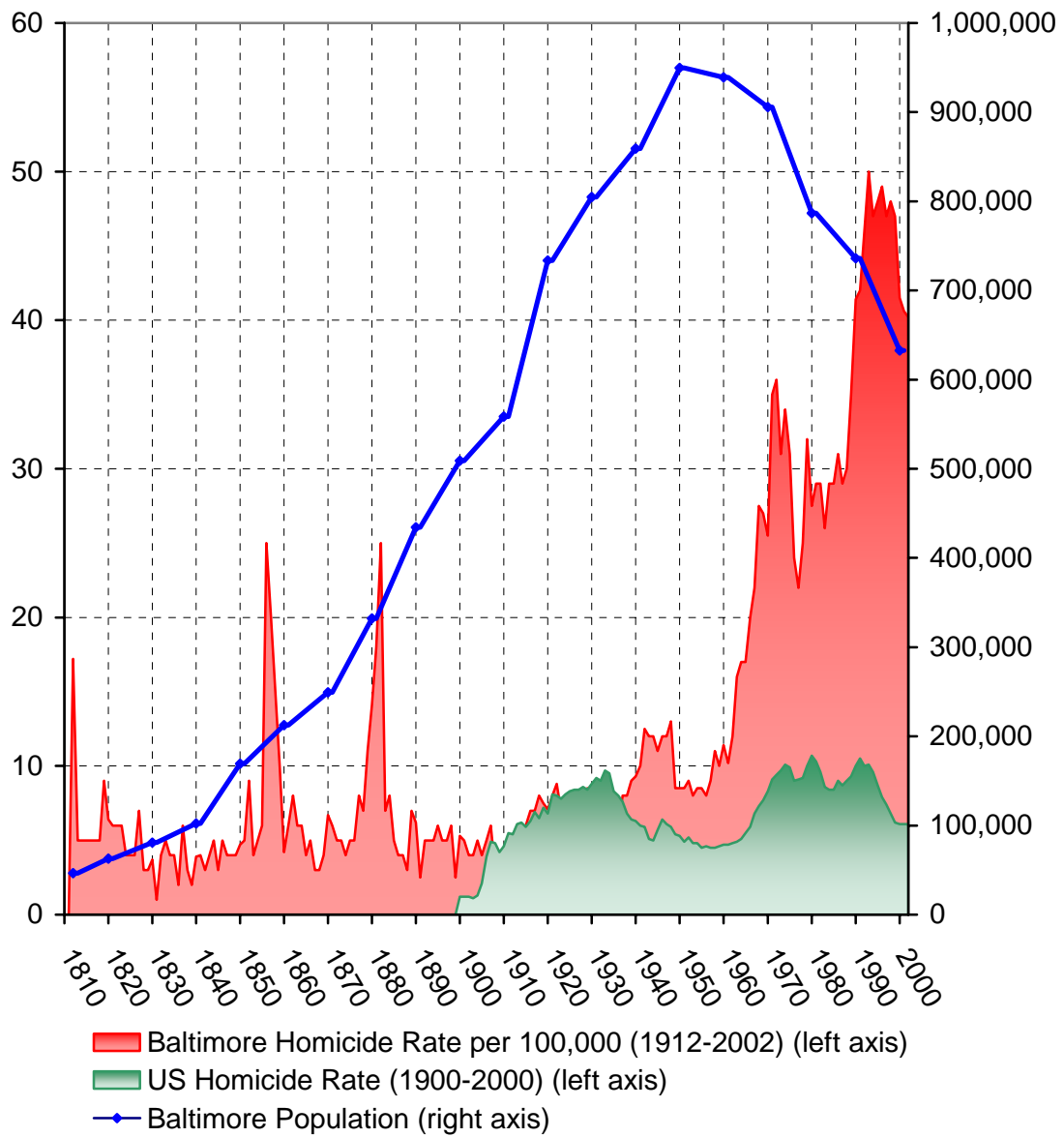
The original town of Baltimore was founded in 1729 and named to honor Maryland's founding family, the Lords Baltimore. Located between Washington, D.C., and Philadelphia, Baltimore sits on the Patapsco River, an estuary of the

Chesapeake Bay. By 1860, Baltimore was America's third-largest city. The city prospered on shipping, railroads, and steel. In the decades after World War II, however, much of the city's industry, population, and tax base left (See Figure 2, Baltimore Homicide Rate and Population, 1812–2002). Today, Baltimore is America's nineteenth-largest city, with a declining population of 635,000 (U.S. Census Bureau 2001). Sixty-five percent of Baltimore's residents are African-American. Thirty-two percent are white. Twenty-three percent live in poverty (U.S. Census Bureau 2001).

Crime, more than double the national average, is heavily concentrated in poor, African-American neighborhoods. An estimated 60,000 to 70,000 people—one in eight adults—are in need of treatment for alcohol or other drug abuse.² Crack cocaine use is very high and the Drug Enforcement Agency has labeled Baltimore the “most heroin-plagued area” in the nation (U.S. DEA 2000). Heroin in Baltimore is 40 percent cheaper and 13 percent purer than the national average (U.S. DEA 2000). Prostitution for drugs contributes to the spread of syphilis, which, though

² Maryland Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration (ADAA). Based on treatment admissions data for fiscal year 1998.

Figure 2: Baltimore Homicide Rate and Population, 1812 - 2002



Source: *Baltimore Sun*, "Fewer than 300 Homicides at Last," January 1, 2001 (Baltimore Police Department, US Census, State Medical Examiner's Office)

down 63 percent since its 1997 peak, remains 15 times the national average.³ Drug overdoses, the vast majority heroin-related, kill more than 300 people a year (Li and Smialek 1996).

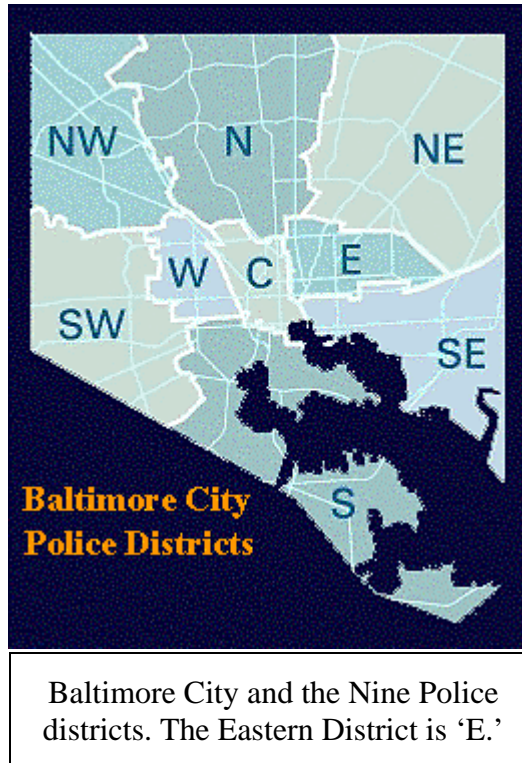
The Eastern District is one of nine police districts in Baltimore and covers a relatively small 4.5-square-mile area on the city's east side (see Figure 3, Baltimore City Police Districts). The boundaries of the Eastern District are roughly East 25th Street and Sinclair Lane on the north, Orleans Street and Pulaski Highway on the south, Fallsway on the west, and Erdman Avenue on the east. Johns Hopkins Research Hospital, Dunbar High School (home of the "Poets"), the Old-Town Mall, the North-East Market, the Great Blacks in Wax Museum, and the Monument Street shopping district are located in the Eastern District.

Once a working-class area with a variety of white ethnic groups, the Eastern District has lost most of its population—27 percent just between 1990 and 2000—through white and middle-class black flight. The 2000 Census counted 45,081 residents.⁴ The area suffers from crime, drugs, abandoned buildings, and poverty.

³ Centers for Disease Control and Prevention. *Sexually Transmitted Disease Surveillance, 1999*. September 2000. Baltimore's rate of new syphilis cases in 1999 (38.1 per 100,000 residents) was 15.2 times higher than the national rate (2.5 per 100,000 residents). At its peak in 1997, Baltimore's rate of new syphilis cases (101.8 per 100,000 residents) was 31.8 times higher than the national rate (3.2 per 100,000 residents).

⁴ The officially recognized citywide census undercount was 1.8 percent. Undoubtedly the undercount was greater in the Eastern District. Eastern District census data were compiled by the author from the website <http://factfinder.census.gov>. The Eastern District includes all or parts of census tracts: 501, 603, 604, 605, 701, 702, 703, 704, 802, 803.01, 803.02, 804, 805, 806, 807, 808, 908, 909, 1001, 1002, 1004, 1203, 1204, 1205, and 2604.04.

Figure 3: Baltimore City Police Districts



Source: Baltimore City Police Department Web Site <<http://www.baltimorepd.org/pddistricts.htm>>

About one-third of Baltimore's 270 annual homicides and 78,000 arrests happen in the Eastern District. Excluding one small outlying neighborhood, the Eastern District is 97 percent African-American. Overall, 37 percent of the residents of the district live in poverty and 20 percent live at less than half the poverty level. The eastern edge of the Eastern District contains homeowners and many middle- and working-class blacks. The rest of the Eastern District is considered ghetto, with close to half of the population living in poverty.

There are approximately 3,200 sworn Baltimore City police officers. In March, 2001, the Eastern District had 261 officers under the command of one major. Approximately half of the officers in the district are assigned to a variety of special functions (42 in special operations, 29 detectives, nine temporarily assigned to other districts, eight suspended, five assigned to light duty, and three in internal affairs).

Half of the Eastern District's officers are assigned to uniformed patrol. Responding to 911 calls forms the bulk of patrol work. The Eastern District handles an average of 320 '911' calls-for-service each day. Patrol is divided into three 8.5-hour shifts. Morning and evening shifts alternate every 28 days. The midnight shift is "permanent" and does not change working hours. There are approximately 40 patrol officers in each shift under the command of one lieutenant. Within each shift, three sergeants serve under the lieutenant. Each sergeant is in charge of one squad of 12 to 14 officers, five to eight of whom are working on any given day.

The Eastern District is divided geographically into three police sectors, named simply one, two, and three. For each shift, one squad under one sergeant is permanently assigned to one of the district's three sectors. Each sector is further divided geographically into four to six "posts" (i.e., beats). Though posts vary greatly throughout the city, all 14 posts in the Eastern District are small geographic areas (35 to 100 small city blocks) containing 3,000 to 6,000 residents.

The squad is the working unit for a patrol officer. If a squad has enough working officers and police cars, one or two officers in one car, collectively known as a unit, will be assigned to work one post. Some officers always work the same post. Any officer working a post is known as a "post officer." Unlike many cities and all police TV shows and movies, Baltimore police usually patrol without a partner.

The officers in a squad are expected to collectively handle all the calls within its sector. Ideally, a post officer handles all calls on his or her post. But it is routine for an officer to be assigned to any call in his or her sector. While officers typically do not work outside their squad or police outside their sector, the three squads of the Eastern District go to the same roll call and are on the same radio frequency. Being on the same frequency, officers will assist those in other squads if appropriate. Except for a "Signal-13," a call to help an officer in trouble, it is extremely rare to police outside one's district.

Three Stages of Research

This research occurred in three continuous stages. For the first six months, I was a trainee in the Baltimore City Police Academy. The police academy occupies two floors of a somewhat rundown municipal building in downtown Baltimore. The academy met Monday to Friday, during the morning shift hours of 7:39 a.m. to 4:12 p.m. Some training took place at an outdoor shooting range in Baltimore County. One week of training occurred at a state driving range located in Syksville, twenty miles west of Baltimore. A few other sites were utilized for specialized activities.

The second stage of research was two months of “field training.” Field training consists of uniformed patrol with a more experienced partner or “field training officer” or F.T.O. The training officer is motivated, more often than not, unfortunately, by an extra \$12 pay per shift. Field training can alternate between day and evening shifts. During field training, an officer is introduced to the street and learns the nuts and bolts of police patrol work (Van Maanen 1973). An experienced dispatcher later said, “In field training in the Eastern you handle every type of call except a rape. You handle more kinds of calls by the end of field training than other cops handle their careers.”

The third stage and primary research site was twelve months in uniformed patrol. With a few exceptions, these data were gathered on the permanent midnight shift (11:39 p.m. to 8:12 a.m.) in Sector Two of Baltimore’s Eastern District. Limited data, mostly on the manner and style of public drug dealers, was gathered as an off-

duty civilian. As I drove a 1979 Trans-Am Firebird, drug dealers in Baltimore seemed quick to approach me as a potential valuable customer.

The midnight shift has both similarities and differences with the two day shifts. In general in the Eastern District (as in most areas), police work is slowest from 3 a.m. to 7 a.m., and busiest from 12 noon to 3 a.m. Though generally the least desirable shift, some police officers have various personal reasons to desire working midnight to 8 a.m. These reasons include avoiding shift change, less traffic both on the commute and on the job, family or secondary work responsibilities during the day, and less management present at work. Midnight officers tend to savor the slower pace and frequent down time in the shift's later hours, particularly after the often unrelenting pace of the shift's first few hours. On average, officers on patrol in the Eastern District are responsible for 7.3 primary calls for service per shift and serve as backup (often unrecorded) for a far greater number of calls. Officers also engage in numerous informal contacts with citizens, primarily clearing street corners and stoops of groups who are of suspected dealing drugs.

My field research lasted a total of 20 months. In addition to any personal insight gained from uniformed police patrol, I believe that my dual status as researcher and police officer helped overcome some of the traditional hostility between academia and law enforcement.

Questionnaire Data

Supplementing qualitative data are the findings of a 65-item survey (see Appendix 1). A survey was administered to a class of 50 police recruits (37 men, 13 women—the most women ever in a single academy class) at the beginning and end of the police academy program, and a third time after a year on the street ($n = 45, 50,$ and 34, respectively for $t = 1, 2,$ and 3). The overall response rate was 86 percent.

The first section of the survey establishes basic background demographic characteristics. The heart of the survey probes respondents' attitudes on a variety of issues including social networks, organizational solidarity, and the role of police in society. Questions on friendship networks come from the GSS; questions on organizational solidarity come from Van Maanen's Questionnaire B (1972); questions on general police issues come from a survey I previously administered to Dutch police in 1998. At $t = 2$ and $t = 3$, a supplement on racial attitudes was added to the survey.

While the first two stages of the questionnaire occurred in the closed environment of the police academy, the final stage ($t = 3$) necessitated tracking down individual subjects at their respective work districts. While, many subjects expressed strong aversion to completing the questionnaire, no individual refused to complete the questionnaire when asked in person. Some subjects, due to days off and other factors, could not be located. A copy of the questionnaire with a stamped return

envelope was mailed to the work address of those I could not locate in person. None of these mail-in questionnaires were returned.

At $t = 3$, race is strongly correlated with police district assignment (described below). Forty-eight of 50 academy class members were assigned to just two of the nine police districts. Twenty-two blacks and two whites went to the Western District and twenty-two whites and two blacks went to the Eastern District. While the police district has been shown to be a key variable (e.g. Klinger 1997), in this case, police officers' race is seen as more significant than police district due to the similar demographics and patterns of crime in the two police districts in question.

Baltimore's Eastern and Western Districts are both blighted African-American areas with similar police work. Additionally, racial differences are present and persistent from the first stage at the beginning of the police academy. Yet certain conclusions, particularly race-time interactions, could logically be seen to correlate with the district assignment (Eastern versus Western) rather than an officer's race.

Access, Participant-Observation, and Acceptance

Sergeant to researcher: Do you find yourself being slowly sucked into the oppressive right-wing conspiracy?

As an institution, police have been labeled insular (Rubinstein 1973), resentful of outsiders (Friedmann 1992), and in general hostile to research, experimentation, and analysis (Bouza 1990). Some of this hostility may be explained by a desire to avoid being exposed. Reiss (1971) and his researchers saw, even in

limited observation, “one in five officers . . . in criminal violation of the law . . . [and] roughly four in every ten officers . . . in one of the more serious violations of rules.” Yet an aversion to researchers may rest less on criminal malfeasance, than on deeply rooted ideological grounds (Young 1991). Either way, as Punch (1979) wrote:

The researcher’s task becomes, then, how to outwit the institutional obstacle-course to gain entry and . . . penetrate the mine-field of social defenses to reach the inner reality of police work. Prolonged participant observation seems to me to be the most appropriate, if not the sole, method for achieving these ends.

My initial research plan called for overt participant-observation research of a police academy class. I was to be an active and unpaid member of a class. Writing on his experience with police research, Van Maanen (1988) states:

A researcher may fashion a research role for himself [on the street] . . . [But in the police academy] a researcher who did not participate in the program would have been so conspicuous as to preclude him from asking questions that might uncover the attitudes recruits might be forming.

Following the class’s graduation from the academy, I planned on a brief period of more traditional ride-alongs. My research proposal was accepted by the Baltimore City Police Department in the summer of 1999. In October I arrived in Baltimore, met a few departmental officials, was issued a police officer trainee uniform, and instructed to report at 0739 hrs for the first day of the fifth academy class of 1999.

I announced my position as Harvard University researcher to my police academy class on the first day of class. On the second day of the academy class, I was pulled from a practice military formation and met with a high-ranking member of the police department. In no uncertain terms I was told that my research could not

continue. While legal liability was the stated reason for this ex post facto refusal, I believe the underlying cause related to departmental politics and the replacement of the commissioner who had originally approved my research.

During the course of this unpleasant meeting, I was offered an out: my research could continue provided I successfully complete the hiring process. I needed to become a fully active and paid member of the recruit class. The police department did, however, agree to expedite the hiring process and agreed waive the traditional two-year commitment required of all new police officers.

At this point I continued my research in the academy (albeit anxiously and in civilian clothes) and began the hiring process. Five weeks later (record time, I was told) I was a fully active and employed member of the Baltimore City Police Department. Word of my research spread vaguely throughout the department by word of mouth. Following six months in the police academy, half the class, including me, was assigned to work in Baltimore's notorious Eastern District.

Beyond the obvious nature of administering questionnaires, I did not mention my research status unprompted. When questioned, however, I did answer forthrightly. When asked, I explained my research goals as best as possible, though admittedly my research goals were somewhat vague. When the subject came up in groups, others usually described me as "writing a book." More often than not, sociology was confused with social work or psychology. All my police academy

classmates and immediate coworkers were aware of my status as a Harvard University researcher.

Most police officers—whether out of a desire to express themselves or due to the simple boredom of being confined in the intimate space of a squad car with the same person for eight hours—would speak extremely candidly. The majority of the data was gathered in a squad car (when I had a partner) with other squad mates when two cars would be parked next to each other, driver’s side window adjacent to driver’s side window. Time spent at crime scenes as well as post-work drinking and other social activities were also fruitful sources of data. Undoubtedly, the greatest sources for data were those with whom I became friends.

Because of the nature of police work and police officer’s cultural background, police language in Baltimore can be shockingly sexual, scatological, and personal. The concept of “political correctness” is simultaneously understood and mocked. One officer first told me that most of the citizens in the Eastern District are, “drugged-out lazy motherfuckers. These people don’t want to work. They want to sit on their ass, collect welfare, get drunk and make babies. Let them shoot each other.” After a brief pause he jokingly added, “I think the problems here are caused by social conditions which can be solved by better education. . . . That’s so when you write down all this stuff for your book I don’t come out like an asshole.”

As a group, police officers are not inclined toward heady discussions of sociological theory. Police officers focus on the usual workplace topics of personal

relationships, sports, hobbies, and plans for days-off. Perhaps more unique to police, conversations frequently veer toward the humor in the most recent call-for-service, issues with the police bureaucracy, ineptitude in the police organization, and sexual matters true, false, and imagined.

I experimented with but then decided against tape-recording interviews with police officers. Data from recorded interviews were less revealing than data gathered through casual conversation. While accurate transcripts are extremely useful for quotations, I found that police officers would remain on-guard while a recorder was running. When being recorded, interview subjects spoke in a more stilted and faux-formal style reminiscent of police officers on the TV show *Cops*.

Given the length of my field-research, I had the luxury of being able to wait for sensitive issues—such as those concerning race and gender—to come up naturally. When such topics arose or when I deemed them conversationally appropriate to bring up, I could then ask extremely pointed and personal questions. More often than not, I could spark a candid conversation filled with rich data.

To avoid being overly conspicuous as a researcher, only brief notes were taken at the source. Some of the time I brought a small laptop computer and could write detailed notes during slow periods on the midnight shift. More often, field notes were expanded after returning home from work. Quotes were reconstructed to the best of my memory. Unless stated otherwise, all quotations were from personal conversations with research subjects, most of whom were white men between the

ages of 22 and 40. To protect confidentiality, names have been changed and identifiers are intentionally quite vague.

It is not possible to declare to what extent I was “accepted” by my co-workers and research subjects. Certainly, as in any situation, I was accepted by some more than others. In the police academy, my presence seemed far less important than the other trainees’ overall desire to complete the training process. On the street, my presence was greeted with initial skepticism, especially from supervisors. They believed, probably accurately, that for them no good could come from my presence. One higher-ranking officer told me: “Moskos, I like you. But I don’t want anything to do with your book. I don’t want to be in it. I don’t want my name in it. I don’t want any part of it.” Another officer asked me rhetorically, “You know how many times people have come up to me and asked, ‘What’s with the Harvard guy? What’s he doing here?’”

Toward the end of my research I asked about my acceptance, especially during the early stages. I was told by a squad mate, “Before you got here [in our squad], Walt said to watch out: ‘He’s writing a friggin’ book! He’s going to put all our names in it and give it to I.I.D. [Internal Affairs]!’ I told Walt you were going to change all the names.” Another squad mate told me, “Everyone said I should watch out. But I didn’t think that. I just wanted to know if you were going to do your job.”

A sergeant’s wife leaked the source of one warning, “I’ll never forget when [Sergeant] Sean came home and said he had some guy writing a book or something.

He doesn't like to admit it now, but he told the whole squad to watch themselves when you were around. Because who knows what you would say." Sean added, "I didn't know who you were or what your motives were." I asked the sergeant why he would be so worried since "nothing really bad" was going on. He responded, "It depends on how you define bad." In the words of one officer, "I don't care what you're going to write. What's the worst you're going to say? That I sleep on the job? Oh well. Yeah, I do and so do you."

On numerous occasions other officers encouraged me to use the police department "as a stepping stone" to something better. Despite initial apprehension, many co-workers warmed to my research, believing I could help spread news of their dismal working environment: "You're out here. You know what it's like, what we deal with. Go tell people what we have to deal with. Spread the word. Not that anybody will believe you, of course. Maybe they'll give us a raise." People wished me luck on my book and urged me not to forget them. At times, colleagues went out of the way to help my data collection. One co-worker found a radio transmission so hilarious that he wrote it down and gave me the text to ensure that I would not forget.⁵ An African-American colleague proposed a working title for my book: "The Pits of Hell of East Baltimore."

⁵ An officer was involved in a long foot-chase. After the dispatcher's repeated prompting, it became obvious that the officer did not know his location. Finally, the officer earnestly responded, "I'm in an alley, it's dark, and there's a lot of trash." Such a response is humorous in that it describes much of the Eastern District.

I do not feel that my personal acceptance was affected by my status as researcher per se. Being college-educated and openly “liberal,” however, did affect some people’s attitude toward me. In the police station one young conservative white police officer asked me, “How can you be a cop and be a liberal? . . . Oh that’s right, you’re not a cop, you’re just here to get your PhD.” In the academy one instructor confronted me by saying, “You’re probably one of those smart cops who hangs in those fancy coffee shops wired to the Internet. [You] think you’re too good for Dunkin’ Donuts!” While he was correct about the former statement, time would prove him wrong on the latter.

I felt I was ultimately judged on the same criteria that all police are: work performance and personality. On the street I received no hazing and had no problem receiving backup. As far as I know, coworkers did not mind me as a partner. My work style, influenced by an aversion to court time, was not to go out seeking adventure or arrests. As a police officer, I tried to speak softly and carry a big stick (conveniently supplied in the departmentally issued 29-inch straight wooden baton). I saw my strengths in dealing well with people, calming situations, and writing good reports. I did occasionally chase people down alleys and had to wrestle a few suspects. My arrest totals—between zero and eight per month—were less than many rookies but more than most veterans. In my presence, a supervisor described me by saying, “Pete’s not a fireball on the street, but he’s got his act together.”

Living in Baltimore City, I was required to carry my gun both on and off duty. Only rarely was my service weapon—a charged semi-automatic nine-millimeter Glock 17 with a 17-round clip and no safety—pointed at somebody.⁶ But my gun was routinely removed from its holster for my protection. I never fired a shot on duty. Nor did I strike anyone with my baton or fists. I did use pepper-mace on one suspect. My primary goal, as with most police officers, was to return home safely after work. I did, however, try to make life just a little better for residents of Baltimore’s Eastern District.

⁶ The department has since upgraded to .45 caliber rounds with greater “stopping power.”

CHAPTER 3: CRIME THEORY AND POLICE HISTORY

I am very glad indeed to hear that you think well of the Police. It has given me from first to last more trouble than anything I ever understood.

— Sir Robert Peel, 1829, founder of the modern police and former chief secretary for Ireland responsible for Catholic Emancipation

In 1764, Italian aristocrat Cesare Beccaria questioned the basic concepts of crime and punishment (Beccaria 1764). Beccaria introduced a utilitarian concept of justice and punishment, now known as the Classical School of Criminology (see Table 1, Timeline of Criminal Theories). Significantly, Beccaria established three key crime-related variables: the causes of crime, the responsibility of the criminal, and the purpose of punishment and rehabilitation. Individuals have free will to do wrong, according to Beccaria. Therefore the law must be codified and punishment quick and fair to deter future criminal acts.

In 1810, Franz Gall published his first major work on the influential pseudoscience of phrenology (Gall and Spurzheim 1810). The shape of the brain and skull could determine a criminal disposition, to which the lower classes were genetically predisposed. In a significant break with both the science and religion of the day, Gall argued that individuals should not to be held responsible for their genetic criminal predispositions. Though phrenology has been discredited, variations of Gall's philosophy survive in both conservative and liberal theory: Herrnstein and Murray (1994) argue for a genetic explanation for criminal behavior while "root causes" theories explain the actions of individuals as influenced by greater social forces.

Table 1: Timeline Of Crime Theories

Year	Theory	Advocates	Causes of Crime	Blame Offender	Cure	Boogieman
1764	Classical School of Criminology	Cesare Beccaria	Rational choice, free will, hedonism	Yes	Rule of law, Quick and fair punishment to deter crime	Uncodified laws
1810	Phrenology	Franz Gall	Heredity, brain shape, criminal as “abnormal”	No	Selective breeding	Lower classes
1829	Police	Robert Peel	Ineffective watchmen	Yes	Preventive police patrols, apprehend criminals	Ineffective watchmen
1848	Marxist	Karl Marx	Capitalism	No	Communism	Capitalists
1850s	Urban slums	Middle and upper classes	Grogshops, bad company, ignorance, poverty	Yes	Temperance, Better housing and education	Immigrants
1861	Positivist School of Criminology	Cesare Lombroso	Evolutionary degenerates, Criminal phenotypes, the born criminal, atavism	No	Isolation and Rehabilitation	Inferior classes
1893	Deviance	Emile Durkheim	Social change	No	Mechanical Solidarity	Anomie
1900s	Urban sociology	Chicago School	Urban ecology	No	Effective social integration	Urban slums
1913	Corrective	Charles Goring	Bad morals, inherited feeble-mindedness, criminals not abnormal”	No	Education, Rehabilitation	The Feeble-minded
1920s	Alcohol Prohibition	Progressives	Social maladjustment, chemical imbalance, drug addiction, alcohol	No	Medical and social treatment for offenders	Alcohol
1950s	Conservative revival	J. E. Hoover	Bad morals	Yes	Conservative values	Liberals
1963	Labeling	Howard Becker	Society’s definition	No	Change the labels	Positivists
1965	Root causes	Black leaders, Liberals	Poverty, racism, poor education	No	Improved social conditions	Racists
1982	Broken Windows	Wilson and Kelling	Social disorder	Yes	Prevention through order maintenance	Permissive society
1987	Drug-related crime	Urban leaders, Conservatives	Crack cocaine, drug trade	Yes	Law enforcement	Drugs
1993	Life-cycle	Sampson and Laub	Uninterrupted trajectory of delinquency	Yes	Formal and informal interventions	Bad social conditions

In 1861, Italian professor Cesare Lombroso advanced Gall's theories with the Positivist School of Criminology. Lombroso, the first criminologist to advocate a scientific methodology, believed that criminals were evolutionary degenerates. While not viewing genetics as destiny, Lombroso advocated isolation and rehabilitation for the "born criminal." As immigrants were flooding into American cities and committing the majority of crimes, Lombroso was influential among American elites.

Lombrosian theory was falling out of fashion when Charles Goring showed in 1913 that no physical characteristics that could define a "criminal type." Examining English convicts, Goring believed that bad morals and feeble-mindedness caused criminality. Pedagogical and rehabilitative punishment were geared toward the specific problems of the individual rather than the nature of the criminal act.

Carefully examining crime and deviance, Emile Durkheim (1893, 1895, 1897) wrote extensively on anomie, a person's disconnect with society and its values. Durkheim noted that anomie and egoism increased in modern society, resulting in greater levels of crime and deviance. Counter intuitively, Durkheim noted that society's reaction to crime and deviance, such as in the form of ritual condemnation and punishment, serves to reinforce social values and strengthen the social order.

Popular accounts of the time began to emphasize the relationship between an individual's environment and criminal activity. In the 1850s, prominent Americans

blamed grogshops, bad company, ignorance, and the poverty of urban slums for criminality. Alcohol and the immigrants who consumed prodigious amounts were blamed—not entirely without reason—as the source of most crime in the United States.

The Prohibition and Progressive Movements of the early 1900s stressed the link between alcohol and crime. Both movements argued that the lower classes needed protection against the “evils” of alcohol and drugs. Progressives, the political liberals of the day, believed that temperance, education, and better housing could cure crime. Because Progressives considered crime a disease, imprisoning criminals made as little sense as imprisoning the medically ill. The prohibition movement—based heavily on pseudo-science and morality—proved popular in both America and much of the Western world.

In the early 1900s, urban sociologists of the Chicago School applied Durkheim’s theories to Chicago slums and concluded that effective social integration was necessary for crime prevention and improved social conditions. Robert Park (1936) advocated a cultural conflict theory, arguing that the transitional nature of inner cities makes these areas undesirable places to live, thus leading to crime. August Vollmer (1936) made major gains combining police theory and practice (examined in more detail in the following section). Criminology theory receded from prominence from WWII until the civil rights movement.

In the 1960s, Durkheim's concepts of crime and deviance were revitalized in sociology. Cloward and Ohlin (1960) defined three subcultures of criminal behavior: criminal (organized and intergenerational), conflict (unorganized and lacking bonds between adults and children), and retreatist (characterized by use of drugs and alcohol). Howard Becker's (1963) Labeling Theory noted that criminal behavior is dependent on how society defines crime and deviance. Hirschi (1969) advocated a social control theory, proposing that fear of jeopardizing social bonds deters most people from committing criminal acts. Also in the 1960s, the phrase "root causes" linked crime to racism, poor education, substandard housing, and poverty. Root Causes became and remains the underlying liberal explanation for crime and criminal behavior.

Sampson and Laub's (1993) Life Cycle Theory predicts a continuation of criminal involvement starting with childhood antisocial behavior through juvenile delinquency and on to adult criminal behavior. There are many variables that can lead to a break from criminal behavior, the most significant of which are marriage, military service, work, and neighborhood change. Prison is found to damage future job prospects, increasing the likelihood of continued involvement in crime throughout one's life.

Though it is probably unwise to attempt to unify these theories (and many others not listed above), they share a focus on the social and psychological nature of criminals and criminal acts. In doing so they de-emphasize the significance of police

with regard to crime prevention. Analysis of crime theory continues in the following sections with a focus on police and the links between police and crime prevention.

Police History: Nineteenth-Century Police

The founder of the modern police, Robert Peel, persuaded England to establish the London Metropolitan Police Force in 1829. Prior to Peel, cities and citizens generally relied on ineffective watchmen and constables to protect property and the army to suppress urban riots (Critchley 1967). Peel argued that police patrol could prevent crime *before* it occurred. Overcoming initial public hostility and upper-class fears that a dominating state power would destroy personal liberties, the police succeeded in reducing crime. Peel's "Bobbie's" (a derisive term that became affectionate) gained the public's support and became the model for police forces worldwide.

Peel's preventive philosophy was expressed in the opening words of the handbook issued to all members of the first police force:

It should be understood at the outset that the object to be attained is the prevention of crime.

To this great end every effort of the police is to be directed. The security of person and property, the preservation of the public tranquility, and all the other objects of a police establishment will thus be better effected than by the detection and punishment of the offender after he has succeeded in committing the crime. This should constantly be kept in mind by every member of the police force, as the guide for his own conduct. Officers and police constables should endeavour to distinguish themselves by such vigilance and activity as may render it impossible for any one to commit a crime within that portion of the town under their charge.

When many offenders are committed, it must appear to the Commissioners that the police is not properly conducted in that Division; and the absence of crime will be considered the best proof of the complete efficiency of the police. In a Division where this security and good order has been effected, the officers and men belonging to it may feel assured that such good conduct will be noticed by rewards and promotion. [quoted in Reith 1948, p. 62]

This timeless philosophy evolved into what is known as Peel's Nine Principles of

Law Enforcement:

1. To prevent crime and disorder, as an alternative to their repression by military force and by severity of legal punishment.
2. To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognize always that to secure and maintain the respect and approval of the public means also the securing of willing cooperation of the public in the task of securing observance of laws.
4. To recognize always that the extent to which the cooperation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and to preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustices of the substance of individual laws; by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing; by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public cooperation to an extent necessary to secure observance of law or to restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence.
8. To recognize always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the state, and of authoritatively judging

guilt and punishing the guilty.

9. To recognize always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them. (quoted in Reith 1948)

These principles remain an excellent standard for police in society.

In the U.S., the first full-time organized police departments were formed in New York City (1845) and Boston (1854). Two important distinctions separated U.S. police from the Peel's ideals: first, the use of force became standard after police armed themselves when officers were killed in the line of duty; second, U.S. police forces were customarily partisan political tools, often being replaced in their entirety following local elections—elections that they were assigned to supervise (Cordner and Trojanowicz 1992).

Just what nineteenth-century police officers did in their daily work has received little attention, but Cordner and Trojanowicz (1992) suggest they did very little. Citizen's arrests—bypassing the police entirely—remained common in the nineteenth century (Lane 1980). Police training was nonexistent (Manning 1997) and corruption and brutality were recognized problems. Yet criticism of police inaction may be vastly overstated. An 1875 quarterly report (New York Times 1875) shows that a New York City police force of 2,544 members made 22,881 arrests. This is more arrests per officer than found in most contemporary police departments. Additionally, police provided station-house lodging to 28,811 men and 18,019 women and returned 2,273 lost children to their parents. Even street cleaning, for instance, was the responsibility of police in New York City police from 1872 until

1881. In 1875, street cleaning, subcontracted out, was one-quarter of the police budget (police recorded 324,247 loads of ash and garbage carted away during one three-month period).

At the very least, the new police of the 1800s were responsible for a dramatic shift in crime-fighting tactics: an effort was made to apprehend criminals. A watchman's job was the protection of a finite area. Concern for personal safety and lack of incentives meant that attempts to catch criminals were very rare before police departments were created. Johnson (1979) writes that even occasional persistence in the apprehension of criminals, while "rare before 1840, had become a standard feature of police work by the 1870s."

The bulk of those arrested were immigrants. In one quarter of 1859, the New York Metropolitan Police reported 20,077 arrests. Eighty percent of those arrested were foreign-born and 84 percent of all arrests were alcohol-related. Police Superintendent Pillsbury reported on, "[youthful immigrants,] many vicious characters, and a still larger number of needy and ignorant persons, who, under the influence of over ten thousand grog-shops become recruits to the army of law-breakers" (New York Times 1859). In 1863, immigrants, mostly Irish, were 70 percent of those arrested (New York Times 1863).

In 1875, 58 percent of those arrested in New York were immigrants while just 1.5 percent were native-born blacks (New York Times 1875). Between 1840 and 1860 the percentage of blacks in New York City decreased from 5.1 percent to 1.5

percent. In 1900 blacks were 1.8 percent of the city's population (Harris 2003). Thus the percentage of blacks arrested was roughly equal to or slightly less than the overall percentage of blacks in the population.

As late as 1907, 46 percent of arrests in Boston were of foreign-born residents and 47 percent of those were Irish (Annual Report of the Police Commissioner for the City of Boston 1908). Undoubtedly, many non-foreign born arrestees were children of immigrants as well. The realities of minority drug abuse—meaning Irish drunks—fueled anti-immigrant, anti-minority, and anti-alcohol sentiments.

Given the era's technological limitations on communication, police in the late nineteenth century exercised a great deal of discretion and independence. Unpopular laws could simply be ignored out of empathy with the populace, concern for officer safety, or simple financial gain. While the majority of all police arrests were for public drunkenness, a major urban problem, officers did arrest many hardened criminals (Johnson 1979, Lane 1980). The police of the late 1800s—despite corruption, brutality, and a bias against minorities—worked and occasionally died for the community in which they lived (Lane 1980).

Twentieth-Century Police

Abuses by police, well-known and often controlled by local political machines, led to a reform movement in the beginning of the twentieth century. The

Uniform Crime Reports and the FBI are both early products of the reform movement. Reformers had three primary goals (Kelling and Coles 1996): to eliminate political influences in police departments, to gain control of officers, and to establish crime-fighting priorities. There were various means to these ends: the abandonment of service-related activities, the centralization of power, the severance of intimate links between patrol officers and neighborhoods, the establishment of prestigious specialized units, and the creation of “scientific” organizational structures and management systems (O. Wilson 1950).

J. Edgar Hoover and the F.B.I. represented a conservative revival in the mid-twentieth century. Hoover, the chief of the F.B.I. from 1935 to 1972, believed that crime was caused by poor morals and liberal apologists. Crime prevention depended on the successful moral education of children, while criminals needed to be caught and punished. Hoover argued against any criminology theories that did not hold criminals strictly responsible for their actions.

A leading advocate of the police reform movement was O.W. Wilson, a Berkeley police officer and student of noted Berkeley criminologist August Vollmer. Wilson took over the Chicago Police Department in 1961. Like the entire reform movement, O.W. Wilson’s policies were based on a cynical view of the patrol officer. Taken in the context of his time, Wilson’s accomplishments were great. He wrote the book—literally in his 1950 *Police Administration*—on achieving a “professional” police force. He enforced a code of ethics, persisted in weeding out

bad cops, demanded independence from politicians, believed in college-educated policemen, and implemented extensive cadet training programs (Bopp 1977). By 1970, a system based on the reform model was standard for all large urban police forces in America. This ideal is perhaps best exemplified by the TV show *Dragnet*'s "just the facts, ma'am" image of the Los Angeles Police Department under Chief William Parker.

The advent of car-based patrol dramatically changed the role of police. Sherman (1983) was an early critic of telephone dispatch and motorized patrol: "The rise of telephone dispatch transformed both the method and purpose of patrol. Instead of *watching to prevent* crime, motorized police patrol became a process of merely *waiting to respond* to crime." As police were separated from intimate links with neighborhoods and placed in patrol cars, response time became a greater measure of success than crime prevention.

In order to respond quickly to dispatched calls, police must be available. As a result, when police are dealing with people—the essence of their job, some might argue—they are considered "out of service" (Bayley 1994):

Despite what police say, the prime directive of patrolling is to be available rather than to respond adequately to the myriad calls for service. For police managers, therefore, patrol officers are "working" when they are simply cruising around. The implication of the prime directive is that no matter how many resources the police are given, they will always want to appear busier than they actually are. Police forces must store capacity, and they do so in patrol. For patrol officers as well as for commanders, claims of being busy are a way of disguising the invisible burden of always being ready (Bayley 1994).

The “professional” model of police emphasized police efficiency and “scientific” record-keeping. Rather than the absence of crimes, arrests (specifically for the main “index” crimes as defined by the Uniform Crime Reports) became the standard of police performance. Manning (1997) ironically suggested that “professional” police strive for the exact opposite of Peel’s Principles of Law Enforcement. That is to say, police attempt to remove themselves from the public; use intimidation rather than cooperation in dealing with the public; quickly resort to unnecessary force; and judge success not by the *absence* of crime and disorder, but rather by the visible evidence of police action in *reaction* to crime. Confusing means for ends is far more than semantic distinction. The “professional” movement in police ended unglamorously in Los Angeles after the 1992 Rodney King riots. The police chief, Daryl Gates, was a protégé of and the driver for the virtual symbol of “professional” policing: former Chief William Parker.

Police and Crime

That cops cannot prevent crime has been a truism in academic writings for at least the past 25 years (Wilson 1979, Koenig 1991, Bayley 1994, Manning 1997). This view, emphasizing the root causes of macro social and economic conditions, is well voiced by Tonry (1995):

First, be honest. Admit that no war against crime will ever be won, that criminal sanctions have at most a modest influence on short-term crime rates, and that locking up many more people is not likely to produce a demonstrably safer America. Crime is part of all human societies and is shaped by the ways in which societies organize themselves. If crime rates in

America are to decline in the long term, the causes will lie in major changes in social policies toward job creation, income maintenance, medical care, housing, education, drugs, and firearms.

Twenty years earlier Manning (1977) said much the same thing:

[The police] cannot control crime any more than they can alter the economic structure, the political system, the educational system, or fundamentally affect the birthrate or patterns of migration. They have sold themselves as crime fighters. In so doing, they have tended to avoid the admittedly very difficult task of attempting to educate the public about the diversity of crime.

Demographic, social, and economic conditions can explain a large part of varying crime rates. Their accuracy in time analyses and for predictive purposes, however, is not very strong (Wilson 1983).

Studies have compared different localities with similar social conditions in an unsuccessful attempt to link the crime rate with the number of police officers employed (Laurie 1970, Silberman 1978, Gurr 1979, Lane 1980, Loftin and McDowall 1982, Emsley 1983, Krahn and Kennedy 1985, Walker 1989, Koenig 1991, Reiner 1995). Since World War II, historical trends show only a positive correlation between police numbers and crime (Bayley 1994). Pfuhl (1983) and Clark and Hough (1984) showed that even large reductions in the numbers of police caused by strikes or layoffs have no effect on crime. The Boston police strike of 1918, however, resulted in widespread chaos, looting, and violence.

Various styles of policing have been shown to have little impact on crime. Levels of motorized patrol—the cornerstone of urban policing—have no effect on crime rates, victimization, or public satisfaction (Kelling et al. 1974, Kelling 1985,

Morris and Heal 1981). Cordner and Trojanowicz (1992) summarized the widely cited Kansas City Report (Kelling et al. 1974):

During 1972 and 1973 a year-long experiment was conducted in Kansas City, Missouri, to test the effects of preventive patrol. The idea for the study originated within the Kansas City Police Department, and the experiment was designed and carried out with the assistance of the Police Foundation. Fifteen patrol beats were included in the study: five were control beats with normal levels of preventive patrol; five were proactive beats with 2–3 times the normal levels of patrol; and five were reactive beats, with no preventative patrol. It is important to realize that patrol units would enter the reactive beats to answer calls whenever requested. After handling calls, however, these patrol units would vacate the reactive beats and do their patrolling in other areas. . . . When the data were analyzed, no significant differences were found on any of the indicators between the control, proactive, and reactive beats.

The Kansas City study, for the first time, cast doubt on the previously unquestioned faith in motorized random patrol as an effective and essential means of policing.

Foot patrol too has been shown to have limited benefit. No correlation between foot patrol and crime prevention has been documented. But foot patrol, unlike motorized patrol, was shown to lessen the public's fear of crime (Police Foundation 1981, Kelling 1985). Again Cordner and Trojanowicz (1992) summarize:

Consistent with the findings from Kansas City for motorized patrol, foot patrol in Newark was found to have little or no effect on crime. However, citizens in Newark noticed the presence or absence of foot patrol in their neighborhoods; they were more satisfied with police service if served by foot patrol; and the presence of foot patrol seemed to lead to decreased levels of fear of crime. These positive effects of foot patrol stood in stark contrast to the finding of “no effects” for motorized patrol in Kansas City. . . . Since fear is a major problem in its own right, and not merely a reflection of actual crime conditions, it follows that efforts directed specifically at fear-reduction might be appropriate. . . . The subsequent adoption of foot patrol aimed primarily at fear-reduction was further legitimized by the general lack of evidence in support of any other police strategies aimed at reducing crime itself—at least foot patrol could be shown to affect something.

I have argued (Moskos 2003) that foot patrol has substantial benefits to important quality-of-life issues that are difficult to quantify.

Community Policing and Broken Windows

The concept of “community policing” originated in the 1960s as a response to the extremes of the “professional” model of policing: inevitably, police acting separate from and in opposition to the public led to increased crime and urban riots. In its current vogue, the term “community policing” is an attempt to reintegrate the policeman into the community and shift police work away from reactive responses and toward effective crime prevention. Kelling and Coles (1996) observed that “community policing has come to mean all things to all people.” Nevertheless, “community policing represents the most serious and sustained attempt [in decades] to reformulate the purpose and practices of policing” (Bayley 1994).

In 1982, George Kelling and James Q. Wilson articulated the Broken Windows theory. Building heavily on Jane Jacobs’s urban observations, Broken Windows emphasized the environment not in terms of creating criminals, but rather as a variable that encourages certain kinds of criminal behavior. An unfixed broken window leads to decay and disorder which in turn leads to increased criminality. Broken Windows—while accepting the premise behind Root Causes—holds that effective community and police action can prevent crime independent of improvements in underlying social conditions.

A Broken Windows approach—a community-policing strategy based on aggressive order maintenance and the targeting of high-crime areas—first proved effective in the New York City subways in 1990 and 1991. Reducing the figurative Broken Windows of the subways—aggressive beggars, turnstile jumping, graffiti—created a better subway environment, increased ridership, and substantially decreased felonious violence. Additionally, an isolated and clearly defined subway system provided a rough approximation to a controlled scientific experiment. At the time, the rest of New York City did not see an equivalent drop in crime.

Larger-scale analyses of Broken Windows, however, have shown little if any correlation between disorder and crime (Sampson and Raudenbush 1999, Harcourt 2001, Taylor 2001). These analyses, however, are questionable for different reasons. Sampson and Raudenbush (1999) do not look at change in disorder over time. Harcourt (2001) is too quick to discount the stand-alone negative effects of certain kinds of disorder, such as public urination. Taylor (2001), in a significant methodological oversight, ignores Baltimore’s decline in population over time and bases his conclusions on the false assumption that levels of fear in the city remained constant.

Contrary to public perception, leading advocates of Broken Windows policing strategies have never supported or used the term “zero tolerance.” But the importance of Broken Windows may not lie in a direct link between disorder and crime nor in any specific approach to crime prevention. Rather, the legacy of Broken

Windows may be in emphasizing a police-centered approach to problem solving (Goldstein 1990) and the belief that police can, in fact, prevent crime.

While community policing can be seen as a move against a car-based reactive concept of policing, the new models of community policing are fundamentally based on the old and persistent belief that police should work with the public to maintain community standards and prevent crime. Community-policing literature (Goldstein 1990, Skogan 1990, Kelling and Coles 1996, Skogan and Harnett 1997, and Miller 1999) has come full circle, back to Peel's original nineteenth-century theories recognizing "that the police are the public and that the public are the police. . . that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them." (quoted in Reith 1948)

In New York City, the number of murders decreased by two-thirds in the six years between 1993 and 1998. Many other cities also saw decreasing levels of violent crime (New York Times 1997). What explains the recent reductions in crime seen throughout much of the U.S.? Why have some but not all cities seen dramatic drops in crime? Using the language of Kuhn, the "normal science" of police theory is no longer adequate to define the role of police and crime prevention. The field, still searching for an acceptable police paradigm, has yet to settle into a new period of normalcy.

Police and African-Americans

Notwithstanding popular accounts and present concerns about racial profiling, research on the significance of race and policing has been inconclusive (Riksheim and Chermak 1993). Race has been shown to be a significant variable with regard to traffic citations and the search of stopped vehicles (Dedman and Latour 2003, part of a larger Boston Globe series). And a non-discrimination thesis has little support when the criminal justice system is looked at in its entirety (Free 2001). Yet the preponderance of research shows that the race of the subject does *not* play a significant role at the level of police officer (Piliavin and Briar 1964, Black and Reiss 1970, Smith 1986, Klinger 1997). Piliavin and Briar (1964) studied police encounters with juveniles and examined police discretion with regard to a suspect's demeanor and race. Differentials in the arrest rates between black and white juveniles were not simply a consequence of a greater offense rate among blacks. Rather, black youths displayed an uncooperative demeanor twice as often as white youths (one in three encounters versus one in six). As a result, black youths were arrested twice as often. Black and Reiss (1970), in their large-scale participant-observation research, came to similar conclusions. Both Piliavin and Briar and Black and Reiss observed anti-black attitudes expressed by the majority of the police in their study. Interestingly, both studies claimed that racist *attitudes* among police did not translate into racist *actions* by the same officers.

Black and Reiss (1970) said that officer discretion was dependent on the wishes of the complainant. African-American complainants were more likely than white complainants to want a suspect arrested. As a result, black youths were arrested more often: “While police behavior follows the same patterns for Negro and white juveniles, differential outcomes arise from differences in citizen behavior.”

Contrary to Black and Reiss, Mastrofski et al. (2000) showed that initial requests by the complainant for the arrest of the subject make an officer *less* responsive. Greater evidence of a criminal act increased the likelihood of arrest, thus making legal considerations the key factor. Variables decreasing the likelihood of arrest were a close relation between the complainant and the suspect, a complainant’s disrespectful attitude toward police, and the complainant being intoxicated or mentally ill. Race, wealth, and status of the citizens were found to have little impact on police decisions. Additionally, male officers, less experienced officers, and officers believing in community policing had greater odds of deferring to the wishes of the complainant.

Ethnographic works have provided insight, most often from the perspective of the policed. Perhaps most noteworthy in descriptions of criminals in high-crime areas, is just how little the police seem to affect day-to-day life (Bourgois 1995, Jacobs 1999, Jacobs 2000). Yet young urban black males are often the target of police attention (Anderson 1990). The outcome of the police stop, according to Anderson, was heavily dependent on the subject’s demeanor: “If you show a cop that

you nice and not a smartass, they be nice to you. They talk to you like the man you are. You gonna get ignorant like a little kid, they gonna get ignorant with you” (quoted in Anderson, p. 196). Deference to police served not as a sign of respect but rather as a logical coping strategy when police stops are a fact of life. In Anderson’s account, key variables vis-à-vis police action were race, social class, style of clothes, and whether the police were from the local district or from “downtown.”

Racial variables in policing become statistically less significant when control variables are introduced. Yet no matter the independent variable responsible—suspect’s demeanor, the nature of the criminal act, the class of the suspect and the victim, and the conditions of the neighborhood to name just a few—there is no doubt that the dependent variable, police behavior and discretion, is strongly correlated with a suspect’s race.

Police Discretion

William Whyte (1943) was the first sociologist to describe what is now called police discretion (see Table 2, Police Discretion in the Literature). With scattered exceptions (e.g., Vollmer 1936, Westley 1953), earlier literature on police focused on forensics and the science and technology of the day. Whyte observed different police behavior in different neighborhoods. Non-punished conduct in one neighborhood could result in criminal sanctions in another. Banton (1964), in a study of British and American police, documented the same phenomenon 20 years later.

Table 2: Police Discretion in the Literature

Author	Key Discretionary Concept	Significance
Vollmer 1936	Professional police	No mention of discretion
Whyte 1943	Neighborhood	Different police response in different neighborhoods
Goldstein 1960	Police power to not invoke the law	Introduces concept of police discretion
LaFave 1962	Non-enforcement of the law	Describes discretion
Kadish 1962	Less enforcement of law in black neighborhoods	Equates discretion with racism
Piliavin & Briar 1964	Dependent on demeanor	Discretion based on juvenile suspect's demeanor, not race
Banton 1964	Discretion as a theoretical dilemma for police officer	Cops are in a bind in lower-class neighborhoods
Bittner 1967	As a learned skill	Discretion good
Wilson 1968	Varies according to police department	Introduces "service," "watchman," & "legalistic" concept of policing
Alex 1969	Race of police officer	Black police officers have tougher job in black neighborhoods
Black & Reiss 1970	Complainant's desire regarding suspect	Wishes of black complainants responsible for disproportionate number of black arrests
Van Maanen 1978	The "asshole"	Suspects attitude key
Smith 1986	Class of neighborhood key, race not important	Equally treatment by police within an area; better treatment in better neighborhoods
Anderson 1990	Race, class, style of clothes, regular patrol officers versus specialized unit	Describes conflict of cultures in the ghetto
Klinger 1997	Police district	Service varies by police district, regardless of neighborhood variations within district
Engel et al 2000	Demeanor	Demeanor not significant
Robinson & Chandek 2000	Domestic violence	Situational variables
Mastrofski et al 2000	Complainant's desire regarding suspect	Complainant's desire not very significant; severity of crime key
Jacobs 1999, 2000	Drug dealers, those who rob drug dealers	Avoidance of police key
Atwater v. Lago Vista 2001	Traffic violations and minor offences	U.S. Supreme Court ruling granted police authority to arrest for <i>any</i> offence

In the 1960s, the legal community, inspired by the Civil Rights Movement, documented the existence of police discretion. Goldstein (1960), LaFave (1962), and Kadish (1962) noted the inherent conflict between discretion and the rule of law. All three authors condemned the “problem” of police discretion as illegal, immoral, and in violation of a democratic ethos.

Bittner (1967) was the first to cast a positive light on police discretion. He described the difficulties in policing “skid-row” areas with high level of “non-normal” behavior and different citizen expectations toward the role of the police. Bittner saw discretion as an under-appreciated skill learned on the job. Discretion allowed police to function effectively in areas with greater criminal activity.

Building on the concept of the authoritarian personality (Adorno et al. 1964), researchers in the late 1960s and 1970s investigated the psychology behind a “police personality.” Research has been inconclusive as to whether police are a reflection of the social and economic groups from which they come or an occupational group changed by the police socialization process.

Studies finding no or little difference between police officers and non-police officers include Matarazzo et al. (1964), Bayley and Mendelsohn (1969), McNamara (1967), and Genz and Lester (1976). Bennett and Greenstein (1975) compared the values of police officers with other students in the same criminal-justice class who were not police officers. They found no differences between the two categories of students. When the police officers were compared with non-police officers from a

class on a different subject, however, 21 of 36 values differed. There were other variables present, but Bennett and Greenstein discounted the predispositional model and adopted the socialization model. They argued that police-specific attitudes developed over time and were not evident before police joined the police force.

Colman and Gorman (1982) concluded that “the police force attracts conservative and authoritarian personalities and that basic training has a temporarily liberalizing effect.” My data support this conclusion. Potter and Cook (1977, reported by Colman and Gorman 1982) found that recruits in the United Kingdom are more conservative than members of the general public. Carlson, Thayer, and Germann (1971) compared police officers in two American police forces and found officers in one force significantly less authoritarian than officers in the other. But both groups were more authoritarian than a sample of students of comparable educational background.

In a British analysis examining the literature on psychological testing of police officers, Burbeck and Furnham (1985) conclude that “police officers’ values seem pretty representative of those people from their own age and class, though these are not very close to the population at large. However, some of these values appear to change with the experience of being a police officer.” At the beginning of the police academy, 23 of 42 trainees in this study described themselves as politically “middle of the road” compared with nine who described themselves as politically liberal and six who saw themselves as politically conservative. Yet

qualitative data indicated that most of the self-described liberal and “middle of the road” subjects, were, in fact, very socially conservative in their beliefs.

One thread of research examined the causal effect of the working environment on police discretion. Wilson (1968) believed that police behavior varied in different cities based on the department’s general approach to policing. He articulated the oft-quoted distinction between “watchman,” “legalistic,” and “service” styles of policing. Smith (1986) observed that officers behaved differently in different neighborhoods but treated both whites and blacks equally within each neighborhood. He stressed class over race, arguing that arrests were more likely in neighborhoods with low socioeconomic status. In higher socioeconomic neighborhoods, conversely, police treated both whites and blacks better. Engel et al. (2000) noted the characteristics of an officer’s supervisor significantly effected police officer discretion.

Klinger (1997) expanded on the neighborhood concept by proposing that police discretion was dependent on the overall socioeconomic characteristics of the *police district* in which officers worked. While police behavior could vary greatly from one district to the next, within any single district the police would respond uniformly to all calls regardless of an individual’s race or class. Klinger highlighted four key factors that affect officer discretion: officer cynicism, police workload, the definition of “normal” crime, and the degree to which officers believe victims were responsible for their predicament.

Robinson and Chandek (2000) examined officer discretion as it specifically related to domestic violence. They introduced important but previously overlooked situational variables, such as the demographic characteristics of an officer, the victim's cooperativeness, the victim's injuries, and the time of shift.

Overall, the literature firmly establishes that police exercise considerable discretion in their day-to-day arrest decisions. Initially such discretion was seen as prima facie evidence of racism and something to be identified and eliminated (Goldstein 1960, LaFave 1962, Kadish 1962, Banton 1964). Contemporary research, however, sees police discretion as inevitable and even desirable when used judiciously.

Conclusion

Theories of crime have traditionally focused on the criminal, thus downplaying or ignoring the role of police in crime prevention. Police, for their part, have been moving steadily away from a basic mission of preventative patrol and crime prevention as laid out by Sir Robert Peel in 1829.

In their first century, urban police in America were intrinsically linked and controlled by their local political masters. Police exercised a great amount of individual discretion as to law enforcement. By all accounts corruption and brutality were common. The crime-fighting ability of these police is hard to ascertain. Along with duties no longer considered police work (such as lodging homeless and cleaning

streets), police attention was largely focused on public drunkenness, the minority drug issue of the day. Nevertheless, given a low level of violent crime, a high number of recorded arrests, and the death of police officers in the line of duty, it is likely that the police of this era were far more effective commonly than assumed.

By being part of a political system, police and their political masters probably had great incentives to maintain a certain level of public satisfaction. The regulation of vice and the maintenance of public order were undoubtedly large parts of this equation. Inasmuch as corruption linked police to the underworld, one can assume that this gravy train was a two-way street. Police exercised control over illegal enterprises often concentrated in “red-light” districts. Furthermore, when an underworld figure was needed by the authorities, the police could turn to their personal and professional contacts for information.

The Progressive Movement fought against vice, red-light districts, and police corruption. While the old system’s days may have been numbered, the ability of police to regulate and control vice and criminal behavior was discarded along with the dirty bathwater. Through their morally based campaign, Progressives succeeded in criminalizing lower-class behavior and pushed the underworld away from police control and the rule of law. Emphasis on police technology such as rapid-response car patrol, further downgraded the importance of preventing crime and the benefits of close links between police officers and the community.

Downplaying the police's ability to prevent crime is one of the surprising themes in academic literature. When police are the focus of study, discretion and arrest decision are often assumed to be dependent on environmental variables or the specifics of individual police-public interactions. This research, on the other hand, assumes some potentially key variables—race, demeanor, and an involvement in the drug trade—are in effect, constant in high-drug areas. By building on concepts of police discretion and arrest decision, I focus on lesser examined police-specific variables that have a greater impact on police officers and the citizens they police.

CHAPTER 4: THE DRUG TRADE IN THE GHETTO

Sisyphus is the absurd hero. He is, as much through his passions as through his torture. His scorn of the gods, his hatred of death, and his passion for life won him that unspeakable penalty in which the whole being is exerted toward accomplishing nothing. . . . Where would his torture be, indeed, if at every step the hope of succeeding upheld him? The workman of today works every day in his life at the same tasks, and his fate is no less absurd. But it is tragic only at the rare moments when it becomes conscious. . . . But Sisyphus teaches the higher fidelity that negates the gods and raises rocks. He too concludes that all is well. . . . The struggle itself toward the heights is enough to fill a man's heart. One must imagine Sisyphus happy.

—Albert Camus, *The Myth of Sisyphus*

The “war on drugs” is similar to Sisyphus’s eternal effort pushing a rock uphill. The struggle is at times heroic, but the ultimate failure to succeed renders the effort absurd. If society gains strength in the act of battling against drugs, then the futile effort can remain heroic. But once one understands that drug prohibition can never be achieved, then the tragedy of wasted effort and lives lost overshadows any benefit in an uncompromising stand against a perceived evil.

Police officers in East Baltimore battle daily against heroin, cocaine, and marijuana. The progress against drugs seems nearly constant. Drug dealers and drug users are arrested, grams and occasionally kilos of drugs are confiscated and displayed like trophies for the evening news, and sometimes police action frees a corner from the scourge of threatening drug dealers. Yet at a basic level, nothing is getting better. Try as we might, a product with willing buyers and sellers cannot be banished in a free society. Drugs will remain a burden to those who are addicted. The

burden on society, however, is directly related to the effort used in prohibition's enforcement.

The war on drugs is not being won in the trenches. During a century of drug prohibition, problems related to the sale and use of drugs have continued to grow. In the 1930s, the percentage of drug addicts among criminals in California was estimated at just three to six percent (Vollmer 1936, p. 109). In Baltimore, 78 percent of male arrestees test positive for at least one illegal drug, and the opiate-positive rate (49 percent) is double that found in other Northeast cities (Wish and Yacoubian 2001).

A local resident who runs a laundromat on a very "hot" drug corner described the problem: "I seen it so many times. . . . Just this corner. Since I've been here [about 5 years], I've seen 13 or 14 people overdose. Just right around here. People come in and say, 'So-and-so OD'd!' And the drug dealers just laugh. They say, 'See, that's good shit.'"

Residents and police know that drug dealing occurs day and night. One elderly man told me, "I've been here 56 years and it's just gotten worse and worse. I don't sit on the stoop like I used to. Those drug dealers just have no respect. Not for the elderly. Not for kids. For nothing!" Those with sons or nephews or children's fathers involved in the drug trade may be financially or emotionally dependent on the drug trade. Other residents may buy and use drugs, but simultaneously despise drug dealers for their negative effect on the city.

The Drug Dealing Corner

Drug dealing in Baltimore's Eastern District is defined by three basic traits: outdoor drug dealing, high levels of related violence, and a large demand for the illegal product. In Baltimore, groups of young people, mostly but not exclusively men, sit on stoops or stand on street corners at all hours in all weather and conduct a brisk trade buying and selling heroin, cocaine, and marijuana. Ecstasy is rare in African-American neighborhoods. Crystal methamphetamine, despite its prevalence in the Midwest and West, is mysteriously absent in the urban Northeast in general, and African-American neighborhoods in particular. Baltimore is atypical for American cities in that a large percentage of the drug trade is centered around heroin.⁷

Most drug users occasionally sell drugs, just as most drug sellers regularly use drugs (Jacobs 1999). Many small-time sellers may sell for just brief periods of economic need. Drugs sold by small-time or temporary dealers are more likely to be adulterated ("cut") or fake ("burn"). Substances similar in appearance to cocaine, such as baking soda, corn starch, or drywall, can be passed off as authentic.

⁷ I believe only a culturally based perspective can explain the various regional and racial variations in drug use. If drug use was correlated primarily with socioeconomic variables, one would expect to find much more similar drug habits nationwide and particularly among poor whites and poor African-Americans.

While the drug trade in the Eastern District may be larger and more violent than normal, drug dealing in various urban locales has much in common (Jacobs 1999, 2000, Anderson 1999, Bourgois 1995). Police officers have written worthy accounts of police work (Rubinstein 1973, Young 1991, Willis 2002): Poss's first-hand description of the "ghetto cop" (Poss and Schlesinger 1994), though somewhat sensational, is an accurate description of policing in high-drug areas; Edward Conlon, writing under his nom de plume (Laffey 1997), highlights aspects of policing rarely discussed even among police, such as the relationship between an arresting officer and a prisoner (he compares it to a "blind date"); McAlary's (1987) story, though a dated account of a rogue cop, shows how easily police can rob drug dealers and articulates a temptingly simple rationalization for such criminal behavior. Semi-fictionalized accounts, such as the first season of *The Wire*, the HBO miniseries filmed in Baltimore's Eastern District, also provide largely accurate depictions of the drug trade, at least from a police perspective.

Medium and large-scale street-level drug operations, called "shops" because of their business-centered outlook, have five distinct jobs or positions: lookouts, steerers, money-man, slinger, and gunman. These roles can be amorphous and more often than not, one person handles multiple positions. Pay is often less than minimum wage (Jacobs 1999). While an individual can sell drugs alone, the risk of criminal robbery and police arrest tend to deter individuals from selling over a long period of time. In an efficient "shop," the five positions are clearly defined and the

man running the “shop” (and it always is a man) is able to sit and observe the operation without handling drugs or money.

“Lookouts” are the lowest job in the operation. Almost always an addict, a lookout has the simple job of alerting others when police are approaching. Any holler will do, such as the common “five-oh” (slang for police from the TV show “Hawaii Five-O”). A good lookout will make about \$35 to \$50 a day and is often paid in drugs.

The “steerer,” “hawker,” or “tout” is responsible for promoting the product and leading the customer to the seller. A steerer can hail those driving by with a wave or what is, in Baltimore, a well-known sign to hail an unlicensed taxi. For local customers, a steerer may walk down the street shouting a “brand name” representing a certain batch of drugs. Cocaine, both crack and powder, is sold in small glass vials legally used for essential oils and perfume. Vials are often marketed according the color of the plastic stopper top, as in “Red Tops” or “Black Tops.” Crack cocaine is often sold under the generic name “ready-rock.” Heroin in Baltimore is sold in gel capsules under slightly more creative names such as “Uptown,” “Body Bag,” or “Capone.”

Customarily, new “brands” are introduced at the beginning of the month to coincide with the arrival of welfare, social security, and disability checks. When money is scarce in the days proceeding the arrival of government checks, dealers will promote the strength and purity of their new “brand” of drug with free “testers”

given out to eager addicts. Drug sales skyrocket in the first few days of the month when the community is comparatively flush with cash from government checks.

While both “lookouts” and “steerers” are often, in essence, outsourced to local addicts, the “moneyman” (not always a man) is a position of some responsibility. A customer arranges the type, price, and quantity of a drug sale with the moneyman. Most street-level transactions are for \$10 or \$20. The moneyman takes the money and holds no drugs because when a person selling drugs is arrested with money, the money may be confiscated under drug-related property-seizure laws.

The “slinger”—a term also used for dealing drugs in general—holds and distributes the drugs. The slinger will keep only a few units on his or her person while the bulk of the drugs, or “stash,” is kept nearby in trash, weeds, alleys, holes in lampposts, windowsills, or abandoned buildings. A slinger will give the drugs to the buyer, a process known as “hitting off.” Slingers can make up to \$200 a day but face the largest risk of arrest because they are in possession of illegal drugs. Dealers will not typically cover bail or arrest-related expenses for their workers.

Unless a suspect is caught with a large amount of drugs, Baltimore public prosecutors working for the Office of the State’s Attorney will not press charges for drug dealing. “Intent to distribute” (dealing) is automatically reduced to “possession” (personal use) for any amount less than 25 pieces of heroin and cocaine. Many “slingers” are juveniles because those younger than 18 are treated more leniently by

the courts. “Slingers” will almost always hold fewer drugs than the amount required to be prosecuted as a dealer in Baltimore City.

The fifth and final position in any successful “shop” is the “gunman” responsible for the protection of the “shop.” Being unable to turn to the police for protection, stickups and robbery are common occupational risks (Jacobs 2000). Due to the risk of a police search, gunmen will usually not carry a weapon on their person, but rather keep the gun nearby, easily accessible.

Drug dealing occurs on a public street because of the ease with which a dealer may “close shop” when a lookout “calls out” the police. A shop can close instantaneously, with the workers simply walking away. At most, one person will have a small amount of drugs on him or her. Dealing out of a home presents greater risks as a police raid can make such an arrangement unproductive. During home raids, the drug squad in particular is notoriously harsh.

A common tactic among dealers is to come from a different area of the city and rent the use of a home in return for drugs or money. Even without such an arrangement, however, dealers can use a vacant building as a “stash house” and simply begin selling. A drug “shop” can open as quickly as it can close. Tied only by proximity to the “stash,” a shop can be extremely mobile. Corner dealers will “re-up” their “stash” as needed with deliveries from a mid-level dealer. Mid-level dealers will be restocked once or twice a week, often from an SUV with New York license plates.

In Baltimore's Eastern District, a neighborhood almost exclusively African-American, the vast majority of customers are local; however, white people from outlying areas form a small but extremely conspicuous minority. The archetypal white addict is employed, drives a beat-up car, comes with a friend from a nearby blue-collar neighborhood or suburb such as Highlandtown or Dundalk, and has a local black drug addict in the car. A black police officer who grew up in a high-drug area explained, "White people won't buy drugs alone because they're afraid to get out of the car and approach a drug dealer. They'll have some black junkie with them."

The local resident serves as a sort of freelance "steerer" who provides insurance against getting "burned" (sold fake drugs) or robbed. The local addict is usually paid informally, taking a cut of the drugs purchased. Occasionally—as evident from the surprising number of white addicts who call 911 and report that they were robbed of twenty dollars—the local does not return at all.

The drug-dealing corner or block is a constant buzz of activity. Dealers hawk their wares, customers come and buy, addicts walk up and down the street hustling for their next hit. Occasionally police will drive by and the street crowd will disperse, slowly walking away from the police car. Walking too fast or too slow is to make oneself a conspicuous mark for police attention. Soon after the appearance of a police car, the street will be deserted. Young and eager police may stop and search—"jack up"—an addict or dealer to make an easy arrest if drugs are found. The legality

of such a stop depends entirely on the officer's ability to articulate reasonable suspicion. When police leave, the crowd and the dealers return.

Many dealers will "open shop" after the 8 a.m. police shift change and operate through the evening. Most heroin addicts need to buy at least once a day. While bad weather slows the drug trade, drug dealers display a hardy work ethic in the most inclement weather. Some drug corners operate 24 hours a day, seven days a week. On only one occasion was I aware of a period of even a few hours when drug addicts were unable to buy drugs because of a lack of supply.

Given a large drug-using population, police have an almost limitless opportunity to arrest drug addicts. Yet the violence around the drug trade stems not from addicts but from open-air markets and dealers empowered by drug prohibition. All the while, dealers who personally avoid handling their product remain virtually immune from prosecution. Police action is not completely ineffectual against drug users and sellers, but an aggressive focus on drugs by patrol officers does not stop drug dealing nor help residents victimized by violence and incivility surrounding the drug trade.

Violence and the Drug Trade

America's homicide rate, despite the appearance of "bottoming out" at the lowest level in decades, remains many times higher than the rate found in other developed nations. Violence and police activity are concentrated in poor, urban,

African-American neighborhoods. Drug-related violent crime affects America's poorest blacks at levels all but incomprehensible to the rest of America. While thousands of lives have been saved nationwide by lower levels of violence (the national homicide rate began a steep decline in 1991), Baltimore's homicide rate remains five times the national average. The violence of Baltimore's drug trade is more extreme but in many ways typical of other cities. Homicide and gunshots are a day-to-day reality.

Each year in Baltimore's Eastern District approximately one in every 150 men aged 15 to 34 is murdered. Put another way, a man in Baltimore's Eastern District has a 13 percent chance of being murdered before the age of 35 (see Table 3, Percentage of Eastern District Men Murdered, 15–34). This percentage ignores non-fatal shootings and would be even higher for those particularly "at risk" by their association with the drug trade. This homicide rate for Eastern District men 14 to 34—689 per 100,000—is twice Baltimore's and four times the national rate for black men of this age. The homicide rate for black men in the Eastern District is 40 times the rate for white Baltimoreans. Eighty percent of Baltimore's homicides are drug-related (Baltimore Police Department). One multiple drug-related homicide in Baltimore's Eastern District drew brief national attention: in October 2002 a drug dealer angry about a resident who had been calling the police fire-bombed the Dawson home, killing both parents and their five children (New York Times 2003).

Table 3: Percentage of Eastern District Men Murdered, 15 - 34

	Males in the Eastern District, 15 - 34
Homicide rate (per 100,000), 2000 - 2002	689
Chance of man in Eastern District being homicide victim between age 15 and 34	12.91%

- 1) The US Census official citywide undercount was 1.8%. I assume the Eastern District undercount to be twice the official citywide undercount, or 3.6%.
- 2) A 3% per year outmigration from the Eastern District is based on the average decline in Eastern District population between 1990 and 2000. The 2000 Eastern District population for age 15 to 34 is 5641 (derived from block level census data).¹ The adjusted 2000 Eastern District population for this age group is 5,844; the 2001 population is 5,669; the 2002 population is 5,499.
- 3) Residential migration is not taken into account. All homicide victims in the Eastern District are assumed to reside in the district. Likewise, no victims outside the Eastern District are assumed to reside in the district.
- 4) All homicide victims in the Eastern District are assumed to be black due to the fact that 93.4% of the city's overall homicide victims are black² and the Eastern District is 97% black.¹
- 5) Of the city's 179 black homicide victims 15 to 34 in 2000, 168, or 93.9%, are male.² 78.9% of all black male Baltimore homicide victims are 15 to 34.² These percentages are assumed to hold true for the Eastern District for all years.
- 6) U.S. Census data lists the race, age, and sex of Baltimore City homicide victims and the population by age and sex for the Eastern District. The demographic characteristics of homicide victims in the Eastern District are estimated from citywide sex and age data.

Year	Homicides ³ in Eastern	Estimated male victims in Eastern (homicides *.939)	Estimated number of male victims 15 - 34 (male victims *.789)	Estimated Eastern District Male Population 15 - 34	Estimated Eastern District Male Homicide Rate, 15-34
2000	59	55.40	43.71	5,844	748
2001	38	35.68	28.15	5,669	497
2002	61	57.28	45.19	5,499	822
Average annual homicide rate (per 100,000) for black males 2000 - 2002:					689
Average annual homicide rate per person:					0.00689
Odds of being murdered during age span: (survival rate: $1 - (1 - r)^x$, where $r = \text{death rate}$ and $x = \text{number of years}$)					12.91%

- Sources: ¹ US Census 2000 .
² FBI UCR reports 2000 Homicide Supplement.
³ Baltimore Police Department.

Another way to conceive of this level of violence is that Baltimore's Eastern District loses more people to homicide each year—both in numbers and per capita—than the hardest hit community, Hoboken, New Jersey, lost in the World Trade Center attacks of September 11, 2001 (New York Times 2002b). Compounding Baltimore's mortality level, deaths from drug overdoses, mostly heroin, now surpass the number of homicides.

High-drug areas demand a certain degree of police aggressiveness. Concern for personal safety is the single most emphasized aspect of police work. As one instructor taught: "The most important part of your job is that you go home. Everything else is secondary." This philosophy is reinforced at all levels of the police organization.⁸ While police officers rarely discharge their guns on duty, police shootings (police being shot) and police-involved shootings (police doing the shooting) are not rare. In 1999, Baltimore police shot 32 people, killing five of them. From 2000 to the end of 2002, seven Baltimore City police officers were killed in the line of duty, two by gunfire. During this three-year period, at least ten Baltimore police officers were wounded by gunfire.

Many falsely assume that such violence is intrinsically linked to gangs. In Chicago and Los Angeles, drug dealing is marked by gang control. The roots of these gangs can be traced back to the black empowerment movement in the 1960s

⁸ Nevertheless, a disturbing high percentage of police officers fail to wear their seatbelts while driving. Many police are seriously injured in car crashes.

(Venkatesh 2000). In the 1980s, with the rise of crack, the empowerment-based gang leadership was replaced by a younger generation focused primarily on drug profit. Contemporary urban gangs bear little resemblance to the neighborhood-rooted street gang studied by Chicago School sociologists (Venkatesh 2000).

East Coast cities, however, do not have a similar history of gangs. While drug-dealing organizations exist, they tend to restrict themselves to wholesale operations without conspicuous gang names, clothes, or colors. In Baltimore, wholesalers, often Dominicans and Jamaicans from New York and Philadelphia, sell their product to various mid-level dealers. Street-level dealers in Baltimore control smaller areas, perhaps three or four corners in close proximity.

Between 1985 and 1997, the percentage of African-Americans under correctional supervision increased from 5.2 percent to 9.0 percent (Sourcebook of Criminal Justice Statistics 2001, table 6.2, p. 478). Saner et al. (1995) examined a cohort of black men in Washington, D.C., born between 1962 and 1967. Approximately 60 percent of this cohort had been arrested, *one in three specifically for selling drugs* (Saner et al. 1995 table 5, p. 356). Nationwide, 23 percent of black males aged 20 to 29 are under justice system control (Mauer 1990). In Washington, D.C., this figure is 42 percent (Miller 1992a). In Baltimore, 56 percent of black men 20 to 29 are under the control of the justice system (Miller 1992b).

Guns are used much more in homicides today than they have been used historically. Homicide victims and offenders are younger than in the past. Much of

this change has occurred since crack cocaine came on the scene in 1985. The median age of gun-homicide offenders dropped from 21 in 1985 to 18 in 1992.

In post-arrest interviews, Lizotte et al. (1997) found one-third to one-half of all juvenile drug sellers regularly carried a gun. Decker et al. (1997) report that 20 percent of arrested juveniles and 31 percent of arrested admitted gang members carry guns all or most of the time. Nine percent of those arrested agree with the statement “It is OK to shoot someone who disrespected you” (Decker et al. 1997). This figure rises to 21 and 34 percent for drug sellers and gang members, respectively. No association was found between drug users and guns.

Jacobs (2000) writes, “It may be the case that, for noncarriers, the threat of arrest outstrips that of being robbed.” I did not discover a gun on any drug suspect in 14 months on the street. While much of the talk about carrying guns must be discounted as bravado, gunfire is a daily reality in the Eastern District. I have no doubt that guns are readily available to most of the drug dealers with whom I had contact.

Patrolling a Drug Corner

A drug deal is a quick transaction. A buyer can pay and receive drugs in a matter of seconds. Drug dealers, however, are a constant and long-term presence. Despite the ominous and threatening presence of a groups of drug dealers sitting on a stoop, outside of hard-to-enforce conspiracy laws, it is not illegal to be a drug dealer.

It is only the actual drug deal or the possession of illegal drugs that allows police to arrest an individual. As dealers will not sell drugs in the presence of a uniformed police officer or a marked patrol car, and drug dealers will usually delegate possession to an underling, police are limited as to what actions they may legally take.

Drug calls dominate police resources. Calls for drug dealing most often simply inform police of a condition of which they are already well aware. This repeated demand for sporadic police attention comes to dominate police patrol. Most drugs calls are considered resolved when the individuals in question disperse, even if temporarily. Some officers enjoy “pooping and snooping,” hiding in nearby weeds or a vacant building to conduct surveillance of a drug corner. Other police, on a slow shift, will search suspects and the immediate area in search of drugs. Some officers, due to time constraints, laziness, or fear, will seldom get out of their car.

To a resident who has called police about drug dealers, officers remaining in their cars can be interpreted as a sign of laziness or corruption. To an officer, however, remaining in the car can be entirely reasonable. If temporary dispersal of a group is the goal, the mere presence of the patrol car is often all that is needed. Every additional step, from stopping the car to exiting the car to questioning people on the street, known as a “field interview,” is a form of escalation on the part of the police officer. Aware of the symbolism and ritual of such actions, police establish a pattern

in which a desired outcome is achieved quickly, respectfully, and with little direct confrontation.

Police officers may know whether suspects are actively, occasionally, or never involved with selling drugs. Many residents, particularly the elderly, believe that all youths, particularly those who present themselves as “thug” or “ghetto,” are involved with drug dealing. If police respond to a call for a group of people known not to be criminals, police will approach politely. The officer could ask if everything is all right or if the group knows any reason why the police would have been called. If an officer does not know the suspects, the response of the group to police attention is used as a clue.

When a police officer approaches a group of suspected dealers, the officer will slow his or her car down in front of the individuals. This tells the suspects that the officer is there for them rather than passing through on the way to other business. An officer will notice any open containers of alcohol or other illegal activities and, on guard for weapons, the location of the suspects hands. Dispersing without being asked is considered a sign of criminal activity, or perhaps an outstanding warrant. But police also view quick and unprompted departure—walking, not running—as a sign of respect and a satisfactory resolution to most problems.

The attitudes of both police and criminal in large part are controlled by a desire to avoid unnecessary interaction with the other. Generally, police officers are not “looking for trouble” on each call. Likewise, drug dealers (and most

noncriminals) do not wish to provoke the police. For most drug calls, dispersal of the suspects is considered a satisfactory resolution. If an officer is called back to a location for the same group of individuals, an officer may ask to search them. Whether suspects believe that their drugs are well hidden or that consent is the path of least resistance, surprisingly few suspects refuse a police search. Additionally, the area around the suspects will be searched for discarded drugs.

The activities about which residents call 911 are infrequently witnessed by police. Police see the signs and the aftermath of what occurs on the street, but in some ways know very little. After a year on the street, 94 percent of patrol officers believe that citizens know more about what goes on in an area than the officers who patrol there (see Table 4, Neighborhood Knowledge). But police cannot base their testimony, or even a legal stop, on the claims of an anonymous call from a citizen. While good communication between the public and the police is essential, relations are generally poor. One officer complained:

Nobody here will talk to police. Half the public hates us. The other half is scared to talk to us. I would be too. But we can't do anything without the public. They know who's dirty [involved with drugs] and who's not. They know who's shooting who. We don't know. They live here. We just drive around in big billboards. How are we supposed to see anything? The public doesn't understand that nothing will ever go to court if nobody talks. We can only do so much. As long as nobody ever sees anything, things aren't going to change.

Table 4: Neighborhood Knowledge

Question: Citizens know more about what goes on in their area than the officers who patrol there.

	(Strongly) Disagree	(Strongly) Agree
Start of Police Academy (n=45)	4%	87%
End of Police Academy (n=50)	10%	80%
One Year on Street (n=34)	6%	94%

Source: Baltimore City Police Officers

The following describes a “typical” police response to a 911 call reporting drug dealing. The description is compiled from three independent observations:

A 14-year-old holds six orange-topped vials of crack cocaine in his pocket. He sits with two older friends, ages 16 and 17, on the marble stoop of an East Baltimore row home at 1:00 a.m. It is a cool and quiet school night. All three wear white T-shirts, baggy jeans below their waists, and brown Timberland shoes. All three have criminal records.

A run-down car drives slowly down a residential street lined with both well-kept and boarded-up row-homes. The 16-year-old gets up, holds up his pants with his right hand, and motions with his left in the established Baltimore signal to hail a “hack,” an unlicensed taxi. The car slows down in front of him and the driver asks if they’re “up.” The youth responds affirmatively and the driver says he wants some “ready.” He hands the 16-year-old a \$20 bill, and the youth returns to the stoop. The 14-year-old then jogs to the car and gives the driver a vial.

The car drives away and the three return to their original positions. The oldest, still a juvenile at age 17, has been arrested eight times for a variety of crimes: three times for loitering, once each for failure to appear in court, destruction of property, auto theft, possession of cocaine, and a handgun violation. He takes the money and adds it to a small roll of tens and twenties.

Across the street an elderly man looks through a darkened curtain. Without turning on the lights, he dials 911. Within a ring, an operator answers his call and says, “911. Your call is being recorded. This is operator 5627. What is your emergency?” The man tells the operator, “Those three hoppers are out selling drugs again on the 1800 block of East Eager.” When prompted for a description, he adds, “They all got on white T-shirts and jeans.” He emphatically states that he wishes to remain anonymous and hangs up.

The 911 operator types the information into her computer and it is relayed electronically to the Eastern District dispatcher. The police dispatcher hails the officer responsible for the post and says: “CDS [controlled dangerous substance, i.e., drugs], 1800 block of East Eager. Three number-one [black] males dealing drugs on the stoop. White T-shirts and jeans. No further [description]. [Caller wishes to remain] Anonymous.”

Fifteen minutes later, a marked police car driven by a rookie police officer drives slowly up the street. The block is empty except for the three youths. The police officer stops in the front of them and rolls down the passenger-side window. He looks at the three.

“How old is he?” the officer asks.

“Who me?” the youngest youth replies.

“How old are you?”

“Seventeen,” says the 14-year-old.

“Where do you live?”

“Up the street.”

“Where do you live?” the officers asks more harshly.

“2086 Biddle.”

“Perhaps one of these two gentlemen will escort you home right now?”

The 17-year-old’s face makes a quizzical expression and the officer says: “Bounce!” The 17-year-old stands up with the 14-year-old.

“Any of you have ID?” asks the officer.

“Naw,” the older two reply.

“Who lives here?”

“Me,” says the 16-year-old.

“Go home. If I see any of you out here tonight, I’ll lock your ass up.”

All three begin to walk away. The officer turns his gaze toward the 16-year-old: “Where are you going? You live here. If you can’t open that door, you’re going to Central Booking [jail]. Go inside.”

The 16-year-old begins to protest, but instead says, “Aw’ite” [all right]. He walks up the five marble steps, opens the unlocked door, and enters the house. The other two walk away. The police officer fills out a line on his daily run sheet and keys up his radio, “Three-Adam-twenty-three.”

“Twenty-three,” the dispatcher replies.

“Frank-no [call abated] for Eager [Street]. Anything else in Sector Two?”

“Frank-no. Ten-four. Twenty-three, can you back up [unit] 22? Domestic assault. 1501 Preston. A Lawanda says she was hit by baby’s father. No further [description]. Twenty-two, you copy?”

“Ten-four.”

The officer responds to the next call. In 20 minutes, the two older boys have returned to their position on the row-home stoop. When the drug sales restart, the elderly neighbor again dials 911.

The reason uniformed patrol police cannot eliminate street-level drug dealing is surprisingly simple. Little has changed since Berkeley professor and Chief of Police August Vollmer made these observations 67 years ago:

One notorious peddler stood on a corner and waited until his customer dropped money near a telephone pole. He picked it up, and one of his agents put the drug wanted, as indicated by the amount of money, in a crevice in the same telephone pole. Where money is taken by one person and the package is inserted by another, conviction is difficult if not impossible (Vollmer 1936).

Addicts make an easy and docile arrest target, but the arrest of one addict does nothing to close a drug market. Nor is it illegal for a lookout to “call out” police by yelling “hootie-hoo” in a singsong voice every time a police car comes into sight. A moneyman can legally hold any amount of cash. Conspiracy to distribute drugs is a possible criminal charge but impossible to prove without a long-term investigation. The only person of the drug crew in obvious violation of the law is the “slinger” handing off drugs to the buyer.

The man in charge of the operation, himself working for a mid-level dealer, could be sitting on a stoop of a nearby vacant and boarded-up building posted with a “no loitering” sign. Because of the sign, this person could be arrested for the very minor charge of loitering. But repeated arrests for loitering, especially if no drugs are found, could result in a call to the police department’s Office of Internal Affairs about racism and police “harassment.”

Standard operating procedure among drug dealers is to access a hidden “stash” of drugs as needed. A stash may contain perhaps 40 pills of heroin and 35 vials of cocaine. If police find a stash “without a body,” that is to say, without a suspect in contact with the drugs, the drugs would be seized and destroyed as “found

property.”⁹ While no arrest can be made “without a body,” police are aware that seizing a stash could have far more serious consequences for the dealer than being arrested for a minor drug charge.

Many residents, after repeated calls for ineffectual police service, assume that police officers are either apathetic or corrupt. Almost all police corruption stems from anti-drug efforts. After work one morning, in a bar frequently visited by police officers, the subject of the drug squad came up. An older cop confided in me, “Stay away from drugs [in your dealings as a cop]. They’ll just get you in trouble in the long run.” One resident told me, “I understand what you [police] deal with. But you got to understand. People see police drive right by the dealers, don’t even get out of the car. Or they [police] got them [dealers] with their legs spread [being searched]. Who’s to say you ain’t taking a little something on the side? You can’t have drugs on this scale without somebody letting it happen.”

A veteran admits, “When drugs hit [years ago], we just weren’t ready for it. We were caught off guard.” The ultimate ineffectiveness of an arrest-based approach to drug dealing combined with aggressive police patrol further alienates a large part of the noncriminal public. High levels of drug use among residents effectively

⁹ Given the prevalence of drug dealing and the fact that drug dealers hold hundreds and occasionally thousands of dollars in cash, police officers routinely face the opportunity for quick and illegal personal gain. Legally seized drugs and money are kept in one’s pockets (carefully separated from personal belongings) before being taken to the station house and submitted in the proper fashion. There is no culture of corruption among the police I studied and worked with. While one would be hopelessly naïve to assume that no police officers are corrupt, I did not witness any officers engage in criminal activity. Integrity is high.

criminalizes the population in the eyes police and further increases the gap between the police and the public. The structure and prevalence of drug dealing combined with drug-related violence leave patrol officers with little effective means to respond to drug crimes. The failure of the current system of patrol is discussed in more detail in the next chapter.

CHAPTER 5: THE FAILURE OF 911 RAPID POLICE RESPONSE

Now I dialed 911 a long time ago.
 Don't you see how late they're reactin'?
 They don't care 'cause they stay paid anyway.
 Thinkin' you are first when you really are tenth.
 You better wake up and smell the real flavor
 Cause 911 is a fake life-saver.
 911 is a joke in yo' town
 911 is a joke.

—Public Enemy, 1988

It makes about as much sense to have police patrol
 routinely in cars to fight crime as it does to have
 firemen patrol routinely in firetrucks to fight fire.

—Professor Carl Klockars

Police patrol officers are committed to responding to every citizen request for police service. A system allowing all citizens unlimited and equal access to police services, is, at its core, very democratic. The reality, however, is anything but. Rapid response to 911 calls dominate the police organization. More than any tactical strategy or mandate from the police administration, citizens' telephone calls control the majority of police services. Police respond to the most overt manifestation of a problem (Force 1972) or to the location at which one citizen, justified or not, demands repeated police presence.

Rapid police response fails to prevent crime and has almost no effect on the odds a criminal will be caught. For fire trucks and ambulances, the benefit of rapid response is obvious: quick response saves lives. For police, however, there is no link between rapid response and crime prevention. If police do not arrive within one

minute of a crime, rapid police response has virtually no effect (Tien, Simon, and Larson 1978; Bieck and Kessler 1977; Spelman and Brown 1981). Even instantaneous police response would be ineffective the vast majority of the time. Most 911 callers—whether by necessity, choice, or confusion—wait until a suspect is gone before reporting a crime (Spelman and Brown 1981).

In Baltimore's Eastern District, typical for a district with a high volume of 911 calls, the plurality of 911 calls are for drug dealing. That drug dealing persists is perhaps the best example of the failure of the system of 911 rapid police response. The high call-volume—consisting mostly of drug calls, prank calls, and non-crime-related calls—virtually precludes any form of alternative preventive patrol. More than half of all dispatched calls for police service are fictitious, involve no crime, or peacefully resolve themselves before police arrive (See Table 5, Calls for Service in Baltimore's Eastern District, 2000). Extremely rare but well-publicized benefits to 911 rapid police response should be seen as the exceptions that prove the rule: a high-volume drug trade dominates 911 and the police far more than police and rapid response have an impact on crime and the illegal drug trade.

The History of 911

The advent of patrol cars, telephones, two-way radios, “scientific” police management, and social science theories on the “causes” of crime converged in the late 1950s. Up to that point, policing had generally followed a “watchman”

Table 5: Calls for Service In Baltimore's Eastern District, 2000

Category of Dispatched Call for Service	Category as Percentage (n) of All Calls	Percentage (n) of Dispatched Calls With:		
		No Need for Police Response ¹	Some Police Service ²	Crime Committed or Requiring a Written Report ³
<i>All Calls for Service</i>	100% (113,205)	38.9% (44,003)	35.4% (40,093)	25.7% (29,109)
Drugs	25.6% (28,959)	13.9% (4,027)	67.2% (19,462)	18.9% (5,470)
Disorderly	10.5% (11,874)	28.6% (3,398)	64.9% (7,707)	6.5% (769)
"Other"	8.8% (9,953)	39.3% (3,910)	26.0% (2,584)	34.8% (3,459)
Alarms	8.3% (9,353)	94.4% (8,833)	3.7% (346)	1.9% (174)
Common Assault	6.9% (7,865)	41.3% (3,252)	23.7% (1,867)	34.9% (2,746)
911 No Voice	5.6% (6,341)	90.1% (5,764)	7.3% (462)	1.8% (115)
Larceny	3.8% (4,346)	28.0% (1,219)	12.8% (556)	59.2% (2,571)
Family Disturbance	2.9% (3,277)	25.6% (839)	37.1% (1,216)	37.3% (1,222)
Auto Accident	2.6% (2,990)	23.8% (712)	30.5% (912)	45.7% (1,366)
Burglary	2.3% (2,639)	49.1% (1,297)	12.0% (341)	37.9% (1,001)
Armed Person	1.9% (2,168)	57.9% (1,255)	29.7% (641)	12.5% (272)
Destruction of Property	1.8% (2,059)	27.9% (575)	14.6% (300)	57.5% (1,184)
Aggravated Assault	1.4% (1,580)	48.0% (759)	20.4% (322)	31.6% (499)
<i>Selected Other Categories</i>				
Gunshots	0.9% (980)	59.4% (582)	32.8% (321)	7.9% (77)
Stolen Auto	0.9% (969)	37.9% (367)	7.4% (72)	54.7% (530)
Assault, Shooting	0.3% (324)	51.9% (168)	1.9% (6)	46.3% (150)
Assault, Cutting	0.3% (312)	29.2% (91)	5.4% (17)	65.4% (204)
Rape	0.1% (120)	39.2% (47)	4.2% (5)	56.7% (68)
Carjacking	0.04% (48)	20.8% (10)	4.2% (2)	75.0% (36)
<i>Not Listed Above</i>	15.1% (17,048)	40.5% (6,898)	17.3% (2,954)	42.2% (7,196)

1 These calls are not legitimate. If no written report is required, police may give a call "oral code." There are six oral codes: A) call unfounded, B) unable to locate complainant, C) no such address, D) no police services needed, E) [suspect] gone on arrival, and F) call abated. For most categories, codes 'A' through 'E' are included in this column. For the categories "narcotics," "armed person," and "disorderly," codes 'A' through 'D' are included in this column and code 'E' is included in the following column. Gunshot calls coded 'D' are also included in the following column as, by custom, the oral code for gunshots refers to the presence of a victim rather than the existence of gunshots.

2 These calls are coded "abated," a catch-all oral code. Some of these calls are legitimate. Calls coded "abated" may (narcotics) but usually do not (auto accident) involve a crime. While no police report is written, calls coded "abated" imply some need for or effect from police services, even if minor.

3 A written police report is required for any property damage, injury, victim, arrest, and all "domestic" calls. A call in any category can be "domestic." In this column, categories with a large number of "domestic" calls—"family disturbance," "larceny," "destruction of property," "common assault," and "other"—are inflated due to the inclusion of unfounded "domestic" calls.

Source: Raw data from Baltimore City Police Department

approach: each patrol officer was given the responsibility to police a geographic area, called a “beat” or “post” (Wilson 1968). A “root causes” approach to criminal behavior believed that police had little if anything to do with preventing crime inasmuch as police could not control the larger social forces of poverty, racism, employment, housing, and education.

Between 1950 and 1970, motorized car patrol replaced foot patrol as the standard method of urban policing. Improved technology allowed citizens to call police and have their complaints dispatched to police through two-way radios in squad cars. Citizens, rather than being encouraged to maintain community standards, were urged to stay behind locked doors and call police. The theory behind car patrol, still taught in today’s police academies, is known as the “three Rs.” First, “random patrol,” police driving in non-fixed patterns, creates the illusion of police “omnipresence.” This stands in direct contrast to the older idea of police walking in a fixed and regular beat. Second, “rapid response” quickly brings police to the scene of a crime to apprehend a criminal. Third, “reactive investigation,” the effective working of the criminal justice system, provides deterrence against future crimes. Interestingly, none of these three theories has ever been shown to work.

Crime rose in sync with the establishment of car patrol and a “scientific” approach to crime fighting. While synchronicity does not indicate causality, such a claim should not be casually dismissed. As rapid response is not designed to prevent crime, its failure to do so should come as no surprise. Car patrol eliminated the

neighborhood police officer. Police, in effect, were simply pulled off the street. This reduced police presence, police-public interaction, and police knowledge of local problems.

Rapid response leads to an arrest in only three percent of serious crimes (Kansas City Police Department 1977, Spelman and Brown 1981). The benefits of rapid response are limited by the time passed before a caller calls the police, the time needed for the 911 operator to record the relevant information, the time it takes for the 911 operator to relate the information to the police dispatcher, the time it takes the dispatcher to radio a police officer, and the time elapsed while a police officer responds to the location. Kelling and Coles (1996), however, explain that the greatest fault for the failure of rapid response rests in the behavior of crime victims:

The primary reason for this negligible impact [of rapid response] was citizen behavior: as a rule citizens do not call police immediately after a crime, even a violent one. Most citizens, whether victims or witnesses, delay somewhere between twenty and forty minutes. Some victims and/or witnesses go into shock. Others, especially those victimized by friends or family, are uncertain about whether to call the police at all, and frequently contact someone close first to ask for advice. Many are frightened and want to be certain that the criminal is completely clear of the vicinity.

In minor cases, rapid response has even less effect given the limited authority of police to act in civil cases and misdemeanors not committed “on view.”

Despite its basic failure, reactive car-based policing proved popular on many levels. Radio cars provided a means to account for and control previously independent officers. Political leaders saw centralization and the closing of neighborhood police stations as a way to save money. Police administrators, happy

to avoid blame for a rising crime rate, concentrated on increasing arrests and reducing response time. Perversely, car patrol was promoted over foot patrol as a cost-saving move justified by increased “efficiency” (Wilson and McLaren 1972). Those who viewed police as provocative and hostile to the public applauded reduced police presence and discretion. As reflected in 911 calls for service, police could respond to the desires of the community rather than enforce their own “arbitrary” concepts of “acceptable” behavior. Police officers, for their part, enjoyed the comforts of the automobile and the prestige associated with new technology.

But not all police saw radio cars as an improvement. One retired Baltimore City police officer who served from 1948 to 1973 reported that car patrol lessened a police officer’s knowledge of his post:

You used to know everybody on your post [when you walked foot patrol]. I knew them and they knew me. I knew the [Eastern] District. Not like today. When trouble moved in, you’d know it in 15 minutes. . . . Man, I loved going to work. It was a real pleasure back then. . . . But you didn’t have the drugs. But same domestics, same stolen autos, that kind of thing.

Unfortunately, the decrease in officers’ knowledge of their post occurred at the same time that such knowledge would be useful in distinguishing between drug dealers and non drug dealers. The high volume and low content of 911 calls further discourages any routine non-confrontational interactions between the police and the public.

The Nature of 911 Rapid Response Calls

The main flaw of the 911 system of rapid response in a high-drug area is the number of calls that do not require police response. A secondary flaw is the inability of this system to reduce public drug dealing despite the fact that the majority of calls are drug-related. Police in Baltimore's Eastern District handled 113,205 calls for service in 2000, approximately one primary call per hour per patrol officer, or approximately 2.5 calls per resident per year.

Table 5, Calls for Service in Baltimore's Eastern District, details one year of dispatched calls for police service and divides the calls into three categories: calls relating to a crime, calls resulting in some police service, and unnecessary or illegitimate calls requiring received but not needing a police response. Twenty-six percent of dispatched calls require a written report, implying needed police response. Thirty-five percent of calls result in some police service, even if very limited in scope. Thirty-nine percent of calls are illegitimate, without need for police response. I believe this is the first analysis of 911 calls for service in a high-drug area to quantitatively demonstrate the high volume of illegitimate calls for police service.

Calls for a Crime or Requiring a Written Report

A written police report—26 percent of all dispatched calls—serves as an indicator for a legitimate call. Any call involving a crime, victim, injured person, or property damage results in a written report. Legitimate calls are both major and

minor. Examples include a car stolen, a fire in a vacant building, a person shot, a group dealing drugs, a window broken by a thrown rock, or a man who hits his girlfriend.

As an indicator for a legitimate call, written reports tend to overestimate the percentage of legitimate calls, but the bias is not entirely one way. Police officers do not like writing reports and will avoid doing so if at all possible. There is not a written report for every required call. The number of required reports that are not filed, however, is not a large percentage of all reports. An officer cannot get in trouble for writing an unnecessary report, and reports are written for some unfounded calls in order to protect the officer from accusations of mishandling a call. Officers who do not write a required report risk severe reprimand. Outside of the time required to write a report—ten minutes to half an hour depending on the report—there is little downside to writing a report.

The validity of using written reports as an indicator for legitimate calls is most affected by domestic-related calls. All domestic calls—defined as involving present or former sexual partner and indicated by key words such as girlfriend, ex-boyfriend, or baby's mother—require a written report. There is no specific category for domestic-related calls. Rather, all police calls are classified as either domestic- or not-domestic-related. Similar to other categories, a large percentage of “domestic” calls are not legitimate. These illegitimate domestic calls are responsible for increasing the number of written reports, thus overestimating the number of

“legitimate” calls. Four calls for service illustrate the concept of illegitimate domestic calls. All of these calls require a written report but lack a crime, victim, injury, or damage.

1) A worried man calls police to report that his girlfriend has not yet returned home from work. Police receive a call for a domestic-related missing person. By the time police arrive at the couple’s house, the woman has returned home safely. She was delayed by public transportation.

2) A woman calls police because she believes her “baby’s father” stole her house keys. Police receive a call for domestic-related theft. When police arrive, the woman apologizes because she has found the misplaced keys.

3) Police receive a call for domestic-related assault: a woman being assaulted by her boyfriend. Upon arrival, they find no sign of struggle. A happily inebriated woman is sprawled on the couch. Her boyfriend is seated nearby. Both are dressed for bed. She laughs and says she called the police because her boyfriend put his feet in her hair. The boyfriend apologizes for her, saying he thought she was joking when she said she was calling the police.

4) A resident calls police and reports that a man and his girlfriend are yelling in the street. Police respond to find two people, a brother and sister, loudly planning when they will see each other next.

Given the limitations of the data, domestic calls cannot be analyzed separately or teased out of the category. Observation indicated that one-third to one-

half of all written reports are domestic-related, and a majority of domestic calls—in a ratio similar to non-domestic calls—are unfounded.

Calls Needing Some Police Service

Before the 911 system was introduced, citizens in need of police service found a police officer or called the local police district. All calls for service required a written report. After 911 was introduced, the number of calls for service skyrocketed. Police were overwhelmed with report writing. Today only crimes with victims, arrests, and domestic-related incidents require written reports. If no report is required, officers must “close” a call with one of six “oral codes”: A) call unfounded, B) unable to locate complainant, C) no such address, D) no police services needed, E) [suspect] gone on arrival, and F) call abated. Thirty-five percent of calls do not have a written report but do result in some police service (see Table 5). These calls are coded “abated,” a catch-all oral code that implies some need for or effect from police services, however minor.

Calls coded “abated” may, as in the case of drug dealing, involve a victimless crime but usually, as in an auto accident, do not involve any crime. Only minor crimes without personal injury or property damage may be coded “abated.” In reality, there is not a great deal of significance as to which oral code a call receives. “Abated” calls are a mix of legitimate and unnecessary calls. A majority are minor

but legitimate in that police do perform some function or service, even if this service need not come exclusively from the police.

Six examples of “abated” calls are:

1) A strong wind opens a store’s poorly secured rear door, setting off a burglar alarm. There is no sign of forced entry and search of the building shows no person present nor any sign of stolen or damaged property. The responding officer closes the door securely.

2) Two cars collide with moderate damage but no injuries. In Baltimore, only accidents with injury or involving city vehicles require written reports. The majority of “abated” car accidents are legitimate in that cars did crash. In minor collisions, however, police can do little other than direct traffic and facilitate the exchange of drivers’ information. No report is written for the insurance company.

3) An assault call reveals two friends engaged in a loud public discussion. The men apologize for their noise and go home.

4) A man says he was robbed. Investigation reveals the man to be a drug addict who freely gave \$10 for drugs but received nothing in return. This call could be handled in many ways, but most likely the complainant would be dismissed and the call coded “abated.”

5) A caller states that boys on a neighboring stoop are selling drugs. When a police officer approaches, three young men on the stoop disperse.

6) A call for a family disturbance reveals a 17-year-old man sitting on the stoop. He says he called the police because his mom locked him out and he wants to go back inside. His mother, inside the home, says she kicked him out because he's out of control and disrespectful and called her a "bitch." The son is given a stern lecture but the mother is told she can't kick her son out of the house until he turns 18.

Based on the broad range for calls coded "abated," it is not possible to classify these calls as either always legitimate or always undeserving of police response. As a result, these calls are grouped in their own middle category of "some police service" required, however minor. One-third of dispatched calls fall in this category. While some may see these minor calls as undeserving of police response, even in high-crime areas police tend to take minor calls seriously as long as the situation can be resolved by some police action which is not available to the calling citizen.¹⁰

Along with all calls coded "abated," the category of "some police service" in Table 5 includes the oral code "[suspect] gone on arrival" for drug calls, armed

¹⁰ Calls 1, 2, 3, and 5 of the above examples would be considered legitimate by most police officers. Many people falsely assume that police dislike responding to "minor" calls. But the issue does not concern the severity but rather the legitimacy of a call. While officers frequently complain that some people call the police too much, police also recognize the many people don't call police enough.

Police officers tend to enjoy any call in which they can help an appreciative person. In addition to major calls, most officers take a particular pride in some category of minor call for which they believe they give particularly thorough service. Officers may take an interest in stray animals, young teen-agers, trash dumping, or drivers who stop in the middle of the street.

person calls, and disorderly calls. While this overestimates the legitimacy of these categories, it acknowledges that many calls are irrelevant by the time police arrive, but legitimate nonetheless. Gunshot calls coded “no police services needed” are also included in this category. By custom, the code for gunshots refers to the presence of a victim rather than the existence of gunshots. If a gunshot victim is found, the call is recategorized “assault by shooting” and a report is written. Most calls for gunshots do in fact reflect actual gunshots. The remainder are prank calls or loud firecrackers.

Calls With No Need for Police Response

Thirty-nine percent of calls to which police respond require no police response (see Table 5). Calls coded unfounded, unable to locate complainant, no such address, no police services needed, and [suspect] gone on arrival indicate a call with little or no legitimacy (with a few exceptions listed above). A large percentage of calls are fictitious. People use 911 to harass enemies, to draw police away from an area, and to make prank phone calls. Calls that require no police response include a complainant who cannot be located, a location that does not exist, a call reporting that an unarmed stranger at a bus stop is armed; a burglary at a location at which there is no building, a false report of a man shot, and a child who dials 911 and hangs up. As a category, 90 percent of 911 hangups—six percent of all dispatched calls—are unfounded.

Police consider unfounded calls “bullshit.” While the definition of a “bullshit” call is somewhat flexible, one officer defined a “bullshit call” as:

...something we shouldn't be there for. "Bullshit" is people call police, but then get mad that you show up. Or when you show up, and they make shit up. Bullshit is any junkie who wastes my time because they got burnt [ripped-off on a drug deal] and say, "I was robbed." Or some bitch who don't get paid and says, 'I was raped!' Everything out here is bullshit. Half the CDS [drug] calls are bullshit. Dealing drug at Wolfe and Eager? [incredulously] No! What can we do about it? People want their rights. People here just want their drugs, their "hair-ron" [heroin], some malt liquor, and a "little some'm' some'm'" ["something something," i.e., sex]. We just get in the way.

While all unfounded calls are considered "bullshit," not all "bullshit" calls are unfounded. Legitimate but minor calls achieve their scatological label most often because of an uncooperative victims and/or the inability of the officer to "do anything." Many victims of even violent crime are uncooperative with police due to fear of or friendship with the suspect. Other victims simply—and sometimes wisely, if they are wanted—choose to avoid interaction with what is seen as an ineffective criminal justice system.¹¹

Officers are often able to determine the validity of a call with just the sparse information given by the dispatcher. One officer said:

There's lots of clues, even when they [dispatchers] barely tell us anything. First, there's the location. Small-time robberies or rapes at drug corners are bullshit. People getting burnt [ripped off by drug dealers] and what not. A real shooting will get lots of calls. If you're harassing drug dealers and one call comes in for a shooting a few blocks away, you know it's bullshit. Other calls you know are legit. There aren't too many fake cuttings. If you get a call for a cutting, good chance you're going to see some blood. Assaults are usually bullshit. Burglaries, destruction of properties, stolen

¹¹ My first shooting victim (I hasten to add, using the words of Maurice Punch, that this is not a confession) would not tell me his name (much less the name of the shooter). This attitude was not unusual. Ten months later, an Assistant State's Attorney told me that nothing ever came of this case because, "the victim, a.k.a. 'Twin,' wouldn't tell the same story twice. He's no angel himself."

autos—well, not always stolen cars—but in general they’re legit. You just have to remember that nobody out here tells the complete truth. Everybody is out to get theirs. . . Other times you get information from the dispatcher and know there’s nothing you can do. Or should do. Somebody can’t raise their kid? What the hell am I supposed to do? I ain’t baby’s father.

The same officer expressed frustration with the 911 system:

I don’t know why they have us responding to calls we can’t do anything about. “He said, she said” [type of calls]. All we do is tell them to go to a court commissioner. We can’t do shit if we didn’t see it. But they still send an officer. That way it’s on us and not on them. But what’s the point of telling us there’s CDS [drugs] on 700 Port, or Madeira and Chase, or Wolfe and Eager? No shit. Either you let us jack everybody up [stop and search people on the street], lock everybody up just for being there, or you live with it. We’re not going to stop drug dealing. Look at all the junkies around. They’re gonna buy! But people call 911 and we drive by. Ninety percent of this job is clearing corners, harassing junkies, and paperwork. What’s left? I got to eat lunch and take a dump too. How much worse would the city be if I just turned off the radio and did my job? I guarantee you I could do a better job if it weren’t for [the dispatcher] always shouting in my ear. We can’t get shit done because calls are always coming in. How many are really “in progress”? Five percent? How many are innocent victims? None.

The Burden of 911 Rapid Response Calls

The primary goal of the patrol officer is to answer 911 calls for service. Call volume is not evenly dispersed throughout the day. Noon to 2 a.m. is generally busy while 3 a.m. to 7 a.m. is generally slow. The frequency of calls per officer increases when other officers are “detailed,” “out of service,” or otherwise unable to take calls. Twenty-six percent of dispatched calls are for drug activity (see Table 5). Disorderly, 11 percent of all calls, include many drug-related issues as well. While most drug calls are indeed reporting on real drug activity, an incident-based 911 reactive approach to drug dealing is not effective.

In the academy, trainees first learn that, as an instructor put it: “anybody who doesn’t answer calls is a hump [a lazy officer].” One night, two officers were trying to remain “out of service” in order to conduct surveillance of a drug corner from the second floor of a vacant building. Another officer disapproved, saying:

Our job is to answer calls. If you want to do drugs, then go to the drug squad. But if you’re going to be on patrol, then you’ve got to pick up your calls. We don’t have time for all that other shit. It’s not fair to the rest of us to handle your calls because you’re trying to get some big lockup.

The emphasis on radio calls can mean that officers do little other than answer dispatched calls. One rookie officer proudly said, “if it don’t come out over the radio. I don’t get involved. . . . I don’t mess with nobody.” While such an attitude is, of course, undesirable in a police officer, from the perspective of a police officer, it makes perfect sense. In the police department, there is very little incentive and some considerable disincentive to work more than required. Officers who “look for trouble” open themselves up to the use of force, physical danger, and the likelihood of civilian complaints. Additionally, a police organization embroiled in accusations of misconduct or political scandal might prefer police officers stay out of trouble rather than take the initiative.

Drug calls are welcomed by patrol officers because they are considered easy calls. “Bad” calls, such as suspected child abuse or DOA (dead body), involve more time commitment, paperwork, or horrible smells. Drug calls require a written report less often than other calls. A drug call can be resolved in a few seconds or, with surveillance and investigation, can take upwards of an hour. Such a range gives

police the option to “sit on the call” and remain “out of service,” thus not receiving any dispatched calls. With this time, officers may finish paperwork, go to the bathroom, eat lunch uninterrupted, or simply wait for a call to come out on their post.

“Bad” call or not, police are expected to handle all the calls on their post, a concept known as “post integrity.” In a throwback to old days when the dispatcher placed index cards in a police officer’s box, officers ask for backed-up calls to be put in their “box.” In the pre-computer days, the calls could wait until the officer was free to deal with them. Computers and “improved 911,” however, have taken discretion away from the police officer (and dispatcher). The internal logic of rapid response demands that even non-timely calls be assigned to any available officer for the fastest response, even if this officer is less familiar with the issue or people involved.

Formally, police officers have no discretion over which calls they must respond to. Etiquette demands that an officer try to handle his or her post’s calls, particularly any call with paperwork. Informally, officers go through great effort to control their time and labor. While “sitting on a call,” officers will come back “in service” for a “desirable” call on their post. An officer with many years experience said:

Back in the old days, there was such a thing as post integrity. You were out there walking around and people knew you. Things were different. You could get away with anything. We used to drink at the brewery, steal from burglaries, shoot at people running away. But that’s just the way things were. We had a lot of fun. But we also knew what was going on. People

talked to us and trusted us. Well, some of them. And you didn't have all this damn paperwork. But you know what it is? They're so concerned with everybody keeping their noses clean that they'd prefer us to do nothing. So that's what I do. If they're happy with that, so am I.

Even during slow periods, the possibility of receiving a dispatched call—most often unfounded and very rarely in progress—prevents officers from doing in-depth investigations, foot patrol, and any form of preventive policing.

Conclusion

This analysis of 911 calls in Baltimore's Eastern District shows that police are most often occupied with calls they can do little about or should not be involved with in the first place. Drug calls are one-fourth of all dispatched calls (citywide, excluding the Eastern District, drug calls are approximately 7.5 percent of all calls). Thirty-nine percent of calls have no need for police response. An additional third of calls are mostly minor matters. Just over a quarter of calls involve a crime or require a written report. The 911 system of reactive policing creates a paradox in which police are considered "in service" by being available, thus limiting interactions with the public.

Because patrol officers spend most of their work-day sitting in a police car or driving around, officers develop a car-centered method of policing their post. Even in an area where most crime occurs on the sidewalk and most residents do not own a

car (much less drive to work), officers are more attuned to pot holes and stoplight timing than to street crime and conditions that cause fear. Officers learn most of their knowledge of an area through the window of a patrol car. How officers learn specifically about drugs is the focus of next chapter.

CHAPTER 6: LEARNING TO “DO DRUGS”

How am I, as a Baltimore police officer, supposed to have empathy for a drug addict? How am I supposed to have empathy for a criminal?

—Baltimore police officer trainee

Socialization in the police force, indeed almost all forms of occupational socialization, can be seen as having two distinct phases: the formal and the informal (Van Maanen 1982). The formal stage, which in the police context is the training academy, tends to emphasize general skills and attitudes. The informal stage—“war stories” in the academy, and the following period on the street—emphasizes specific actions, nuances, and situational application of the rules (Van Maanen 1982). The gap between these two stages creates a “reality shock” (Hughes 1958) and the larger the gap, the greater the likelihood that an individual will disregard virtually everything learned in the formal stage of socialization (Van Maanen 1976). As one “Union City” veteran cop told a rookie, “forget everything you learned in the academy ’cause the street’s where you’ll learn to be a cop” (Van Maanen 1973).

The sale and use of illegal drugs is seen by police as the cause of most problems in the ghetto. Whether drugs are the cause or symptom of greater social problems is, from a police perspective, not considered relevant. One officer said, “If we could get rid of drugs, everything else would fall into place.” Another officer said, “Anything we can do to make life harder for drug dealers and junkies helps.”

“Junkies” as drug addicts are universally referred to by police, are the most apparent manifestation of the drug problem.

The behavior of individual police officers, often conceptualized as police discretion, has frequently been a focus of police literature (Reiss 1971, Rubinstein 1973, Davis 1975, Brown 1981, Kelling and Coles 1996). This chapter describes the socialization of police as related to an arrest culture among police working in the ghetto. Learning to arrest involves three distinct but related aspects: understanding the formal justification for an arrest, learning the informal standards for acceptable versus arrestable criminal behavior, and classifying those who use or sell drugs as worthy of police attention and deserving of arrest.

The Formal Rules of Arrest

Because the authority of police rests in the power of arrest, the limits of police power are found in the rights granted in the U.S. Constitution. Though written 60 years before the first municipal police force, the Fourth Amendment frames standards police must meet in order to stop, search, or arrest a criminal suspect. The Constitution states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

For every arrest, police must affirm in writing the constitutionally required “statement of probable cause.” Soon after an arrest, the judicial branch (in Baltimore,

a representative from the Office of State's Attorney) accepts or rejects the officer's statement of probable cause. If, in the opinion of the judicial branch, probable cause is not met, the suspect is released immediately.

While a strict reading of the Fourth Amendment could imply that a person cannot be searched or seized without a warrant, the courts have determined that warrantless arrests are permissible when public safety is threatened or there is risk of flight or destruction of evidence. The courts have further distinguished between an arrest and a "stop," which usually precedes a warrantless arrest. A "stop" is defined as when a person does not feel free to leave or to refuse to cooperate with police. "Probable cause" is needed for a search or an arrest, while "reasonable suspicion" is needed for a "stop."

The definition for "reasonable suspicion" varies somewhat, but it is defined as less than "probable cause," more than a "hunch," and dependent on the "totality" of the circumstances and the articulatable knowledge of the officer involved. This creates an interesting situation wherein a suspect could be legally stopped by one police officer but this same stop by the police officer's partner could be illegal. The legality of a stop does not depend on the actions of the suspect as much as the ability of a police officer to articulate the legal standards needed to justify his or her actions.

For the safety of police officers, all suspects and their surrounding area are searched after an arrest. This is known as "search incident to arrest." An arrested prisoner is searched more thoroughly (strip-searched to ensure the safety of other

prisoners) when received at the state-run city jail (Central Booking and Intake Facility, known as CBIF). A person's vehicle will also be searched before being towed. This is required for the inventory and safekeeping of any valuables, but in practice it is used as a means to find contraband.

A suspect on the street may also be "frisked" without probable cause. A "Terry Search"—from the Supreme Court Case *Terry v. Ohio* (1968)—gives an officer the right to frisk (pat-down the outer clothing) for a weapon if the officer has good reason to believe that a suspect might be armed. The Terry Search gives police the legal right to frisk most individuals—especially young males—in a violent, high-drug area. The standard for its use depends entirely on an officer's perception of his or her own safety; technically, however, it may be used only to find weapons. Nevertheless, a suspect can be charged with all contraband found during any legal police action whether or not the contraband was the object being searched for. The Terry Search is a large loophole that, while necessary, gives people in high-crime neighborhoods, usually minority, fewer rights than those in a safer neighborhood.

In the police academy, trainees are instructed in the use of the Terry Search. The general link between drugs and violence is often by itself enough to justify a Terry Search frisk of a drug suspect in a high-violence area. If drugs are found on a suspect during a frisk for weapons, officers are instructed to complete their search for weapons before addressing the issue of the suspected drugs. Drugs are not a direct threat to a police officer's safety. If a police officer were to stop a frisk for

weapons as soon as drugs were found, it would be obvious that the intention of the search was not to protect officer safety.

Learning in the Police Academy

Formal police rules are learned in the police academy. But instruction in informal rules is conducted simultaneously. Police academy trainees—there were 51 in my class—do not have police powers but are fully paid employees of the police department. The Baltimore police academy, typical of police academies, is pseudo-military in nature. The Baltimore police academy differs very little from the more thorough description presented by Van Maanen (1973). This despite being geographically disperse and separated by 30 years.

Ignoring Hughes's (1958) warnings about "reality shock," the Baltimore Police Academy attempts to separate police officer trainees from active police officers. Active police officers, ironically, are seen not as mentors but as a tainted and potentially corrupting influence. Police trainees learn little about the real job of policing but do develop an increasingly negative opinion of the police organization because of shortages of paper and forms, leaky roofs, low standards, and hassles in getting needed equipment from the quartermaster.

In the academy, trainees report in uniform for morning inspection. Superiors are addressed as "sir" and "ma'am." Orders are to be strictly followed. The class stands at attention when an instructor enters or exits a classroom. Trainees learn both

the strict military-inspired “chain of command” and their low status in this chain. Real and perceived violations of rules are punished—“rewarded” in academy parlance—by push-ups and other forms of physical exercise. Trainees are not allowed to leave the floor of the building without cause at any point during the day. The police academy, despite its pedagogical ideals, is considered work rather than school. Unlike some police academies (particularly state police agencies), Baltimore trainees do not live on campus and are free to go home after work. Only after completing the police academy is the police officer trainee given the power of arrest and the obligation to carry a gun.

Police academy classes cover subjects such as report writing, law, and physical training. Academy instruction varied greatly in terms of quality. Law classes were well taught. Class members found some of the classes interesting, but no class member admitted to being challenged by any of the material outside of law. Classes were designed to meet the 502 “training objectives” demanded by the State of Maryland. Outside of practical skills such as shooting and driving (taught effectively in separate locations), little emphasis was placed on subject retention. Lessons seem geared more toward protecting the department from legal liability than in educating police officers. As one trainee put it, “They’re not doing it to protect our ass, they’re doing it to cover theirs.” There was an open secret that answers to some tests would be given to the class in pre-test review sessions.

Despite the lax approach toward “academics,” instructors—police officers with street experience—were very concerned with teaching survival lessons. One class showed videos (from Fox TV shows) of cops getting attacked or killed. Most involved discretionary attempts by police officers to search cars for drugs. The instructor warned the class, “Do you ever think that this could happen? That this could happen in Maryland? That this could happen in Baltimore? That someone in this class may be killed? This is no joke. . . . We’re teaching you survival techniques. You’re going to the ’hood.” Another instructor was less helpful when he ranted and yelled to a partially assembled class after one member had to be physically restrained from attacking the class commander, “You think this is stressful?! You haven’t seen anything! Wait till you get on the street! You won’t be able to handle it! This is nothing!”

The academy environment was seen less as a learning process than a six-month form of mild ritualized hazing to be endured. On most days, trainees would be punished with between 50 and 200 push-ups, usually issued in units of ten or 25 push-ups. Trainees would count push-ups by saying “one ma’am [or sir], two ma’am, three ma’am. . .” Leg lifts and other forms of calisthenics were also used as punishment for such activities as talking in class, gum chewing, failing certain questions, and falling asleep. Often the class was “rewarded” [punished] for unknown reasons and perhaps no reason at all.

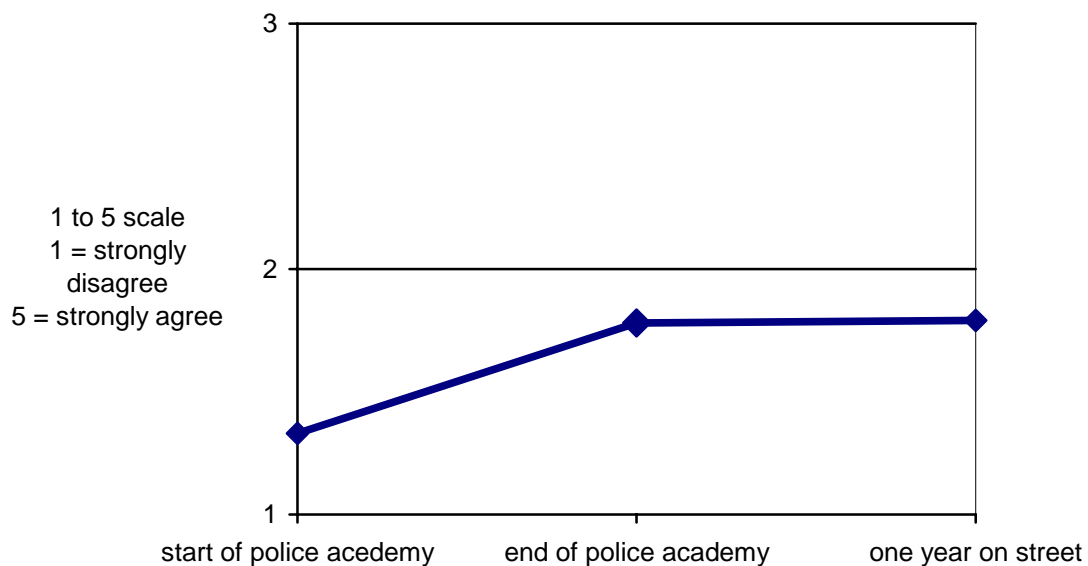
Class members saw the overall approach of the academy as ineffective: not tough enough to serve as a “boot camp,” not rigorous enough to impart knowledge, nor adventurous enough to encourage problem-solving skills. After three months in the academy, one trainee asked me, “Has a single week gone by where you can say that you learned *anything* every day? It’s kind of sad, isn’t it.” One trainee said, “No wonder that’s how cops are out there [rude to people]. They demean us. They break us down. But there is no buildup. It’s like prison.”

In one 8.5-hour day spent learning baton techniques, three instructors stopped the class at various points and spent a combined two hours verbally berating and belittling the class. In a typical break, one instructor yelled at the class, “You have no rights! If you don’t think I can’t [sic] fire you, you’re wrong. That’s what we have these 95s [written records of misbehavior] for. And I have a huge stack from this class. Nobody can protect you, not the FOP [Fraternal Order of Police], not your lawyer, not your mama.” Soon, however, repeated threats of job termination were seen as empty. The academy is not a “weed-out” process. Except for one trainee held back due to injury, all members of the academy graduated on time and became police officers.

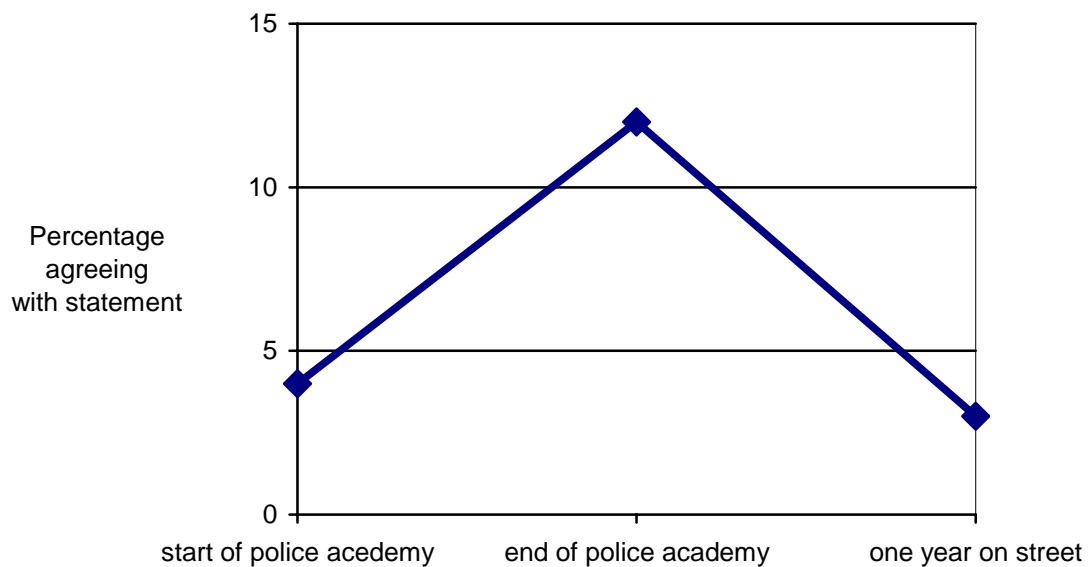
At the end of the academy period, 12 percent of the class agreed with the survey question: “Deciding to work for this department was a definite mistake on my part” (see Figure 4, Mistaken Job Choice). During the six-month police academy, the

Figure 4: Mistaken Job Choice

Question: Deciding to work for this department was a definite mistake on my part.



Change over time: correlation .200* sig .023



Start of police academy, n = 45; end of police academy, n = 50; one year on street, n = 34
Source: Baltimore City Police Officers

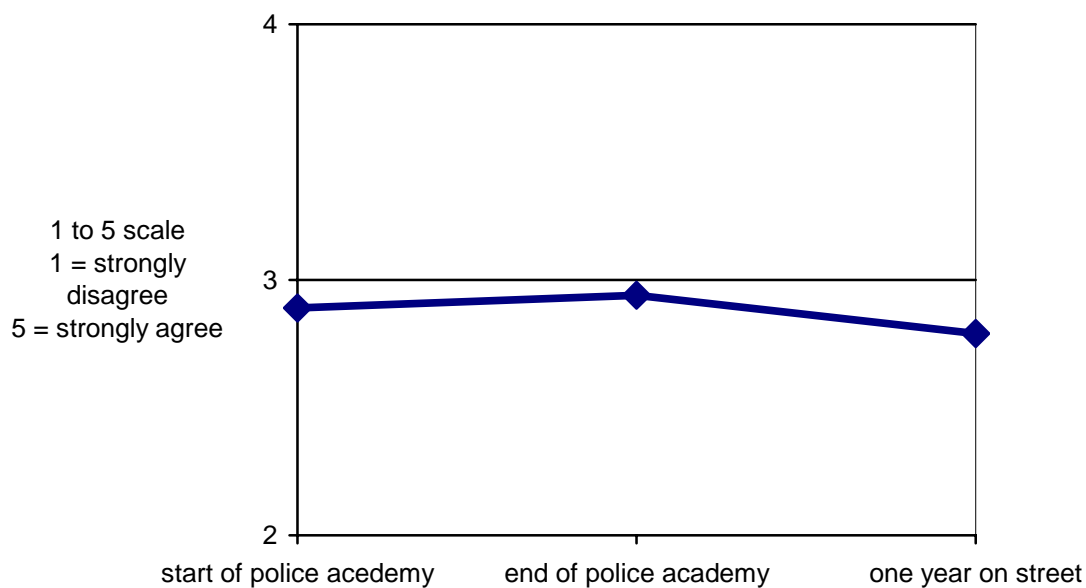
collective class response to this statement shifted toward agreement by a significant 0.45 points on a five-point scale.

Very little attempt was made to explain to trainees how the material presented in the police academy was relevant to day-to-day police work. At the beginning of the police academy, 43 percent of the class expected there be a relation “between what police learn in the academy and what police need to know on the street” (see Figure 5, Relevance of Police Academy). At the end of the academy training, just 36 percent of respondents believed that there was a relation. This percentage would increase, however, to 50 percent after a year on the street.

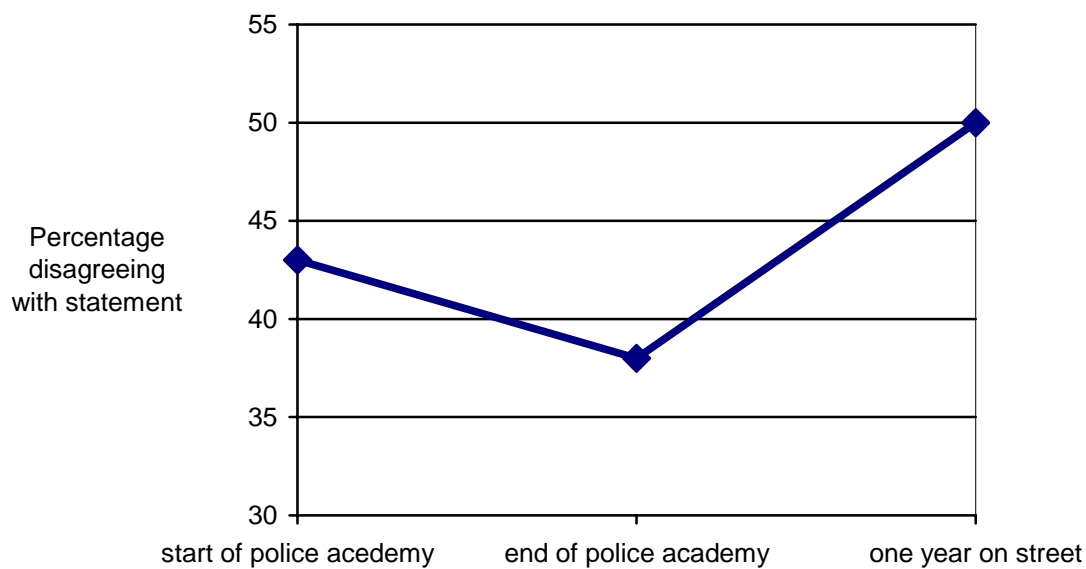
Though by no means unique to police as an institution, some aspects of the “all in the same boat” mentality (Becker et al. 1961) seemed to be learned quite effectively in the police academy (Van Maanen 1972, Harris 1973). Trainees begin to develop a perspective that an inept or uncaring police bureaucracy makes their work more difficult. At the beginning of the police academy, only 13 percent of respondents agreed with the statement: “Police officers could do a better job if the police organization weren’t always getting in the way” (see Figure 6, Opinion of Police Organization). After the academy, the percentage agreeing with the statement increased to 24 percent. After a year on the street, this percentage would continue to increase for white police officers, but, interestingly, not for black police officers.

Figure 5: Relevance of Police Academy

Question: There is little relation between what cops learn in the academy and what cops need to know on the street.



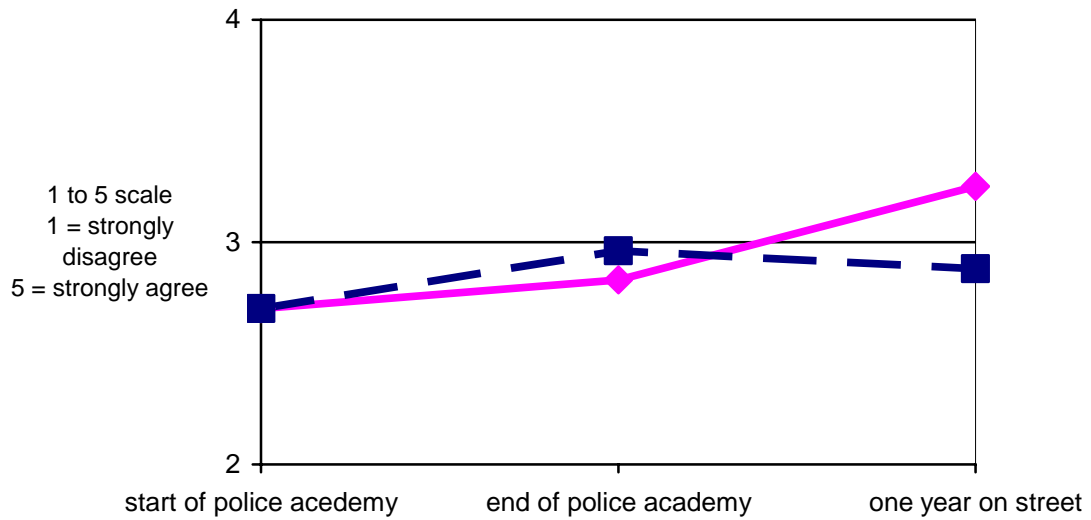
Change over time: correlation -.030 sig .734



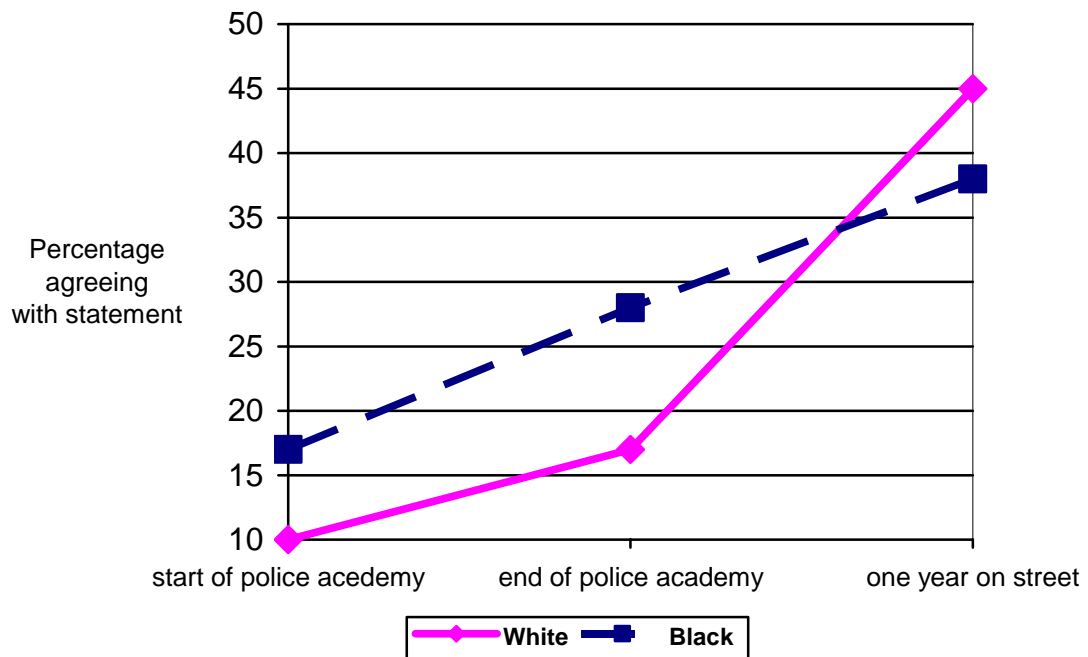
Start of police academy, n = 45; end of police academy, n = 50; one year on street, n = 34
Source: Baltimore City Police Officers

Figure 6: Opinion of Police Organization

Question: Police officers could do a better job if the police organization wasn't always getting in the way.



Change over time (white and black): correlation .191* sig .030



Start of police academy, n = 45; end of police academy, n = 50; one year on street, n = 34
 Source: Baltimore City Police Officers

There was general and growing agreement among trainees that liberals in general and the media in particular are anti-police. During the academy period, the percentage believing that the news media treat police fairly dropped from an already low 20 percent to an even lower ten percent (see Table 6, Media Bias). But notably, after trainees spent a year on the street this percentage went back up to 15 percent.

Learning Informal Rules

Freilich's Smart/Proper Analysis (Freilich and Schubert 1991) is a tool by which one can narrow the gap in understanding between how things *must* be done and how things *should* be done. This gap, "the human dilemma," is faced in all occupations but is perhaps larger and more critical in police matters. Relating smart/proper analysis (SPA) to the police, Freilich and Schubert (1991) write:

Formal writings created to control police behaviors are termed proper rules and principles. Police officers who avoid or evade these rules and principles are considered as deviants, actors who deviate from the proper. Deviants, contrary to public opinion, sometimes make positive contributions to the success and vitality of organizations Such deviant behavior sometimes is copied by actors who have important positions in the organization. As other actors join the bandwagon, a new rule slowly develops. In SPA language this new rule is called a "smart rule."

The relationship between smart and proper rules is simultaneously schizophrenic and symbiotic. Implicit is the assumption that the efficiency of the smart rules allows the formal, proper rules to survive (for an example regarding radio communication, see Manning 1997, p. 262). Yet unlike most organizations, police codify proper rules in

Table 6: Media Bias

Question: In general, the news media treats the police fairly.

	(Strongly) Disagree	(Strongly) Agree
Start of Police Academy (n=45)	76%	20%
End of Police Academy (n=50)	88%	10%
One Year on Street (n=34)	73%	15%

Source: Baltimore City Police Officers

extremely great detail. Thus, any person using smart rules faces potential disciplinary action even if such behavior is efficient.

Numerous instructors in the police academy emphasized the formal rules by stating: “There are two ways of doing things, a wrong way and a right way.” Other instructors, however, would roll their eyes at times and say things such as, “This is what they want me to teach, but you’ll see how things are done soon enough.” Take, for example, a class on the department’s vehicle pursuit policy. The instructor lectured:

The pursuit policy, which is general order O3, states that pursuits are only to be done in exigent circumstances, when immediate action is necessary, and when there is no alternative, and when failure to pursue would likely cause grave accident or death. The general order also states that a police car may under no circumstances ever drive more than ten miles per hour over the posted speed limit. [Pauses.] Everybody knows this is a joke, but I just have to teach you what the General Orders say.

The same instructor later offered the class a bit of informal advice. In response to a question about chasing cars he stated, “You can’t chase a car. It’s not allowed.” But then he added with a smile, “I’ve never ‘chased’ a car. But I’ve ‘followed’ a few.”

A thoughtful sergeant inadvertently addressed the tension between the formal and informal rules. He told me that, “There’s a lot of gray [in policing]. Too many cops think there’s right and wrong. Good guys and bad. You’ve got to accept the gray and deal with it.”

Report Writing

The formal rules of the judicial system create the impression that the legal system is a game of rules to be mastered rather than a search for truth. Defendants, prosecutors, and police officers all try to manipulate the system to best serve their interests. In the academy, one instructor told the class, “There’s a difference between ‘creative writing’ and lying. Don’t get caught up in lying. Creative writing is utilizing what you have.” He gave the example of an officer mentioning that a thrown bag of drugs was still warm to the touch on a winter day: “Otherwise the defense attorney could ask how the officer knew that it was his suspect who threw the bag, since the cop caught the suspect before going back to get the bag.”

Writing can indeed be creative, but among police the term “creative writing” is generally considered synonymous with lying and perjury. Informal rules teach officers first and foremost to “cover their ass.” As one officer put it, lying on a charging document, “leaves your ass hanging in the wind to anybody with a video camera.” The risk of being caught making a false statement is believed to outweigh any benefit. Lying on a charging document is considered perjury and is a criminal offense that jeopardizes one’s career and future pension. While making false statements on reports is not condoned formally or informally, informal rules do give officers a large degree of leeway to bend the rules, particularly through selective omission of facts from formal documents.

One night, my partner and I were driving down a street when my partner asked me to stop. A 30-year-old white woman with obvious signs of heroin addiction was walking toward a drug corner. My partner got out of the car and approached her. He said, "You're here copping [buying drugs] again. *What* did I tell you last time I saw you?" He quickly arrested the woman. He charged the woman with loitering and wrote on his report that the woman had been issued a warning prior to arrest, as required by Baltimore's loitering law. I mentioned to the officer that I did not see him issue any warning to the woman. He told me the details he did not write in the report: "I did warn her. Last week. I told her if I saw her here again I would lock her up for loitering." His report was then truthful, in a sense, following the letter but not the spirit of the law.

In field training, my partner and I responded to a street corner for a larceny. We were met by an elderly man and his son. It was hard to get information from the man, who was a little bit senile. He claimed that a known female acquaintance had taken a gun from his house. He did not, however, have proof or witness the event. Based on his hunch, the man wanted us to go to the woman's address, confront the woman, and find and return his gun. We refused his request and advised the man that citizens could seek warrants from the court commissioner. In the original report, I had already softened the statements and tone of the man:

On 10 April 2000 at 1235 hours, we responded to Harford and North Ave. for a larceny. Upon arrival, Mr. Jones stated that he believes someone may have stolen his gun. The gun was last seen approximately one month ago and was kept on a shelf in a closet at 1687 E Preston St Apt. #214.

Investigation revealed that Mr. Jones believes that Ms. Mildred “Squeaky” (unknown last name) of 2170 W Port St., who has access to the apartment, may have taken the gun. However he is not sure. Mr. Jones is an elderly gentleman and stated that his memory is poor. Mr. Jones does not recall if he moved the gun.

This report was not accepted by my field training officer. Mentioning the possibility of a theft has no place in a lost property report. The rewrite stated:

On 10 April 2000 at 1235 hours, we responded to Harford and North Ave. Upon arrival, we met Mr. Jones. Mr. Jones is an elderly gentleman who stated that his memory is poor. Mr. Jones does not know what happened to his gun. The gun was last seen approximately one month ago and was kept on a shelf in his closet at 1687 E. Preston St. Apt. #214. Mr. Jones does not recall moving the gun nor does he know its whereabouts.

By rewriting a lost property report instead of a larceny report, no further police investigation was required. Such a rewrite also demonstrates how easy it is to change crime statistics. Had the first version of the report been submitted as a larceny report, it would have counted on official statistics despite the lack of evidence. (However, it should be noted that this report was rewritten for reasons that had no regard for the official crime rate.)

Learning Drugs

Most police officers have little prior experience with illegal drugs. Police officers are randomly tested for drugs. Numerous unannounced urine tests were administered during the course of the hiring process and in the police academy. Any admission of frequent or recent illegal drug use in one’s private life would prevent an applicant from being hired. It should be noted that lying and passing a polygraph exam, or lie detector test, is not a difficult skill to master. Likewise, telling the truth

is no way to guarantee passing this flawed test. Numerous trainees, myself included, admitted in private conversations that they successfully deceived the polygrapher and lied on the lie detector test.

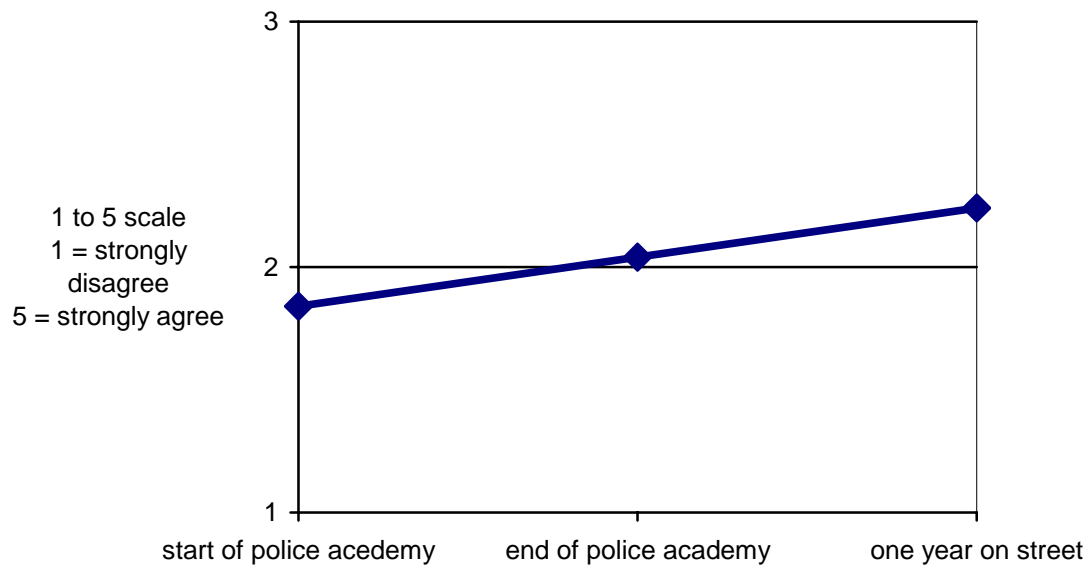
Survey data indicate that police trainees are less sympathetic toward the legalization of drugs than the public at large. Only 15 percent of police academy trainees believe that small amounts of marijuana should be legalized. This compares to 29 percent of respondents in the 1998 General Social Survey. After a year on the street, however, the percentage of police officers agreeing with the statement increases to 21 percent (see Figure 7, Marijuana Legalization).

Officially, 20 hours of instruction in the police academy were dedicated to the topic of drugs. Many instructors warned the class about the severity of Baltimore's drug problems. There is no residency requirement, and only a minority of trainees had any experience with Baltimore City, or any of the high-drug areas within the city. One sergeant said, "You'll be surprised. You all don't know anything. This drug thing is out of control." Trainees are told that 80 to 85 percent of Baltimore homicides are drug-related (relatively accurate) and warned that 85 to 90 percent of calls for service (an overstatement) could involve drugs.

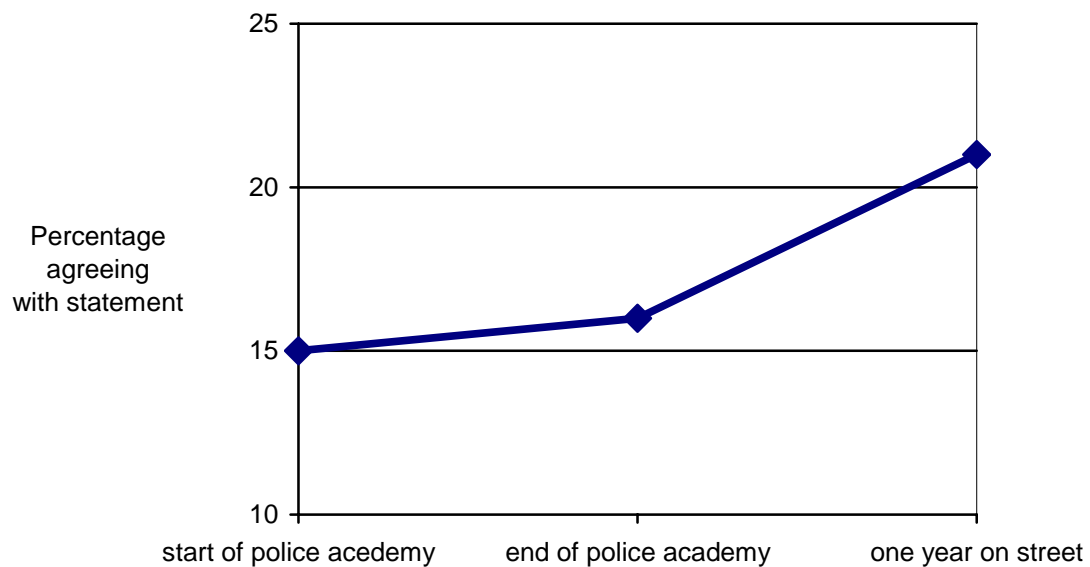
Mocking a saying from a previous commissioner, one officer said, "We're not 'social-working with guns.' We're PO-lice. . . . We're supposed to be locking up the drug addicts, not sending them for referral." An instructor in the police academy told the class one way to clear corners:

Figure 7: Marijuana Legalization

Question: Possession of small amounts of marijuana should be legal.



Change over time: correlation .122 sig .167



Start of police academy, n = 45; end of police academy, n = 50; one year on street, n = 34
Source: Baltimore City Police Officers

You don't have to [hit anybody]. Show up to them, tell them to leave the corner, and then take a walk. Come back, and if they're still there, don't ask questions, just call for additional units and a wagon. *You can always lock them up for something.* You just have to know your laws. There's loitering, obstruction of a sidewalk, loitering in front of the liquor store, disruptive behavior.

While the idea of arresting drug offenders is prominent, the overall effectiveness of police in battling drugs was called into question at an early stage.

One instructor warned the class:

You'll get out there, thinking you can make a difference. Then you get frustrated: a dealer caught with less than 25 pieces [of drugs] will be considered personal use. . . . Or you go to court and they [the judge] take his [the drug dealer's] word over yours [the police officer]. You're a cop and you're saying you saw something. . . . After it happens to you [the guilty not being convicted in court] you don't care. It's your job to bring him [suspect] there [to court]. What happens after that is their problem. You can't take this job personal! Drugs were here before you were. And they'll be here long after you're gone. Don't think you can change that.

Historically, corruption in police departments almost invariably begins with drug operations. Drugs symbolize both the "action" of police work and the "slippery slope" that can draw police officers toward crime. A sergeant warned the class that "corruption starts six months to a year after you're out of the academy. When you're on the streets and you start shaking down drug dealers because they're worthless shits." Another officer told the class, "I don't want you leaving here thinking everybody living in this neighborhood is bad, does drugs. Many [cops] start beating people, thinking they deserve it."

An officer warned the class about the perils of using drugs as an excuse to search suspects. A class member used the words "frisking for drugs." The officer responded: "No, no, no, no, no, no, no! You don't frisk for drugs, only for weapons.

And then only for officer safety. . . . You'll see veteran officers do that all the time.

Don't fall for it. It's a VCR search-and-frisk—violation of constitutional rights.”

Expanding on the theme of constitutional rights, an African-American instructor said:

You can't just go up to someone and put your hands on them. People have died for their civil rights. And don't you think it's ironic that you, sworn to uphold laws and the Constitution, would go and violate the Constitution? I mean, you have to look inside yourself and ask why you're here.

One police officer gave the class of future police offers very wise advice: “Your goal, as is my goal, is to lead a boring life.”

When police are called to a person's home, the residents have lost control of their home at some level. Too readily apparent are crack houses, drug addicts roaming the streets, families broken apart, urban blight, trash-filled alleys, and drug dealers. Police see intensely overcrowded apartments next to abandoned housing and empty lots; families without electricity; rooms lacking furniture and filled with filth and dirty clothes; roaches and mice running rampant; jars and buckets of urine stacked in corners; and multiple children sleeping on bare and dirty mattresses. One officer told me:

You've seen what it's like. Can you imagine what it would be like if your professors knew what really goes on here? I don't see them walked down these alleys or spending time in one of these houses. They read about 280 murders, but they don't know about the thousand shootings, the cutting and assaults where people don't die. Those don't make the papers. If people saw how fucked up everything is, they'd stop blaming poverty or racism and just want the whole place torn down.

Citywide, 25,000 of an estimated 60,000 drug addicts are in drug treatment programs (Baltimore Sun 2002). Though there are no statistics on the specific percentage of Eastern District residents using or addicted to drugs, drug usage rates are undoubtedly higher in the Eastern District than in the city overall. A large percentage of the population of the Eastern District, perhaps even an absolute majority, occasionally uses drugs.

Drug laws criminalize a large percentage of the population. Similar to traffic violations elsewhere, in high-drug areas police officers are faced with a virtually endless pool of suspects who may, at a police officer's discretion, be arrested. One officer described the arrest possibilities by saying, "It's like shooting fish in a barrel. You'll never run out of people to arrest here. Everybody walking down the street is dirty [involved with drugs]." Drug enforcement becomes, inevitably, a matter of police officer discretion.

The gap between how things must be done and how things should be done becomes apparent to officers immediately after leaving the police academy. One of my field training officers came across a man in his own home with one pill of heroin. The man was arrested as the law demands. In the station, another officer made fun of this small seizure by calling my training officer "the one-hit wonder." My training officer explained defensively, "I've got a trainee. We have to do that [arrest drug offenders 'by the book']." But unless officers are eager to make an arrest, standard operating procedure for small-scale drug possession operates under informal rules.

A different training officer and I received a call for two people using drugs on a bench on Monument Street, a busy business district. We found a white couple sitting on the bench and a one-dollar bill next to one of them. The training officer picked up the dollar bill and found a small amount of powder cocaine on it. The officer said, “We got a call for people using drugs on this bench and this bill was right by your hands.” The officer searched them and found no other drugs. The couple complained about police not having the right to search them. The police officer looked at them quizzically, saying, “I’ve just told you my probable cause. We get this call for drugs and this bill is right next to you.” He shook a small amount of drugs from the bill and asked the two, “so this isn’t yours?” They answered that the bill was not theirs. The officer then loudly and repeatedly asked, “Whose dollar bill is this?” On the third query, a man none too close said, “It’s my dollar!” The police officer gave him the dollar bill and let the couple leave.

Later, he explained the legal situation to me: “Did you see them put the bill on the bench?” I hadn’t. He continued:

Then you can’t prove it’s theirs, unless you want to start perjuring yourself. You’ve got three choices. The state’s attorney won’t press charges on constructive possession. If you don’t follow the drugs from their hands to your pocket, you can forget about it. [So the first choice is] we can lock them up for possession, do the paperwork, submit the drugs, and have them walk; [or] you can take an hour [and] submit the bill with the drugs as lost property; or we can pretend we never saw the drugs.

An officer on foot watched this develop from nearby and shook her head and muttered to me, “I don’t like these shenanigans. I don’t do [police work on] drugs. . . . I do my job and go home.”

In another instance, an officer found a pill on a drug addict just before shift change. The officer stood on the sidewalk with a forlorn 50-year-old African-American man. The addict had his pockets inside-out and his few belongings—an almost empty pack of Newport menthol cigarettes, a lighter, loose change, keys, many scraps of paper, a metal bottle cap, a hypodermic needle, and one pill of heroin—piled on the sidewalk. The searching police officer skeptically asked the three other officers at the scene, “Anybody want a lockup? Good overtime?” The other officers declined, with one pointing at the searching officer and, imitating a character from the TV show *The Simpsons*, mockingly laughed, “Ha-ha!”

The searching officer kicked the needle and pill into the gutter and crushed them with his boots. The addict visibly winced when they were destroyed. The officer removed his latex gloves, dropped them in the gutter, and returned the addict’s jail-issued state ID card. “You’re getting a break,” he told the addict. “Go home.” The addict picked up his remaining belongings and said, “Yes, sir. Thank you, sir. You won’t see me again,” and quickly limped away.

On my first night on patrol after field training, two other officers and I were watching two drug suspects walk toward us. One of the officers told me, “Watch his hand [to see if any drugs are dropped].” As the two suspects were being questioned by the two officers, I went and looked on the sidewalk where the two suspects had come from. I found a vial with cocaine. I brought the vial back, thinking this could help the officers. My squad mates asked me if I saw the suspects drop the vial. I told

them I hadn't. One of the officers told me, "If you don't see him drop it, just kick it or crush it. Now you've got to write a found property [report] in case someone saw you pick it up. Because if you dump it now, it could come back to bite you."

As drugs users are, technically, criminals subject to arrest, these citizens become wary of police. Police officers have little contact with the noncriminal public. A sergeant estimated that "95 percent of the people in Sector Two [of the Eastern District] are criminals or don't like the police. . . . The fact that people don't want the police or the court system are the two biggest problems." Likewise, police become less sympathetic toward what they perceive as the criminal public. An officer said:

It's a different culture here. People don't think drugs are criminal. I mean, how many times have you heard people say, "It's just for personal use." We can't do our job. Half the people here are criminals. Another 30 percent don't care. . . They don't care so they get what they deserve.

A ghetto culture sympathetic to drugs and the drug trade was seen by police as a major obstacle to effective crime and drug prevention. One officer noted: "Even those who don't sell drugs, they all sit around on the stoops trying to look like drug dealers. It's a fucked-up culture." Many police officers agreed with this perspective:

It's bad enough that you got all these punks [bad kids] out here, but the sad part is people actually *want* to be thugs. They idolize criminals. What the hell is "thug life" and why does all the rap music support it? Ray Lewis [Baltimore Raven football player who faced and beat double murder charges] symbolizes the city. A thug who should be in jail, but got away with it and is now voted [Superbowl] MVP.

A more liberal officer said:

All we can do is hold the tide. These people need parents. Maybe some religion. Something. Drugs is bad, but these people got issues that got

nothing to do with drugs. People have to start investing in the city. In schools. Show the kids something better. But it'll take time.

The normalcy of drug use was a frequent theme:

People out here think it's normal to sell drugs. They've done it for generations. It pays the rent. And the rest use drugs. So why are they going to help us? Everybody here is dirty [involved with drugs]. They're all criminals. Even the ones who aren't criminals got family who are.

Another police officer expressed a similar thought:

You can't [solve the drug problem]. People want to take drugs. It's a different culture. You know, what is normal for us—like going to work, getting married—they don't understand that. Drugs are normal. Mommy did it. Daddy did it, not that he's around. But if people want to take drugs, there's nothing we can do. All we can do is lock them up. But even that is normal.

The same officer told me later that night:

I wish I worked in an area where I cared. Where people thanked you for doing a good job. I did [care] the first few years. But then you just get tired. I'd like to work somewhere where people aren't always trying to get over on you. Shit, the people who are nice to you here are the ones you've got to watch out for because they did something wrong. People [police officers] come from other districts and they have no clue. They can't tell who's bullshitting them and who's not because they're just not used to it. But you'll get a clue really fast.

On one occasion, while driving slowly through a drug market early one morning, I saw dozens of African-American addicts milling about while a smaller group of younger African-Americans males were waiting to sell to the addicts. A squad mate had recently arrested a drug addict for loitering. I asked my partner, "What's the point of arresting people for walking down the street?" He replied:

Because everybody walking down the street is a criminal! In Canton or Greektown [middle-class neighborhoods] people are actually going somewhere. How many people here [milling about the drug market] aren't dirty [involved in drugs]? ["None."] It's drugs. . . . If all we can do is lock 'em up for loitering, so be it.

The drug problem creates animosity toward police even among residents who do not use illegal drugs:

People get bad ideas from the media or from criminals that we're corrupt or brutal. But we're not. Or they refuse to think that their son could be involved with drugs. They want the corner cleared, but if we pick up their son it must be the racist cops picking on him because he's black. And with the amount of drugs you've got in this area, of course they aren't going to like police because we're trying to lock them up. Too many people here are pro-criminal.

Police have a wide variety of opinions as to solutions to the drug problem. I asked a sergeant if it was more effective to arrest drug addicts or to remain on and patrol the street to disrupt drug markets. He surprised me by choosing the former:

Arresting someone sends a better message. Locking up junkies makes a difference. This squad used to have more arrests than five of the districts. We used to go out every night and just make arrest runs as a squad. Start with six cars, like a train. Fill one up, then you have five cars. Continue until you're out of cars. At 1 a.m., everybody on a drug corner is involved with drugs. We locked them up for loitering. Got lots of drugs, a few weapons too. After a few weeks, everything was quiet. Eventually it got so that we had to poach from other districts. We ran out of people to arrest. You think the neighbors didn't like that?

An arrest-based approach toward addicts is popular among most police. One officer said:

I lock up junkies. Some people consider that a bullshit lockup. But fuck 'em. I don't see them locking up Al Capone. You bring your skanky white ass into East Baltimore and I'll send you right to CBIF [jail]. If I lock somebody up before they buy drugs, that's one less chance that they're going to get robbed. One less chance they're going to get shot. One less chance they're going to OD right before shift change. If everybody locked up all the junkies, eventually they'd give up. Plus I love [the money] court [overtime brings in]!

Another officer explained how a high-arrest strategy would make the streets safer:

I'll tell you how. Go out there and lock everybody up. If you're standing on the corner, you go to jail. If you've got drugs on you, you stay there [in jail].

We could clear up these streets. But people go crazy as soon as you lock up their baby [child]. Some people out here actually do have jobs. And they want the corner cleared until they realize that it's their son standing out there.

Other police officers, however, questioned the benefit of repeatedly arresting addicts:

They've got to keep people in jail. I'd like to see some of that "three-strikes-you're-out" here. We keep locking up the same people over and over again. And they get right out. They don't care if they go to jail: three hots and a cot. The whole system is joke. What do you expect? People don't change.

Another officer said:

Locking up junkies isn't going to do it. They've got to go after the kingpin. The big man. The man with the moolah. But there's too much power up there. You go high enough and you never know who you're going to find. You think it's just here in Baltimore? They don't grow poppies in East Baltimore.

The motives to arrest or not arrest suspects are discussed in the next chapter. And while it is always better to arrest than to be arrested, handcuffing and searching a suspect is a physically intimate affair for the police officer as well as the suspect. Despite their desires, police officers rarely get prisoners who do not smell, do not carry communicable diseases, and do not put up a fight. While heroin addicts often lack the first two attributes, they excel at the latter. The passivity of heroin addicts makes them a more appealing target for arrest than a crack addict or someone high on PCP.

Police offer no good solution to the problems of drugs. A veteran officer proposed raising the risk of drug-related deaths as a means of scaring addicts into quitting:

You really want to know? I've got a plan, but you won't like this. What you've got to do is put bad drugs out there. Make people get sick. Kill a few. The only way a junkie is ever going to kick the habit is if he's afraid he's going to die. If every time somebody was shooting up, there was a good chance they'd die? You'd solve the drug problem in a month. Or at least people wouldn't start. People are dying now. You've seen 'em overdose. And it's good for business because all the other junkies want some of that "good shit."

Many police blame the Bill of Rights for limiting police officers' ability to arrest drug criminals. One officer says: "Yeah, I think the Constitution should be unamended. If we could stop whoever we wanted, there would be a lot less crime. Criminals have all the rights. That's why they call it the *criminal* justice system."

A significant part of the informal rules of policing drugs relates to the criminal justice system and effective prosecution in court. While the formal rules for arrest—reasonable suspicion for a stop and probable cause for an arrest—are relatively easy to follow, the standards demanded by the local state's attorney for prosecution are much stricter and, as they can be unique to Baltimore City, are, to a certain degree, arbitrary.

Officers must never take their eye off any drugs. A suspect fleeing from police will likely throw down drugs while running. When this happens, an officer must choose between catching a suspect with no drugs or retrieving drugs with no suspect. Officers will follow the suspect. Along with any personal desire to catch a fleeing suspect, an arrest is a positive statistic for an officer. Finding drugs without "a body" entails drug submission paperwork and does not count as a beneficial

“stat.” But no drug charges against a suspect will be prosecuted in Baltimore City if an officer fails to catch the suspect while maintaining constant sight of the drugs.

Despite some variety in the opinion of officers toward drugs, no police believe that victory in the drug war is imminent. Echoing what trainees had first heard in the police academy, one officer said, “We can’t do anything. Drugs were here before I was born and they’re going to be here after I die. All they pay us to do is herd junkies.” Nor do police believe that current tactics can do anything other than maintain the status quo.

It may seem incongruous for police officers to see the futility of drug enforcement and simultaneously advocate for increased drug enforcement. Officers see drugs as more than just a significant social problem. As a moral issue, being “soft” on drugs sends the wrong message. For many officers, drugs represent the actual personification of a Christian concept of evil. Viewing drugs as evil allow police officers to form an “us” versus “them” arrest-based approach to policing:

You’ve got to see it [drugs] as evil. What do you think? It’s good? When we’re out there, risking our lives, we’re on the side of good. Drugs are evil. It’s either that or seeing half the people in the Eastern as being evil. I like to think that I’m helping good people fight evil. That’s what I’d like to think.

Another officer described his personal motivations:

It’s a crusade for me. My brother and a cousin died from heroin overdoses. I know that on some level it’s a choice they made. But there was also a dealer pushing it on them. I want to go out and get these drug dealers.

The majority of officers are against softening our drug laws. As one sergeant told me, “Look, we’re out there doing what we can. Should we just throw in the

towel? Legalization would send the wrong message. We don't legalize murder just because we can't stop it. If we weren't out there the problem would be a lot worse."

One-fifth of officers agree that possession of small amounts of marijuana should be legal. A smaller minority supports complete legalization of all drugs. This support comes from a belief in limited government more than a belief in harm reduction: "Fuck. I'd just legalize it all. I don't think it's the state's business telling people what they can and can't do anyway. Legalize it, regulate it, tax it. And then I'd go home and smoke a big doobie."

Dehumanizing the "Junkie"

The damage from hardcore addiction is very obvious, even to a slightly trained eye. Many addicts have blemished and damaged skin, an awkward gait, missing teeth, a thin physique, and, while high on heroin, a gravity-defying ability to lean and sway without falling down. One local business owner described a heroin addict who did small odd jobs for him:

He was gone for 13 months. Locked up. When he came back, things were different, but then [simulates repeated injection with his finger into his arm]. He used to do good work. Plumbing, carpentry, electrical. He was making \$18 an hour doing, what's it called? With brick. Laying bricks. And now . . . he can't even clean windows.

Addicts will refer to themselves as "dirty" or "clean" depending on whether or not they have drugs on them. Addicts also refer to "getting cleaned up" as in "I've been clean for one week." If stopped by police, addicts "hustling" to get money for drugs may protest that they are not "dirty." There is a mismatch between addicts who

considers themselves “dirty” only when they possess drugs and police who refer to anybody who is or will be involved with drugs as “dirty.” Police describe anything drug-related as “dirty.” It is, in the drug-related sense, the opposite of “being clean.”

Police use descriptive words like “filthy,” “rank,” “smelly,” or “nasty” to describe literal filth. The word “dirty” is used to describe the figurative filth of a drug addict. In her New York research, Reuss-Ianni (1983, p. 95) discusses how police follow people who “look dirty,” defined as suspicious. In Baltimore, the word “dirty” is limited to an individual involved in drugs.¹²

“How could anyone start taking drugs here?” one police officer asked. “All you got to do is look around to see how it fucks you up.” Another officer expressed

¹² Most people gather their perceptions of police slang from TV or movies, which are often set in New York or Los Angeles. Despite similarities in police work, police slang is very local and differs greatly even among cities in close proximity. Baltimore and New York police, for instance, have different terms for many similar items such as ambulance (“ambo” in Baltimore versus “bus” in New York), searching a suspect on the street (“jack-up” versus “toss”), beating a person (“thump” versus “jack-up”), an out-of-the-way place to rest (“hole” versus “coop”), and a good police officer (real PO-lice versus Cop’s Cop).

The language in my research reflects the language of Baltimore city police: a suspect is called “thirty-dash-one” (from a box number on an obsolete arrest report), never a “perp;” an arrest is a “lockup,” never a “collar”; and races are called by number: blacks are “number one” and whites are “number two.”

Other police language comes from speech used in and sometimes specific to the ghetto or to Baltimore. For example, “baby’s father” and “baby’s mother” are the common terms for one’s child’s other parent, “bank” means to hit, “alley apple” is a brick, “dug” is a dog, to “fall out” is to faint, “left out” is the past tense of leave, “zinc” is sink, “peoples” for friends, “cousin” for close friend, “selling woof tickets” is to talk “junk.”

One officer said that when he first came on the job, “I couldn’t understand 90 percent of what these motherfuckers were saying. But then I learned ghettoese. You know, like Chinese, Japanese. This is ghettoese.” An African-American cop told me he was trilingual. “I’m from here [East Baltimore],” he said, “I speak three languages: English, bad English, and profanity!”

curiosity about the high from drugs: “Can you imagine the high you get? People give up their family, their job, their home, and find themselves living in some vacant [building], pissing in a jar? Damn, that shit must be good!”

A retired white officer believes that black police officers are more likely to be compassionate to a drug addict: “If somebody in their family is addicted, a brother or father or son, so they’re going to have a little more compassion for the addict. But white cops, you know how it is, it’s ‘junkie this’ or ‘junkie that.’ They’re not even considered people.”

Compassion toward addicts, however, is not universal among any race of police officers. One black police officer told me:

I got family who are junkies. I’d lock them up too. You a junkie, off you go [to jail]. . . . I don’t respect them. How can I respect a junkie? I don’t want my girl thinking taking drugs is OK. . . . Do I think jail is going to fix them? Well, [laughs] that depends on who their cellmate is. [more seriously] Jail doesn’t fix anybody. But junkies got to hit rock bottom before they want to get better. And me locking your ass up might make you want it just a little more.

A white officer described his approach to drug addicts:

Look, I treat everyone with respect. Even the junkies, I’ll always start with “Sir,” “Ma’am,” or “Mr. Moskos. . . [a common police joke is to address a destitute, drunk, or crazy person by your partner’s name] Mr. Moskos, please get out of the gutter.” You’ve got to treat everyone with respect. Most junkies will be do whatever you say. They don’t want a hassle. I’m not going to lock somebody up for one or two pills. But what they’re doing is illegal. You see what drugs do to these people. If they don’t respect themselves, I’m not going to respect them. But you never have to treat anybody like shit. Well, most of the time, anyway.

Another officer stated:

How am I supposed to respect a junkie when he doesn’t even respect himself? You want me to respect some crack ho? Say it’s her choice to suck

dicks for her next hit? Leave her kids sleeping in shit? Or some junkie injecting into his arm, burning down a vacant? I can't respect that. I pity it! But I don't respect that person.

This link between dehumanizing or stigmatizing the addict and an arrest-based culture is clear:

If I see a . . . junkie coming here to cop, I'll stop them. . . . It's better than writing a rape or robbery report later. And it's just a junkie. Junkies don't have rights. They're not even people. Who give a flying fuck about a junkie? Junkie, junkie, JUNKIE!

The following example is from my field notes. I include this to note the frustration present in even a liberal Ivy-League-educated police officer after just five months on the street [text in brackets is not from the original field notes]:

Fucking junkie ass who pissed me off. At 5am we get a call for CDS [drugs] on 1800 E Lafayette. Upon arrival, there's a junkie guy wearing no pants (but he is wearing his boxers) who says he's having an asthma attack. I get out [and listen for wheezing, as I have asthma and am familiar with the signs] and don't hear shit. But he says he wants an ambulance. I tell him he doesn't need an ambo [ambulance]. I tell him to go home. He won't leave because he wants an ambo.

We call for an ambulance and then he starts to walk away[!] I tell him to stay on the corner (now there's a switch) [since much of the police job is telling people to leave the corner]. He wants to cross the street, where he says his pants are (they're not there [my partner looked]). I grab his shirt and tell him to sit down and wait for the ambo. A woman across the street who says she's his sister starts yelling at me to let him go. I tell her an ambulance is coming. She says, "He don't need no ambo, just let him go." I tell her to shut up. [A police officer would be held liable if such a person were allowed to leave and then became sick or died.]

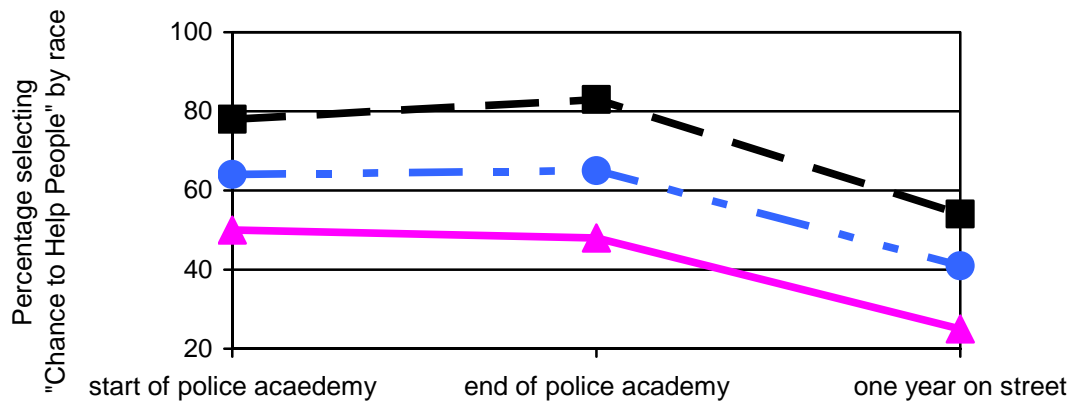
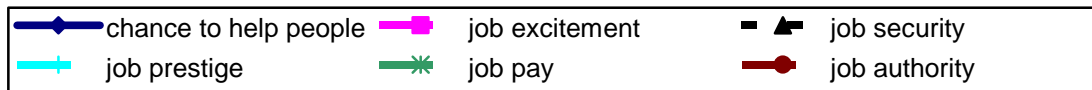
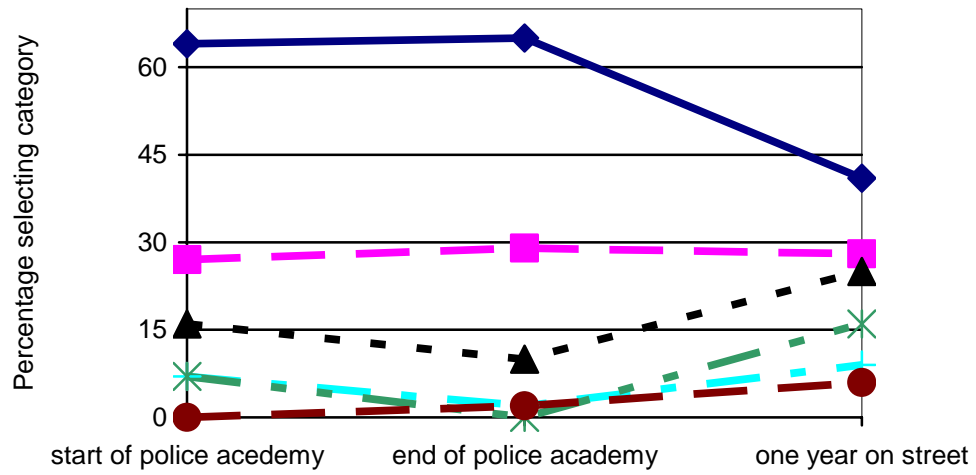
Ambo comes. Of course he don't need no ambo. Guy leaves. Ambo [paramedics] upset because we woke them up. Now the guy will probably get beat down [beat up] on North Ave. or something. Others on the corner say he was talking about snakes on him (which is a common complaint [among people having a bad drug experience] and would explain the lack of pants). But what's up with this guy wanting an ambo while his junkie peoples saying he don't? Man, it gets tired, quick.

In the Eastern District, the police and the public have, in general, little desire to interact. Goffman (1967, p. 70) wrote: “One avoids a person of high status out of deference to him and avoids a person of lower status . . . out of a self-protective concern.” Goffman’s “stigma” was a reference to race. Since Goffman’s time, in policing at least, the “stigma” or “other” has shifted from race to drugs in general and ghetto drug culture in particular.

At both the beginning and end of the police academy, more than 60 percent of the class—80 percent of blacks and 50 percent of whites—stated a desire to “help other people” as a major reason for becoming police. After one year on the street, the percentage of officers claiming this motivation dropped to 40 percent (see Figure 8, Selected Motivations for Becoming a Police Officer). The drop was equal for both white and black officers.

Such a change reflects a dramatic shift from a public-directed focus to a police-directed focus. After leaving the academy, police officers learn that police work involves more interaction with one’s squad mates than with the public. One officer explained, “Sure, you start off wanting to do good, help people. But then you see how things are. All the junkies. Everybody lies. Victims won’t tell you anything because they’re criminals themselves. Then you start to ask, ‘Why am I here?’”

Figure 8: Selected Motivations for Becoming a Police Officer



Start of police academy, n = 45; end of police academy, n = 50; one year on street, n = 34
 Source: Baltimore City Police Officers

Conclusion

The police academy does not address the issue of police discretion toward drug addicts. The large “reality shock” upon leaving the academy moves officers toward informal and more practical police rules learned on the street. The formal rules of arrest learned in the police academy are seen as having little practical application in dealing with drug addicts.

As police lose sympathy and empathy for the segment of the lower-class population most victimized by drug use and drug-related violence, the focus of police work shifts from the public toward police officers’ squad mates. The police job shifts from helping or “serving” the public to the more self-serving goals of minimizing unpleasant dealings, avoiding paperwork, and finishing the work shift safely. Police see the drug addict as representing and promoting the spread of drugs and drug-related harms that have a negative impact on the community. The person involved in the drug trade is labeled as an “other” and becomes effectively dehumanized. While police know they will not win the war on drugs, many believe that arresting addicts does some temporary good. This helps maintain an arrest-based culture responsible for the imprisonment of millions of Americans. The “junkie,” by abandoning some norms of social responsibilities and suffering as a result of some life choices, is perceived as willingly having forfeited some rights common to other citizens.

Police can articulate the reasonable suspicion to stop and probable cause to arrest most of the men and women roaming the streets in a high-drug area. The function of arrest, then, becomes a combination of order maintenance, a fight against the evils of drugs, and a means of boasting police productivity statistics. In a high-drug area, the decision to arrest large numbers of people becomes a matter of police officer discretion and personal choice rather than police response toward criminality or any other suspect-based variable.

CHAPTER 7: DRUGS, OFFICER DISCRETION, AND ARREST DECISION

All they want us to do is lock up junkies and not get complaints. It's always been a numbers game.

—A Baltimore City police officer

Contrary to Bittner (1970), the essence of police authority is not the use of force. Though police may ask, beg, order, and threaten people, ultimately, police authority lies in the power of arrest. Many people may carry firearms in public. All people may use force in self-defense. Police use of force is a byproduct of the police duty to arrest criminals. Even then, force is both heavily regulated and used relatively infrequently. Only police (and in certain circumstances, medical doctors) may physically coerce or control others. A police officer's ability to detain a person for a few hours is the “. . . or else!” of a police order. The power of arrest defines police officers and their relation to society.

While restricting a person's freedom is extreme, when performed repeatedly, arrests can become mundane and ritualized for all parties involved. The vast majority of arrests do not involve sweat, struggle, or the use force. Nor, despite media portrayal, are Miranda rights read to a suspect under arrest (Miranda refers specifically to a suspect being questioned while in custody). A typical arrest involves two or more officers asking a suspect to place his or her hands behind his or her back. This is the point at which suspects will comply, flee, or fight. The vast majority of suspects comply. Officers will be quick to depersonalize the situation by pointing out that they are “just doing their job.”

An arrest is the first step of the criminal justice system leading to imprisonment, the rate of which has increased nearly 500 percent since 1970. More than two million Americans are now in jail or prison. Fifty-seven percent of federal prisoners and 21 percent of state prisoners are drug offenders. Despite nearly similar overall drug usage rates among whites and black, the majority of drug prisoners are African-American (Harrison and Beck 2001). The racially disparate outcome of drug-related imprisonment is both worrisome and well documented. Comparatively less is known about the initial stage of the criminal-justice system, when a patrol officer arrests an African-American suspect for a drug-related crime.

Given the high level of drug use in the Eastern District, police officers can make as many legal arrests as they choose. Arrests have always been used by police departments to quantify police officer productivity. Court overtime pay and a desire to keep work “fun” are significant factors for many officers. Other officers, usually more experienced, are wary of administrative hassles and potential citizen complaints resulting from an arrest. Significantly, police discretion and arrest decision are less dependent on suspect-based variables, such as race and demeanor, than on police-based variables.

Baltimore’s Eastern District exemplifies police action in the war on drugs and its dramatic impact on African-Americans. Forty-five thousand people—seven percent of the city’s population—live in the Eastern District. In 1999, 27,120 arrests—more than one-third the city’s total—occurred in the Eastern District.

Because high-drug areas are disproportionately African-American, African-Americans are disproportionately affected by police arrest decision even when police actions are unbiased with respect to race. Why officers arrest—and arrest on such a large scale in a poor African-American neighborhood—is the focus of this chapter.

Neighborhood-Based Variables and the Unintended Law of Racial Policing

Common conservative wisdom states that blacks are disproportionately arrested because of increased criminality. Liberals point to overt and institutional racism as causing racial disparities in the arrest rate. Neither claim satisfactorily explains race-based differences in arrests. Coinciding with both arguments is what I call the “Unintended Law of Racial Policing.” This postulate states that a black person is more likely to be arrested or cited for any given crime when compared to a white person committing the same crime. This holds true even with unbiased, race-blind police.

From a police perspective, when laws are frequently violated—such as traffic laws anywhere and drug possession in high-drug areas—one can consider the level of criminality universal: there is always somebody near the police officer who is violating the law. In such a situation, police enforcement of these laws will correlate with the number of police present and their desire to issue citations or arrest suspects more than with the rate of criminal violations. If police are disproportionately patrolling high-crime areas and if these high-crime areas are disproportionately

minority, then minorities are more likely than whites to be stopped, cited, and arrested—even when controlling for differing levels of criminality.

To illustrate this phenomenon, let us turn to the hypothetical town of Fairview (see Table 7, Unintended Law of Racial Policing). Fairview is strictly segregated into two equally populated areas: the white population lives in the wealthier neighborhood of Pleasantville and the African-American population lives in the poorer neighborhood of Hoodville. Drug usage rates are similar in the white and black communities, but Hoodville has street-corner drug dealing and 80 percent of all violent crime. Fairview police, all fair and unbiased, are dispatched to reflect the rate of violent crime and, as a result, 80 percent of police patrol Hoodville and just 20 percent of police patrol Pleasantville.

Eighty percent of those arrested for violent crimes in Fairview are African-American. As blacks make up only half the population, this could be interpreted as *prima facie* evidence of racially biased policing. But such a disparity is easily explained by the rate of violent crime. It is far more difficult, however, to explain why black residents are four times more likely than white residents to be cited for a traffic violation or arrested for drug use despite, we are assuming, similar driving habits and equal levels of drug use.

Fairview police officers arrest one drug suspect a week and write an average of one ticket per work shift—and we are assuming that Fairview’s police only arrest and ticket the guilty. Reflecting the fact that 20 percent of all police officers are in

Table 7: Unintended Law of Racial Policing

City of Fairview	Whiteplains neighborhood	Hoodville neighborhood
Percent of population	50%	50%
Percent minority	0%	100%
Percent of police	20%	80%
Percent of felony crime	20%	80%
Percent of felony arrests	20%	80%
Percent of drug users	50%	50%
Percent of drug arrests	20%	80%
Percent of traffic violations	50%	50%
Percent of traffic tickets	20%	80%

Pleasantville and 80 percent of officers are in Hoodville, 20 percent of those ticketed and arrested will be white while 80 percent will be African-Americans—a racially significant outcome of racially unbiased police. This racially disproportionate outcome of racially unbiased policing is the Unintended Law of Racial Policing.

In high-drug African-American areas such as Baltimore’s Eastern District, drug dealers and users (along with traffic violators) provide a virtually limitless supply of criminal suspects. One officer described the scene around an open-air drug market as:

[An arrest] free-for-all. . . . Junkie, junkie, junkie. You can pull up to any corner and lock up everybody walking away [or] any white person you see. They’re all dirty. . . . If you want court time, this is where you come. Fuckers [police] come from other sectors, even the [lower crime] Southeast [District], just to poach [arrest in another squad’s sector] from here. But there’s plenty [of arrests] to go around. By the time we got the last, the first would be long out [of jail] and we could start [arresting them] all over again.

The combination of criminal behavior, public drug dealing, greater police presence, the dehumanization of drug addicts, and police officers’ desire for court time leads to a high number of arrests. While the race of a suspect is not in and of itself a significant variable, the above listed variables converge in urban ghettos that are almost exclusively African-American. Given the uniqueness of the African-American ghetto, police behavior can be race-neutral and still result in racially biased arrests decisions.

Officer-Based Arrest Variables

Academic literature traditionally focuses on the suspect arrested as the key variable influencing police officer discretion and arrest decision. Suspect-based variables include race, demeanor, and criminal behavior. Though these variables can be correlated with arrest decision, suspect-based variables are far less important than often overlooked officer-based variables.

An officer-based approach to a police officer's arrest decision moves away from a more conventional Goffmanesque suspect-based sociological theory. The dramaturgical perspective, though extremely useful for the studies of "officer-on-the-street" police work, is less relevant to intra-police variables. Participant-observation research likewise tends to focus on "front-stage" police-public interactions at the expense of "backstage" considerations. Taken alone, "front-stage" police action fails to explain the disproportionate African-American arrest rate.

It is quite easy to compare the merits of suspect-based variables versus officer-based variables in relation to arrest decision. If suspect-based variables were key, one would expect to find similar arrest statistics for officers working in the same area and dealing with similar suspects. If officer-based variables were key, one would expect to find a large variation in arrest statistics among officers working in the same squad. The significance of officer-based variables would also be supported if variations in high-discretion activities—such as traffic citations and non-felony arrests—were greater than the variations found in lower-discretion felony arrests.

Police have relatively little arrest discretion in felony crimes, especially those involving violence. Arrest decision becomes a function of the officer's ability to identify and locate a suspect. The bulk of arrests, however, occur for minor and nonviolent offenses. In these cases, police officers exercise a great deal of discretion.

The arrest data for officers in a single squad show a high degree of variance over a six-month period (see Table 8, Arrests per Officer). The median number of non-felony arrests per officer for a six-month period was 18. The number of non-felony arrests per officer during this period, however, ranged from a low of 2 to a high of 72. Similarly, the median number of traffic citations per officer was 36, with a range from 5 to 135. The median felony arrests per officer for the six-month period was 2. The range of felony arrests was from 0 to 11. Felony arrests per officer showed less variance, indicating less officer discretion.

Significantly, there was no correlation between the number of felony arrests by an officer and the number of non-felony arrests or traffic citations by the same officer (see Table 8, Arrests per Officer). Among individual officers there was a strong correlation between the two measures of high-discretion activities: non-felony arrests and traffic citations. All officers were policing the same people in the same area under the same management. The variation among and correlation between misdemeanor arrests and traffic citations demonstrate the significance of officer-based variables and the less important nature of suspect-based variables.

Table 8: Arrests Per Officer (Variations between officers, six month period)

Officer	Arrests (total)	Felony arrests	Non-Felony Arrests	Traffic citations
Adam	77	5	72	135
Baker	66	1	65	65
Charlie	49	6	43	59
David	31	11	20	18
Edward	24	2	22	28
Frank	20	8	12	20
George	20	2	18	64
Henry	18	0	18	19
Ida	16	4	12	60
John	11	3	8	40
King	10	2	8	36
Lincoln	10	1	9	28
Mary	4	2	2	5
Total	356	47	309	577
Mean	27.4	3.6	23.8	44.2
Median	20	2	18	36
Std Dev	22.7	3.2	22.3	34.0

Correlation Between:	F	Sig
Non-felony arrests and felony arrests	.075	.81
Non-felony arrests and traffic citations	.785	.001*
Felony arrests and traffic citations	.018	.95

Source: Baltimore Police Department Monthly Performance Sheets, compiled by author.

Figure 9 (Monthly Arrests for Three Officer Types) shows the variation in monthly arrest numbers for three different officers. Officer L (from Table 8, Arrests per Officer), a low-arrest officer, made 10 arrests during the six-month period. His monthly arrest totals ranged from 0 to 4. Officer A is a high-arrest officer. While Officer A made 77 total arrests in six months, Officer A made only three arrests in March.¹³ In April, Officer B made 26 arrests, the most of any officer in any month. Low-arrest Officer L made no arrests in April. While Officer B made many arrests in April, he made three arrests in November and just one arrest in December. While the variations in arrest numbers from different officer to officer support an officer-based perspective on discretion and arrest decision, variations over time for a single officer need further analysis.

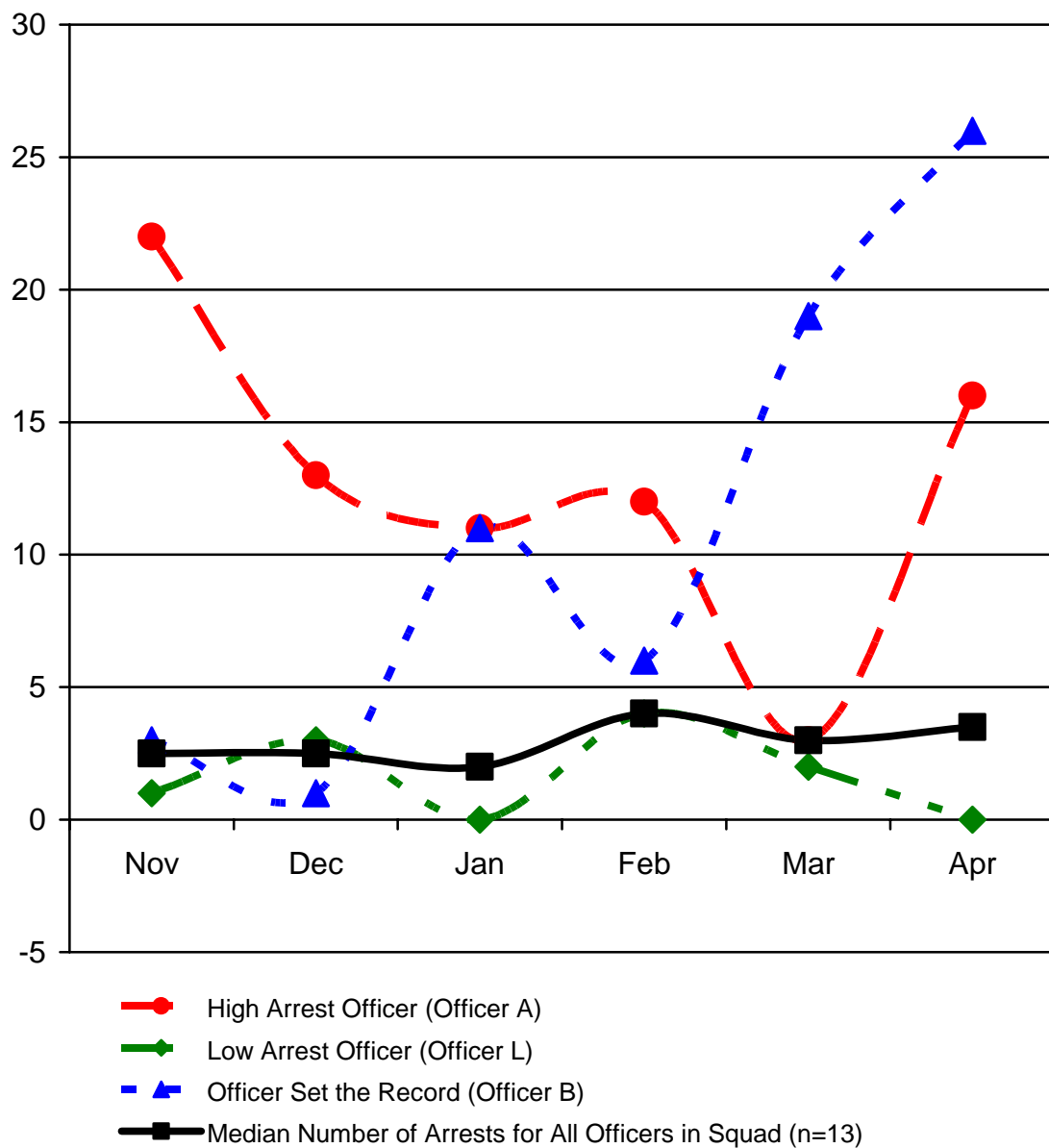
Discretionary Arrests

A disproportionate number of discretionary arrests occur in high-drug areas. Many arrests are drug-related even when suspects are charged with non-drug offenses. Only in high-drug areas do police officers make extensive use of discretionary non-drug-related charges, such as loitering. Although being a drug addict is not an arrestable offense, drug addicts are easy targets for arrest while they hustle for money, search for their next hit, or possess small amounts of drugs. Heroin

¹³ Data come from four-week work periods and are not the exact months listed.

Figure 9: Monthly Arrests for Three Officer Types

(Variations among officers, six month period)



Source: Baltimore Police Department Monthly Performance Sheets, compiled by author.

addicts in particular tend to be docile and nonconfrontational toward police, facilitating an easy arrest. Low-level drug dealers also serve as easy targets for loitering violations, as these dealers must remain near the drug “stash.”

An anonymous call for drug dealing does not give an officer any additional legal authority vis-à-vis the suspect. An anonymous call does not give an officer reasonable suspicion to stop a person.¹⁴ Without reasonable suspicion, a police officer’s power is limited to requesting that the person in question move elsewhere. Most drug suspects, however, partake in multiple (though minor) illegal activities. More often than not, street-level drug dealers are rowdy teenagers who drink, act disorderly, and litter. These low-level offenses give police the legal right to arrest. Through the power of arrest, police gain the leverage needed to control a suspect’s behavior.

Every drug call to which police respond—indeed all calls involving perceived criminal or social misbehavior—will result in an arrest, departure, or deference by the suspect to the police. There is a *modus operandi* to police response. Police action and citizen response to a standard drug call is so common and

¹⁴ This is a tricky legal area. Most calls come in anonymous and most anonymous calls are not legitimate. Yet police cannot ignore these calls. If an anonymous call comes for an armed person, police will search the suspect, knowing that the case might not hold up in court. Police concern themselves with taking a gun off the street, making an arrest, and perhaps preventing a homicide. But if anonymous calls did give police the right to search, some police would be quick to call 911 whenever they needed to search a suspect.

ritualized that it resembles a dance between police officers and drug dealers. When a police car approaches an active drug corner, drug activity stops and people—dealers, friends, addicts, lookouts, and any “innocents” who happen to be walking by—will slowly walk away.

Most often, the suspects will go for a brief walk around the block and then, after police leave, reconvene on the same or a nearby stoop. On one typical call, police responded and two drug suspects walked away from the stoop without being asked. One of the officers happily said, “I love respectful drug dealers.” Because each call for drug activity is considered a separate incident by the police department, quantitatively, repeated calls for the same group of people are seen as a series of well-handled calls rather than the qualitative failure of police to achieve any lasting impact on the drug trade. Most calls for drug activity are resolved when the suspects disperse, often without a word being said.

There is the assumption among police that if the suspects are “dirty” (involved with drugs), they will walk away rather than risk being stopped and frisked. If a group of suspects does not disperse when an officer “rolls up,” the officer will stop the car and look at the group. This stare serves a dual purpose: the police officer scans for contraband and weapons but also declares his or her dominance over the turf. Police officers assert their right to control the public space.

If a group of suspects does not disperse, they may ignore the officer’s look or confrontationally return the stare. This is known to police as “eye fucking.” The code

of the street allows for one to avoid confrontation, but the unwritten rules state that to enter into and then back down from a conflict, however minor, is a loss of face. Nobody wants to be “punked” (Canada 1995), least of the all the police. Police play by these street rules under the assumption that any sign of weakness on their part will make their future interactions much more difficult and dangerous.

If a group of suspects declines to disperse, an officer, most likely remaining in the police car, will initiate verbal communication by asking the suspects where they live and if they have any identification. Without proof of residence, the suspects will be told to leave and are threatened with arrest. Suspects’ failure to carry identification facilitates legal arrest for extremely minor charges.

There are, of course, different variations depending on the individual officer involved. One officer said, “You can’t just roll by and tell people to leave the corner and then come back and arrest them. You wait for them to leave. And if they don’t, you get out of your car.” Another young officer said:

Unless it’s a busy night, I’m going to jack up [search] whoever I can. They may not all have drugs on them. But nine times out of ten, one of them is dirty [has drugs on them]. It may not even be what they’re dealing. Maybe just a blunt [marijuana in a cigar] for “personal consumption.”

An older officer described his philosophy:

I’m not going to get out of the car unless I have to. If I get out, somebody’s going to get locked up. Look, we get how many calls for CDS [drugs] an hour? I don’t have to get out of the car just to tell someone to take a walk. I want there to be impact if I get out. We’re not allowed to hit people anymore, so I want me walking up to them to have the same effect. If they know I mean business, they’ll do what I want without me even stopping the car. That’s not being a hump [a lazy cop]. That’s good policing. That’s respect.

When an officer decides to make an arrest, he or she has determined that probable cause exists. Arrests are by definition “hands-on” and demand close physical contact. Once handcuffs are on a suspect, there is very little chance to “talk your way out of an arrest.” An officer may be asked, “What am I being locked up for?” The most common response is, “You’ll read it on the charging documents.” When a suspect is arrested, officers are under no obligation to tell a person why he or she is being arrested.

The arrestable offense may be unrelated to the actual issue at hand. An officer does not have to commit to a specific criminal charge until after a suspect is arrested and transported to jail. The lack of specificity is not due to ignorance on the part of the officer. If a significant criminal violation cannot be found, officers can arrest and do charge many drug suspects with loitering (if they are on a sidewalk) or trespassing (if they are on the stoop of a home). The prisoner will read the charges later on the charging documents presented at central booking.

The primary goal of discretionary arrests is not the enforcement of some form of “zero-tolerance” policing. Rather, a police officer wishes to establish the authority necessary for the future voluntary compliance of an officer’s orders, particularly those orders that cannot be directly enforced with an arrest. Officers attempt to gain compliance from a suspect and control of a situation by implying that arrest decision is based entirely on personal (and even extralegal) discretion rather than the more mundane, legitimate but extremely minor or technical violation of the law. Officers

frame disputes in specific personal terms for which there can be no acceptable rejoinder (rather than on the basis of legal issues, which can be open for public debate).

A low-level drug dealer sitting on a stoop of a vacant building may be ordered to go home, “or else!” It is no crime, however, for an adult to not go home. But the suspect may be arrested for trespassing if he refuses to leave. It would be in the officer’s interest for the suspect to believe he was arrested for refusing to obey the (unlawful) order to go home rather than the technical violation of sitting on a stoop in front of a “no trespassing” sign.

A nonviolent domestic dispute serves as another example. A woman is sick of her baby’s father coming home and being disorderly after a night of drinking. An officer wants the drunk man to spend the night elsewhere. The girlfriend is not afraid of the man, but the officer believes this argument will continue and perhaps turn violent. There is no cause for arrest. Police may not order a person from his or her home. But an officer can request to talk to the man outside his house. At this point the officer might say, “If you don’t take a walk, I’m going to lock you up.” The man may protest, loudly and drunkenly, that the officer has no reason to lock him up.

The man, though within his rights to quietly reenter his house and say goodnight to the police, is more likely to obey the officer’s request or engage the police in a loud and drunken late-night debate. If the man refuses to leave and continues to be loud, he may be arrested for disorderly behavior.

Citizens in the Eastern District—almost always African-Americans—are routinely asked by police if they have identification. Police officers may also legally ask people their name, where they are going, and where they live (though there is no legal obligation to respond). Failure to carry ID or go by one’s legal name is nearly universal among those questioned by police in the Eastern District. Rapper Ice-T explained both sides of this phenomenon in his 1988 rap, “Drama”:

Police: What’s your date of birth? What’s your real name?

Ice-T: I stuck to my alias, I know the game. If they don’t know who you are, then they don’t know what you’ve done.

Police: You’re just makin’ this harder on yourself, son!

Though any minor charge will suffice, loitering is the most widely used minor criminal charge in Baltimore. Loitering is defined, in part, as “interfering, impeding, or hindering the free passage of pedestrian or vehicular traffic after receiving a warning” (Baltimore City Code Article 19 § 25-1). In practice, loitering is failing to move when ordered to move by a police officer; the specific state of loitering by itself is criminalized in a “drug-free zone.”¹⁵

Though a smart officer can almost always find a legal reason to search a suspect in a high-crime area, it is far easier (and defensible in court) to arrest a suspect for a minor violation, then search the suspect “incident to arrest” (though an

¹⁵ Drug-free zones, defined by the city council, encompass a large part of the Eastern District. In practice, “loitering in a drug-free zone” is charged infrequently because an officer’s arrest report requires a slight amount of additional writing, specifically a listing of the drug-free zone’s boundaries.

“arrest incident to a search” is not unheard of). Ironically, the “probable cause” needed to arrest a suspect for a minor crime (trespassing, open container, littering, failure to obey a lawful order) is much easier to articulate than the “probable cause” needed to search a suspect or even the “reasonable suspicion” needed to stop a suspect for a more serious criminal violation (Moskos 2001).

The direct or indirect enforcement of minor offenses is the main tool by which police officers arrest a large number of drug suspects. On a street corner in Baltimore’s Eastern District, a person is arrested, usually a young black male involved with drugs, when he talks back to police or refuses to obey a police officer’s orders to move.

A Low-Arrest Officer

Officers who ride together for the first time will ask each other about their work-related interests. On my first night riding with Officer L (from Table 8), he asked me, “What are you into?” But Officer L added a twist: “Whatever it is, we’re not doing it. I don’t get into nothing.” He explained later that evening:

I used to arrest people, not bullshit drugs or loitering, but good arrests. But I got sick of court. I don’t arrest people anymore. And I don’t go to court on my day off. You don’t get rewarded for arrests. I prefer to sit on my post and prevent. I don’t want to see [crime] pins on my map [back in the station].

On another occasion, Officer L talked about the emphasis on arrests, or “stats”:

The thing about this emphasis on stats is I haven’t changed. I’ve policed the same way for the past five years. I guess when I first came out I was more gung-ho, jacking people up [stopping and searching people]. But then I got

shot at. It's a humbling experience. . . . Now my priority is to me. I'm going to go home to me and my family.

On one occasion I was backing up a call about loud music. Officer L and his partner were there. A man was giving the officers a hard time, saying, "It ain't that loud!" Officer L's partner yelled at the man, "Lower the music!" After some mumbling, the man went inside and the music got quieter. As we turned around to leave, the man came out defiantly and said, "I didn't even turn down the music, I just moved the speaker!" Then the man commented about the presence of three white cops.

Officer L, smoking a cigarette, slowly went to the man and said sternly, "You remember when I was here before? When you were pretty cut up? I helped you out and I treated you with respect." On hearing that, the man's attitude changed completely: "Yeah, you did. I respect you. I remember you and I respect you for that." The officer asked, "So why you gotta be acting like all this now?" The man sheepishly replied, "I'm sorry. I respect you for what you did," and then quietly went inside. Officer L said he didn't remember the details of the previous encounter, but there was a case of domestic violence, a broken window, and the man was "cut up pretty good."

On another occasion Officer L and I were riding together at 2:30 a.m. We came across a group of seven young people sitting on their stoop and the stoop of vacant building next door. They were all drinking bottles of malt liquor. Music was playing from a boom box, but not very loudly. There had been no complaint

dispatched. Officer L asked them for ID. Surprisingly, all but one had ID. Only one was over 21. Officer L told them they weren't old enough to drink. He asked them to get off the vacant building's stoop and to take the beer inside. We were polite, as were the youths. When we left, Officer L said, "That's what pisses me off. I think I handled that well. I like to think that now they respect me a little more too, because I wasn't a dick. Would I be doing a better job if I locked them up? But I don't get any credit for good policing."

On a third occasion, soon after school ended for the summer, Officer L was walking in the courtyard of a low-rise public housing complex after midnight. A group of young teenagers was shouting and playing. Officer L stopped the juveniles and asked to see their parent or guardian. When an appropriate adult was found, Officer L lectured her about the need to respect the city curfew and honor the peace of her neighbors late at night. The process took about an hour. Officer L explained his actions to me:

Where are their parents? Who knows. Grandma acts all concerned if I'm there. But they don't give a shit. If they did, they wouldn't let their kids hang out and drink in the middle of the night. I just try and be a buzz kill so they drink somewhere else. . . . Everybody thinks I'm a hump [a lazy officer]. And maybe I am. But I like to keep things quiet. If [Officer C] wants to run around chasing punks, that's fine. But I prefer to take a nap. [My post] is quiet. I walk foot here for a few days [after school gets out] to make sure people don't think this is where the summer party is. You see what's going on 700 [North] Port [Street]? They can go party there. A few hours of work now will keep things nice and quiet for the rest of the summer.

Time-Consuming Arrests

When an officer arrests a suspect, he or she is committed to a booking process and the possibility of repeated and intrusive court dates (scheduled without regard to an officer's work schedule). Officers must complete their arrest-related work before going home. Arrests are labor-intensive and hands-on. At the quickest—such as an arrest for loitering—the booking process takes about an hour, with paperwork relating to the arrest, paperwork relating to the charging of the prisoner, and commuting to Central Booking (in most districts, but not in the Eastern District, police can save time by completing the charging papers on a computer at their district). On the midnight shift, officers usually wait until the evening slows down before booking prisoners.

The amount of time needed to process an arrest varies greatly: computers go down; shifts change; juveniles are booked separately from adults; prisoners seek medical attention (officers try very hard to avoid a multihour trip to Johns Hopkins Hospital); property and evidence must be submitted; and drugs must be photographed and submitted. As a result, officers are very hesitant to make arrests toward the end of their shift or get in situations likely to lead to an arrest.

The following is a timeline for a particularly lengthy arrest process. The volume, variety, and redundancy of paperwork in the police department is, to the uninitiated, shocking. To complete the paperwork and booking process for a drug offense involving the arrest of two suspects, one adult and one juvenile, more than

eight hours were needed. Though the details are specific to one case (described in greater detail on page 141), both drug arrests and juvenile arrests are time-consuming, and equipment often does not work as it should. Given the circumstances, the time needed for this case was not extraordinary:

- 1:15 a.m. Receive description of drug dealing.
- 1:30 a.m. Arrest suspects.
- 1:45 a.m. Wagons come. Adult is transported to jail, and juvenile is transported to the Eastern District police station.
- 2:00 a.m. Give very stern lecture to family.
- 2:10 a.m. Go to Eastern District. Two officers complete the paperwork.
- 4:45 a.m. District paperwork completed. Transport juvenile to Northern District (where juveniles are booked). Booking at the Northern District can take anywhere from one to four hours. On this occasion, there is no wait and everybody is working quickly.
- 5:30 a.m. Return to the Eastern District via the gas pumps to put air in one of the tires. The tire has had slow leak for a day or two, but the previous shift told me that there is no spare tire available. Back in the Eastern District, I prepare the drugs for submission. I watch 20 minutes of *The Simpsons* at the front desk and eat lunch.
- 6:15 a.m. Arrive at headquarters downtown to submit drugs. I hear a hiss from the car's tire.
- 7:00 a.m. Leave Headquarters. I don't want the car to be stranded in the Central Booking [jail] facility with a flat tire. I return the car to the Eastern District and take an available jeep.
- 7:30 a.m. Leave Eastern District for Central Booking.
- 7:45 a.m. Arrive at Central Booking.
- 7:55 a.m. Computers at Central Booking go down.
- 8:12 a.m. End of midnight shift.

8:30 a.m. Finish Statement of Probable Cause. Discuss case with assistant state's attorneys at Central Booking.

9:00 a.m. Leave Central Booking. Transport an officer who was working the 4 p.m.-to-midnight from the previous day to the Southeast District.

9:30 a.m. Return to Eastern District. Prepare case folder. Fill out daily personal statistics.

9:50 a.m. Work completed, I leave the Eastern District.

In addition to filling out an arrest log, a drug book, and photographing the drugs in a heat-sealed bag, 21 forms (19 filled out longhand) were required in five locations: one primary incident report, one supplement report for the incident, one arrest form, one statement of probable cause, one charging document for the adult, one juvenile custody form, one juvenile supplement listing the charges against the juvenile, one list of prior arrests for the juvenile, two seized property forms, five property submission forms, one lab request for drug analysis, one pink property tag for a property bag, two envelopes for property submission, and two envelopes for money submission.

As arrests take time to process, officers cannot answer calls on their post when they are "out of service" while booking a prisoner or submitting evidence. Too-frequent arrests, particularly minor ones during busy times, are discouraged by some squad members, who then must handle the calls on the arresting officer's post.

One officer expressed his frustration:

It pisses me off when people go on covert and then don't handle their calls. It's one thing if someone else handles the CDS [drugs] or loud music, but if it's domestic or burglary or something you have to write on, you've got to take that call. . . . That's one of the things I like about midnights, is you have

the time to do lookout and covert and things like that. . . . But the number-one priority of patrol is to answer calls. I don't want to have to handle someone else's call so they can make an arrest.

Another officer said:

I think there are two kinds of humps [lazy officers]: one is someone who doesn't answer calls on their post and tries to stay out of service, the other is someone who doesn't make a lot of arrests. I may not lock a lot of people up, but I think someone is humping out when they make bullshit lockups and I have to answer calls on their post.

Given the amount of time an arresting officer may be "out of service," superiors occasionally discourage arrests. On one busy night, the shift commander said at roll call: "We're a little short [in the number of officers working] tonight. It's a busy night. We've got a good dispatcher, so things should run smoothly. Just try and not make any lockups unless you have to."

Far more frequently, superior officers encourage arrests. One sergeant would rally his squad during the chaos of shift change. Standing next to a small sign he taped to the wall that read "Unlike the citizens of the Eastern District, you are required to work for your government check," this sergeant would exhort his squad by shouting: "All right, you maggots! Let's lock people up! They don't pay you to stand around. I want production! I want lockups! Let's go out and do something!"

Low Morale Reduces Arrests

While individual officers vary greatly in their discretionary activities, overall squad morale affects arrest discretion. While this section cannot go into all of the

factors affecting police morale, a few anecdotes from a period of a few months are particularly illuminating.

One officer did not come to work one day, as he had been approved for a day off. However his day off had been disapproved without his knowledge. When he returned to work he was told he was informed that he would be charged with being AWOL, an offence for which one could be fired. He was angry when he told me:

I could do shit out here! Write warrants, get guns, but you see the support you get? It's not worth it. So you just answer calls. If you're out there doing your job, you're going to get complaints against [you]. Someone will go to the phone and say, "I was locked up and I didn't do nothing!"

Officers with low morale work less:

It's a cliché, but it's true. If you don't do nothing, you can't get in trouble. I used to go out there and bust my balls. But after you get a complaint or two, bullshit ones, you say fuck it. If this department won't defend me, assumes I'm guilty, I'm not going to do shit.

One night in roll call it was announced that the mayor's daughter had gone on a ride-along and reported that the police station's parking lot was very dirty. The memo decreed that no more trash be left in the parking lot. The shift supervisor rolled his eyes. In typically crude humor, Officer A immediately asked, "Daughter? How old is she?" Somebody said 10 years old. Officer A made a spanking gesture and said, "That's perfect! I like them young!" The shift supervisor rolled his eyes again.

In early December, a brief and an official memo, universally called a "95," was required from every officer who failed to make at least one arrest in the previous

four-week work period. Until then, there had been no formal pressure to make arrests or write traffic citations. A sergeant explained to me:

This is Compstat bullshit. It's all numbers. The major goes downtown and gets grilled if they see a zero in any category. So now we can't put zeros down for anything. . . . If I get yelled at, then I'm going to be pissed. . . . Look at the list, you made an arrest. They didn't say anything about you. But [Officers J and I] had no arrests. . . . There's no excuse in 15 days not to make one arrest!

I asked about the significance between my one arrest and the other officers' zero arrests. The sergeant said that the difference came from above: "If you make an arrest, I don't have to write a 95 on it. Now I have to write a 95. And they have to write a 95 too!"

The sergeant told Officer J (see Table 8, Arrests per Officer), one of the officers with no arrests: "Make one freakin' arrest. It will keep them off my back and me off your back." Officer J later told me:

Sarge says some people are just coming in here to get a paycheck. But is that wrong? I don't want to lose my job and my retirement because some idiot doesn't pull over and kills a pedestrian. . . . What if I turn on my lights and he makes a right on Washington [the wrong way down a one-way street] and slams into someone on the other side of the street? Who's to say I wasn't chasing them? Me!? [incredulously]. What's wrong with wanting to avoid lawsuits? IID [Internal Affairs] numbers? It's not worth it. I want to retire.

An officer explained the difference in arrest numbers among squad members:

Look, you can go out there and try and get into shit or you can be a hump. The more shit you do, the more lockups you'll get. But if you want lockups, you just pick up junkies. You stop cars. You can lock up as many as you want. A lot of stuff you don't have control over. Domestic? You've got mandatory arrest. If someone is cut, you cuff the dude with the knife. But those aren't usually on-view. And if they are, it's hard to run from. Anyone can make bullshit lockups. But sometimes you just get tired of it all.

After the low-arrest memo, squad monthly arrest totals decreased from 73 to 50.

On New Year's Eve, all regular and vacation days off were canceled. New Year's Eve is celebrated by many in East Baltimore with gunfire. It is a hair-raising night to work. All officers reported for work, only to find a shortage of cars and radios. The shift commanding lieutenant called in sick. A few days later, all officers with fewer than two arrests the previous month (myself included) were required to write a "95."

Squad members were angry, even those who previously made a large number of arrests. One officer told me, "You asked in the beginning what is it that gives everyone a bad attitude. Well, now you see. . . . How dare the major or L.T. [Lieutenant] call my work unsatisfactory when they have no idea what kind of job I do." While officers can be very intimate with their squad mates and sergeant, they usually have very little, if any, interaction with the shift commanding lieutenant or district commanding major. In my "95" memo, I asked for clarification about the "arrest quota," knowing that the department cannot have an official arrest quota.

In January, with morale lowered by the two low-arrest memos, the squad arrest total dropped from 50 to 46. The number of officers making no arrests increased from one to three officers. In early February, the third and final arrest memo was released. It was similar to the first two:

Re: Notification of Unsatisfactory Performance

You are hereby notified that your work performance for the month of 12/31/00 to 1/27/01 is rated unsatisfactory.

Failure to make improvements in the above categories will result in an unsatisfactory rating in your 6 month performance evaluation.

Warning: Continued unsatisfactory performance can result in administrative action being taken under General Order C-2, Rule 1. Section 19.

Officer F, whose monthly arrest total dropped from seven in December to one in January declared, “They started fucking with us, so we stopped working. . . . Like this shit they have with the 95s [memos]. If they’re going to worry about production and pressure us to make traffic stops and arrests, fuck ’em.” Though squad arrests increased to 61 that month, three officers made zero arrests.

Ironically, during this period, a memo from elsewhere in the police department was read in roll call. It was declared that officers in the district were using too many disposable plastic handcuffs (at a cost of 70 cents each). One officer said, “I love this bullshit! First they tell us to lock people up. Then they tell us we’re using too many cuffs. We could just ask the whole district to march single-file down to CBIF [jail].”

Problems in Prosecution

The legality of a stop depends on the knowledge and writing ability of a police officer. An officer could *tell* a suspect, “Come here,” or *ask* the suspect, “Do you mind coming over here?” The ability to use and then write the latter in a report is the difference between a potential conviction and an illegal stop. The legal difference between the imperative and the “request” concerns the exact moment at which a “stop” occurred. Knowledge of a suspect’s prior criminal history, physical

movement on the part of a suspect consistent with drug or gun possession, working in a violent or high drug area, and an officer's level of fear can all be used to articulate reasonable suspicion and justify police action toward a suspect.

Unlike a detective, who arrests a suspect after a lengthy investigation, patrol officers usually arrest suspects at the scene of a crime and are generally certain about a suspect's guilt. Within a few hours of an arrest, the arresting officer submits a "statement of probable cause" to a representative from the state's attorney's office. The probable cause needed for a search or an arrest is a higher legal standard than reasonable suspicion, but much lower than the judicial standard of guilty beyond a reasonable doubt.

The state's attorney is elected and serves independent of the mayor and the police department. The office of the state's attorney is interested in reducing the case load and prosecuting cases that can be won in court. Most drug cases are plea-bargained, offering time served for admission of drug possession. While police officers face some institutional pressure to make arrests, prosecutors face their own pressure to lessen their caseload. The overwhelmed state's attorneys may refuse to press charges at their discretion. They select cases they believe can be won in court. Some cases are doomed by poorly written police reports. Many more cases are thwarted by reluctant witnesses. Unlike most criminal cases, drug crimes usually have no "victim" willing to testify.

Baltimore City prosecutors decline to file charges in about 15 percent of all arrests and immediately reduce the charges in another ten percent of cases (Baltimore Sun 2000). Thirty percent of minor charges are dropped (Baltimore Sun 2003). Prosecutors declined to prosecute 75 percent of the 72,200 cases brought in the city's District Court (Baltimore Sun 2000). In contrast, prosecutors in the surrounding Baltimore County declined to prosecute just 44 percent of their 20,500 cases (Baltimore Sun 2000).¹⁶

Police blame much of their failure to eliminate the drug problem of the Office of the State's Attorney. One cop expressed general frustration: "We lock them up. And then they get right back out. We're doing our job. What else can we do? These guys [dealers] got a record a mile long. There's nothing we can do but chain [lock] 'em up." The bumper sticker on one Eastern District officer's personal car says,

¹⁶ Given relatively similar levels of drug use among whites and blacks, it is beyond doubt that African-Americans suffer disproportionately from drug convictions and imprisonment. Yet I question whether the judicial system punishes blacks more severely than whites for similar offense. The quality of judicial systems, like schools and police departments, vary greatly according to the wealth and priorities of the local government. Overwhelmed Baltimore City courts are much more lenient toward drug offenders than are the courts of Maryland's other counties. At the level of State's Attorney, personal drug use in Baltimore City is effectively decriminalized. As policy, those arrested in the city—regardless of race, but over 80 percent African-American—will not receive jail time for drug possession. City drug dealers may receive jail time, but as a matter of course, drug charges will be plea-bargained down from "intent to sell" to "possession." Unlike city residents, suburban and rural residents—regardless of race, but mostly white—can receive jail time for possession of drugs. While a suburban drug user would likely receive an equal or longer sentence than an urban drug user, the suburban drug user would receive a shorter sentence than the urban drug dealer even though the primary charge for both drug offenders would officially be drug *possession*.

“Welfare should be as hard to get as a drug conviction.” The following three examples illustrate this frustration:

1) An officer described what she observed while watching a drug corner: “I saw a [white] suspect slow his car down. Somebody approached the car. After a brief moment I saw a hand-to-hand [drug] transaction [between the man in a car and the man who approached the car].” When the car pulled away, the officer stopped the car and told the driver what she saw. The driver consented to a search and drugs were discovered. The man was arrested.

The liaison for the state’s attorney invalidated the arrest, stating that the officer did not have the reasonable suspicion necessary to stop the car. She asked the officer, “How do you know it was drugs? How do you know it wasn’t an Oreo cookie?” The officer, disgusted at the events, told me, “They sit here in CBIF [the state’s attorney’s court liaison office at the city jail] and tell me I don’t know a drug transaction? I’m sitting out there watching this damn things for hours and make a good lockup. An Oreo cookie? If only it were. Then at least I’d get something out of this. I could eat the damn cookie! As it is now, I’ve still got these damn drugs to submit.”

2) A particular alley had the attention of my squad. The mayor had previously declared an adjacent street corner one of the city’s drug “hot spots” and promised to end drug activity on that corner. Though the mayor’s promise had no effect on police activity, police did respond to numerous citizen complaints about drug dealing. On

this night, drug buyers were observed every few minutes going into the alley and exiting a few seconds later. With standard Radio Shack walkie-talkies (one police officer had borrowed a walkie-talkie set from his children, allowing us to listen to the conversations of numerous drug dealers in the sector), the drug dealers were communicating with a lookout in the second floor of a corner building.

The lookout prevented us from catching the dealers in the act of “hitting off” their customers. If we approached the alley, the dealers would run and scatter through vacant and dangerous buildings. Instead, we focused on disrupting the trade by arresting customers. A taxi stopped in front of the alley. A passenger got out of the taxi, entered the alley, and then returned to the taxi about twenty seconds later.

The police report stated:

On 15 Nov [20]00 at approximately 0155 Ofc Connelly and Sgt Bolden observed an individual, later identified as Mr. Hicks, in the alley of 800 N Madeira (even side). This area and this alley in particular are known as a high drug area and receive numerous complaints regarding drug sales in the alley. Mr. Hicks then entered a waiting taxi (#42 Pulaski Sedan Cab, MD Tag: 013447B) on Ashland Ave. Believing Mr. Hicks to be engaged in an illegal CDS [drug] transaction in the alley, the taxi was stopped in the 700 blk of N Patterson Park by Ofc Connelly and Sgt Bolden. When approaching the vehicle, this officer [Moskos] and Ofc Connelly and Ofc Sambito and Sgt Bolden observed Mr. Hicks place an object with his left hand into the rear area of the car behind his seat. 3 blue-topped vials were found in plain view, where it was observed that Mr. Hicks placed an object. Mr. Hicks was placed under arrest. One additional vial and one gel cap were found on the seat where Mr. Hicks had been sitting (passenger side rear).

The passenger was arrested and the taxi driver, pleading innocence, was let go. The state’s attorney’s office nullified the arrest, stating that there was no reasonable suspicion of criminal activity, thus making the stop illegal. Officer Sambito said, “That’s great, half the squad is out there trying to do ‘real’ police work and the

[court] liaison says, ‘Fuck you!’ It’s shit like this why officers start writing, ‘Once upon a time . . .’” Five days later, drinking beers after work, the sergeant was still upset:

All you need is reasonable suspicion to stop a man! I’m going to start documenting these cases and take it to the major. The problem with the judges and state’s attorneys is that they don’t live in these neighborhoods. Let a judge’s wife get raped and see if they let a rapist go free!

3) The final example is taken from one of my Statements of Probable Cause. It occurred very near the previous example. Words in brackets have been added:

On May 21, 2001 at 1 a.m., block watcher #238102 called my sergeant at the Eastern District police station and reported that there was a black female and a black male selling drugs in the 2300 block of Ashland Ave. The block watcher described the female as 17–18 years old wearing a white sleeveless shirt and a blue denim skirt. The black male was described as heavysset and sitting on the steps of 2317 Ashland Ave. The caller further stated the male was taking money from drug buyers and sending the buyers to the female, who handed the drugs to the buyers from a black bag she was carrying on her shoulders. [This description is unusual both in its thoroughness and its accuracy.]

The 2300 block of Ashland is a known open-air drug market with dozens of calls for drug violations in the previous months. From personal experience I know 2315 Ashland Ave as the source of numerous complaints from neighbors regarding drugs and disorder.

I drove by the location and observed two individuals sitting next to each other on the stoop of 2315 Ashland Ave who matched the description perfectly. I drove by the location and remained one block away and in sight until backup arrived about one or two minutes later.

I stopped my marked patrol car in front of 2315 Ashland Ave and observed the female, later identified as Ms. Foster, place the black bag behind the partially open front door. While sitting on the top of the stoop, she manipulated the bag, now just out of my sight, for approximately 5 seconds.

I exited the vehicle [holding my nightstick] and approached the two on the stoop. [I wished to gain access to the bag behind the door.] I asked them, “Do you live here?” The woman stated that she did. I then gestured at the stoop in front of 2317 Ashland Ave and asked, “Would you mind having a seat over there?” The male, later identified as Mr. Taylor, got up and sat on the stoop at 2317 Ashland.

I then asked Ms. Foster, "Would you mind also having a seat over there?" Ms. Foster got up and made an attempt to close the door. [With my body] I prevented her from closing the door. At this point Ms. Foster opened the door and tried to run inside.

Ms. Foster was restrained [as she opened the door and ran through, I basically fell on her and grabbed her] at which point I saw drugs and money in and immediately (within 6 inches) around the black bag [as we wrestled, she knocked over the black bag and drugs and money came spilling out], which was behind the front door where I had observed Ms. Foster place the bag.

[Meanwhile, the commotion woke up both Ms. Foster's brother and her severely asthmatic mother, who was sleeping half-naked on the living room couch. The topless mother started running at me, rasping for breath. The brother was more hesitant. With my nightstick in hand, I told both of them to stay back while I pushed the fighting Ms. Foster out the front door toward my partner. My partner restrained Ms. Foster while I stayed inside, keeping the family at bay while protecting the drugs and money as evidence. All the while, Mr. Taylor, holding no drugs, believed himself immune from arrest. He never moved from his seat on the stoop of 2317 Ashland Ave. Had he wished, he could have simply walked away or joined the fray, turning the tide against us.]

Based on the information received from a reliable source, my personal observation, the known drug dealing in the area, and the quantity of CDS [drugs] and U.S. currency which is consistent with dealing drugs, Ms. Foster and Mr. Taylor were placed under arrest and transported to Northern [District juvenile booking] and CBIF [Central Booking and Intake Facility] respectively.

Seized and submitted were \$43, 11 gel caps of heroin, and 20 clear-top vials of cocaine in and around Ms. Foster's bag. On her person was \$24. Mr. Foster had \$306 on his person.

The liaison for the state's attorney immediately dropped all charges against Mr. Taylor. Ms. Foster, a day shy of her 16th birthday, re-entered the juvenile justice system. Had the source been a routine 911 call and not a more reputable citizen "block watcher," the assistant state's attorney told me all charges would have been dropped against Ms. Foster as well.

While a better-funded and more aggressive Baltimore state's attorney would help police and residents, ultimately, however, the problems lie elsewhere. Given our constitutional liberties, specifically the Fourth and Sixth Amendments, the drug problem in the Eastern District cannot be won through an arrest and prosecute approach.

Desire for Court Time Increases Arrests

Court is the single biggest variable determining officers' decision to make discretionary arrests. Some officers love the overtime pay. "Court is like our heroin," one officer explained. "It's just something we need!" If off-duty, officers are guaranteed a minimum of two hours' overtime pay for each court appearance. One advantage to working the midnight shift is that 9 a.m. court is soon after the 8:12 a.m. end of shift. If a case is not prosecuted, officers can punch in at 9 a.m. and punch out again at 9:01 a.m.—a practice known as the "9:01 Club." Many officers consider this the ideal arrest. While police officer pay is lower in the city than most other jurisdictions, paychecks can be larger. One officer said, "You might get paid more in the county, but you can make more here."

If an officer is on duty, he or she will be called to court only if needed. If court is scheduled on an off-day or off-shift, an officer must appear in court. Most court cases are postponed, not prosecuted, or resolved without an officer's testimony. For minor cases, prosecutors will drop charges or accept guilty pleas in exchange for

time served. With the exception of traffic court, police officer testimony is rarely required, perhaps in just five percent of all cases. Additionally, each case usually requires multiple appearances by the police officer. More serious cases can drag on over many months, even years.

Despite the overtime pay, many officers are strongly averse to court. One officer explained his dislike of court:

Fuck no, I don't want court. Like I want to come here on my day off. Two hours [pay] ain't worth it. With my drive, I'm going to spend more on gas. Or what if you get 1:30 [p.m.] court? I'm supposed to work midnight to eight, drive home, sleep for three hours, drive to court, sit around for a few hours, have the case be postponed, and then go back to work that night? No thank you. I used to make more arrests, and then they started banging us for no-shows [punishing officers for failing to appear in court]. Fuck it.

The biggest complaint is the lack of consideration for an officer's work and sleep schedule. An officer on the midnight shift may receive a summons for 1:30 p.m. traffic court, an officer in a specialized unit working 7 p.m. to 3 a.m. will be expected to appear daily at 9 a.m. court, or a case could be scheduled in the middle of an officer's "weekend."

Court can be both a great inconvenience and a lucrative source of additional income for officers. Officers who dislike court make few discretionary arrests. Officers who make many discretionary arrests desire court time and the overtime pay it brings. Daily court can increase an officer's take-home pay by 30 percent. Court is the largest officer-related variable determining the number of discretionary arrest a patrol officer makes.

High-Arrest Officers

Young officers make more arrests than veteran officers. Officers believe that making arrests *is* police work. Older officers making fewer arrests can be defensive about their low arrest totals, claiming that their arrests are more “quality” or that the department will punish them if a prisoner complains about their treatment. Many older officers said they simply got tired of a cowboy style of policing. The top three officers in arrest totals were the three officers with the least experience.

Officer B (see Table 8, Arrests per Officer) made a lot of arrests. He is a short, weight-lifting young officer with an attitude both aggressive and self-effacing. While some officers enjoy the relaxation of slower periods, Officer B says he needs to keep moving. He explained to me:

Look, Mr. Harvard. You always got something to read. Maybe you like that. I can't sit still. Can you imagine me reading a book? I'm lucky I can spell my name. I've never read a book. I prefer to twiddle my thumbs. I won't even pick up a magazine unless it's got pictures and even then there better be some pictures of half-naked ladies or beefy guys.

Though hard-headed, Officer B is also quick to point to his faults: “I'm dumb as a sack of rocks. I am definitely not the sharpest tack in the box. . . . I'm a poster child for ADD [attention deficit disorder].”

In March, Officer B decided he was going to set the record for number of arrests in a month: “The major wants stats, I'm going to give him stats. . . . I may want to transfer somewhere else some day. I want the stats . . . and [Officer A] doesn't think I can beat him.” Officer A claimed to have the record for number of arrests in a four-week work period.

Officer B decided the easiest way to make arrests was to stop people violating bicycle regulations. Many bikes, especially late at night, are used by drug runners and drug lookouts. At night, bikes are required to have a light. Officer B would stop people on bikes for failure to have a light. If the rider had identification, he would write a citation. A citation cannot be written to a person without identification. Very few bicyclists had identification. These riders can be arrested to verify identity. Officer B defended his actions:

I lock up bicyclists. It's called zero tolerance. If you're biking in violation of the law, I'm going to write you a ticket. At 3 a.m., you need a light. You ever seen a light here? If you don't got ID, CBIF [jail]. All those humps can call me whatever they fucking want. I don't see them arresting Al fucking Capone. It's legal. And I'm gonna do it. If they don't want to get locked up, all they gotta do is follow the law. It's even easier [not to get locked up]. All they gotta do is carry ID. But boy, do they hate me at ECU [the evidence room where the bikes were submitted as prisoners' property].

His sergeant was supportive:

Look, I don't know what his motivations are. But I think it's good. He's locking people up, which is more than half the people in this squad. You think the lieutenant doesn't like those stats? It's good for all of us. And he gets a lot of CDS [drugs] off those lockups. Most of them [suspects] are dirty [involved in drugs]. And it's all legal.

Another sergeant was dismissive: "I wouldn't accept those as arrests. That's not real police." Officer B's sergeant responded, "But the lieutenant eats that shit up! . . . As long as the lieutenant likes them, I'm all for it."

Other squad members were mostly dismissive of this high-arrest strategy. One said, "Giving tickets to people on bikes who have no money? That's just wrong." Another officer said, "It's stupid. But if that's what he wants to do with his time, good for him. I couldn't do it. But he doesn't care what people think." Another

said, “Man, with [Officer B] and [Officer A], it’s like Tweedledee and Tweedledum. One’s pulling over every bike, and the other is locking up every junkie that comes from the Southeast [District]. Is it making the sector any safer? I don’t think so.”

Officer A, who had more experience than Officer B, defended his high-arrest work style:

Unless it’s a busy night, I’m going to jack up [search] whoever I can. They [drug dealers] may not all have drugs on them. But nine times out of ten, one of them is dirty [has drugs on them]. It may not even be what they’re dealing. Maybe just a blunt [marijuana in a cigar] for “personal consumption.” Either way I win. A good lockup or 9:01 court. I don’t like to sit on my ass and hump out all night. I’ve got a short attention span. I need to go out and do something.

I asked Officer A about his high number of loitering arrests. He replied, “Sarge really likes arrests, and I give them to him. . . . Conspiracy to possess. Loitering. I don’t give a shit if they [state’s attorney] won’t take it. That’s their problem.” The sergeant defended the high-arrest strategy as well: “Crime right now is all on 22 and 23 post. And if you start knocking off [arresting] one or two [addicts] a night, you start making a difference. That’s what we did in 21 post. It works.”

Conclusion

On both a theoretical level and a practical level, arrests define policing. Police departments seek “aggressive” police to work in high-crime areas. Aggressiveness is often defined with a willingness to do more work than the minimum needed to answer calls for service. More often than not, a high number of arrests serves as a proxy measure for an aggressive police officer.

Age is the overarching factor that lowers police officers' arrest numbers. Young officers like the arrest-related action, "stats," and court overtime pay. As officers gain experience, their arrest numbers drop. Very few patrol officers remain committed to a high-arrest style of policing after more than five years on the force. This decrease, however, should not be mistaken for a change in an arrest-based philosophy. More-experienced officers still believe that an arrest is the essence of police work, but arrests decrease when the "hassles" of arrest—lack of departmental support, citizen complaints, the burden of court, and an ineffective court system—make "putting away the bad guys" no longer "fun."

An arrest-based police culture stems from a combination of factors, including a high level of criminal activity, the inability to prevent crime, and the desire to quantify productivity. It is misguided, however, to link police discretion exclusively or even too closely with these factors. A great range of arrest levels exist for officers working in the same high-arrest area. In the data analyzed here, three of 13 patrol officers were responsible for 54 percent of the squad's total arrests, while three different officers were responsible for just seven percent of the arrests.

Police officer discretion, at least as it affects arrest decision within high-drug areas, is based on personal, interdepartmental, and police-specific variables more than any suspect-based variable. The importance of police-based variables is best illustrated by the wide range of arrest statistics within a police squad. Highly discretionary activities such as traffic stops and misdemeanor arrests are correlated

among individual officers. Less discretionary felony arrests are more evenly distributed among patrol officers and are not correlated with either traffic citations or non-felony arrests.

An arrest-based police culture can exist in a low-drug environment. But without the high level of arrestable offenders available in a high-drug area, even an arrest-based culture will not produce a high number of arrests. Though many factors can limit arrest number in even a high-drug area, a large number of arrests cannot happen without one essential condition: the war on drugs.

In the next two chapters I place today's drug laws in perspective. The war on drugs and the massive imprisonment of Americans, particularly African-Americans, cannot be understood in isolation. The parallels between the current war on drugs and attempt at national alcohol prohibition in the 1920s are too striking to ignore. But drug prohibition and alcohol prohibition are not simply two disparate examples of failed vice enforcement. Instead, they represent a single movement with long-running roots in American political and cultural history.

CHAPTER 8: BANNING EVIL: ALCOHOL PROHIBITION

The demon of intemperance came forth in society like the Egyptian angel of death, commissioned to slay if not the first, the fairest born of every family. . . . Far around as human breath has ever blown, he keeps our fathers, our brothers, our sons, and our friends, prostrate in the chains of moral death. . . . Victory shall be complete, when there shall be neither a slave nor a drunkard on the earth. . . . How nobly distinguished that People, who shall have planted, and nurtured to maturity, both the political and moral freedom of their species.

—Abraham Lincoln

Jesus was killed because he stirred up the people. Is it not our mission to stir up people? We will win this war on drugs. . . . We call upon that moral power, that spiritual power as we walk to reclaim these streets. It is said that evil wins when good people do nothing. We are fighting back.

—Reverend Jesse Jackson

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason by legislation and makes a crime out of things what are not a crime. A prohibition law strikes at the very principle upon which our Government is founded.

—Abraham Lincoln

To believers in the Christian tradition, evil can represent the unified and active force of Satan in opposition to God. To nonbelievers, the use of the word “evil” is often seen as synonymous with “very bad.” The invocation of “evil” in the language of the temperance movement and supporters of today’s war on drugs is not just trivial coincidence.

Today’s drug laws are more than an extreme version of alcohol prohibition. The parallels between alcohol and drug prohibition point to the moral, political, and

institutional oneness of the prohibition movements. As an antecedent of today's drug laws, alcohol prohibition is a useful starting point for understanding the use of morality vis-à-vis public policy, law, and drug arrests. To understand the impact of today's laws, one must first understand the lessons of Prohibition, rooted in the religious-based belief in the duty of the state to legislate morality. The chapter examines the history of prohibition and the impact of alcohol prohibition on drinking and crime.

Alcohol Prohibition

Throughout the 17th, 18th, and 19th centuries people in America had long recognized the harms of alcohol-related misbehavior. While there were attempts at alcohol prohibition as far back as colonial times (Boorstin 1958, Greenberg 1999), the origins of America's twentieth-century alcohol prohibition are rooted in the "progressive" movements of the nineteenth century.

Arguably, a moralistic strain in American public policy derives from the legal exclusion of women from the political sphere (Evans 1989). In the post-revolutionary era, American women, lacking political rights, achieved agency in the public sphere as moral protectors and "keepers of virtue" (Evans 1989). Women created their public voice on issues concerning home, motherhood, and the church. Abolition, suffrage, and temperance became the three leading "women's" issues of

the nineteenth century. Typically, radical women preached for abolition and suffrage while more conservative women promoted temperance.

Progressives, a broad-based middle- and upper-class antipopulist coalition, supported abolition of slavery, women's suffrage, and temperance along with meritocracy in city government, vice laws, an eight-hour work day, and prison reform. But noteworthy, Progressives supported racial segregation and immigration restrictions. Public facilities such as parks, botanic gardens, and zoos were established by Progressive lobbies as acceptable middle-class leisure activities and alternatives to working-class saloons and outdoor beer gardens. While Progressives were most common in rural and wealthy communities, their battlegrounds were cities where "traditional values" were most threatened by immigrants and lower-class Americans. Politically, Progressives were most often Republicans. Immigrants, Catholics, white Southerners, and residents of cities were drawn to the machine politics of the Democratic party.

Typically, temperance supporters advocated what today would be considered a policy of harm reduction: beer and wine were promoted as alternatives to stronger distilled spirits. In the 1830s, the American Temperance Union first framed the argument against alcohol as a moral battle of good versus evil. The Temperance Union took the then radical step of supporting total alcohol prohibition (Greenberg 1999). In the early 1850s, 13 states and many localities had adopted alcohol prohibition (Greenberg 1999).

As the Civil War neared its end, Progressives redoubled their efforts against alcohol after winning the war against slavery. Saloons were portrayed as destroyers of morals, families, and lives. The Prohibition Party, established in 1864, fielded its first presidential candidate in 1872. It never gathered more than 2.5 percent of the vote (though it is still in existence). The Women's Christian Temperance Union, established in 1874 (and still in existence), promoted temperance education in public schools. By the end of the nineteenth century, however, alcohol prohibition survived in just three states.

The prohibition movement gained momentum with the establishment of the Anti-Saloon League in 1896. As the first successful nonpartisan "single issue" advocacy group, the Anti-Saloon League supported "dry" candidates in any election between a "wet" and a "dry" candidate. The effectiveness of the Anti-Saloon League, however, came in part from the state of nineteenth-century saloons. Even prohibition's opponents were quick to denounce saloons as a blend of bar, flophouse, and whorehouse. Combining the moral rhetoric of personal salvation with a general hostility toward the largely German brewing industry, the Anti-Saloon League addressed concrete family concerns and quality-of-life issues that resonated with much of America.

Helped by the Anti-Saloon League's political action, 31 states comprising almost half the U.S. population were legally "dry" before the 18th Amendment was ratified in 1918 (Merz 1930). Prohibition supporters promised an improved

economy, less crime, stronger families, and sobriety. Only two of the “dry” states, however, were large industrial states (Michigan and Indiana). National constitutional alcohol prohibition took effect in January 1920. The Volstead Act of Congress empowered the Department of the Treasury with enforcement responsibilities to ban the manufacture, sale, and transportation of intoxicating liquors.

President Warren Harding predicted, “In another generation, I believe liquor will have disappeared, not merely from our politics, but from our memories.” New Jersey Governor Edward Edwards, however, publicly stated a desire to keep New Jersey “as wet as the Atlantic Ocean.” (Behr 1996) Prohibition’s opponents warned of increasing federal supremacy and a dangerous new precedent in using the Constitution to restrict rather than guarantee the rights of citizens.

Prohibitionists disingenuously argued that they were not against alcohol (as alcohol has many legal industrial and medical uses) but rather the waste of alcohol consumption. Government propaganda supported Prohibition. Pamphlets offered advice on how to incorporate Prohibition education into art, English, math, and social studies classes. The Bureau of Prohibition (1929) published the slogans: “Obedience to law is protection,” and “When we outlaw an evil we bring into being the strongest possible weapon against that evil.”¹⁷ Similar to vitriolic denouncements

¹⁷ Other government Prohibition slogans were “Let us use alcohol, not waste it”; “Use, not abuse”; “Lawmakers must not be lawbreakers”; “It takes two to make a bootlegger”; “The 18th Amendment stands for better boys and better business”; and “Give Prohibition its chance—The liquor traffic had its day.”

of evil drug dealers and terrorists today, alcohol sellers were scorned even by opponents of Prohibition: “Of all classes of organized criminals, those who are engaged mainly in the manufacture, distribution and sale of intoxicating liquors constitute the greatest menace” (Tydings 1930).

Drinking During Prohibition

In the decade preceding national alcohol prohibition, per capita alcohol consumption declined significantly, perhaps by as much as 50 percent (Warburton 1932). Between 1919 and 1921, alcohol consumption may have dropped again by as much as 70 percent (Warburton 1932). With Prohibition, however, the government lost the ability to accurately measure alcohol production, importation, and usage rates. As the debate between “wets” and “drys” was always contentious, statistics on alcohol consumption between 1920 and 1933 are notoriously unreliable. The “dry” side certainly had the propaganda advantage: along with the moral and financial support of the federal government, “drys,” at least until the Great Depression, were better organized, published more, and had the good word of “progress” and “science” on their side.

Between 1919 and 1920 (the first year of Prohibition), hospital admissions, alcohol-related deaths, and arrests for drunkenness all decreased. Industrialists such as Henry Ford reported increased worker productivity (Behr 1996). But Prohibition’s benefits were short-lived. During Prohibition, Maryland’s “wet” senator, Millard

Tydings, observed that increased grain and hops production reflected greater alcohol production (Tydings 1930). Consumption definitely rose throughout the 1920s. As early as 1922, alcohol consumption most likely exceeded the 1919 level (Warburton 1932, Behr 1996). Undoubtedly, total spending on alcohol increased: inflation-adjusted beer prices increased fourfold, and prices for hard liquor more than doubled (Fisher 1927).

The bulk of high-quality alcohol came over land and sea from Canada. Drug smugglers—“rum runners”—waited in boats just outside the country’s three-mile territorial limit to sell alcohol to visiting boats or to sprint ashore and quickly unload. Asked to intervene, the U.S. Navy declared Prohibition a domestic police issue and refused to act (Greenberg 1999). In response to the navy’s inaction, Congress rapidly expanded the coast guard to “protect our borders.”

Bootleggers organized to meet increasing demand. Some bought entire distilleries at fire-sale prices, then sold the extensive inventory. Items such as “raisin cakes” became popular. These were sold with “warnings” that if the product were placed in a jug for 21 days, the cakes would “ferment and turn into wine” (Behr 1996:86). Exemptions for religious and medicinal use were heavily exploited. The amount of liquor sold by physicians and hospitals doubled between 1923 and 1931. Medicinal alcohol production increased 400 percent (Warburton 1932:222).

Prohibition added a certain cachet to drinking. In the Roaring Twenties, alcohol became trendy. Certainly the culture of drinking changed, perhaps for the

better. While anybody with a bottle of gin and two glasses could open a speakeasy (and many did), the worst of the saloons closed. As speakeasies were the first place respectable women could drink in public, women undoubtedly had some moderating effect on the drinking culture in general. Certainly alcohol remained easy to get in “wet” areas with lax enforcement. One prohibition agent, —the five-foot-tall, 225-pound Izzy Einstein, was responsible for 20 percent of all Prohibition arrests in Manhattan between 1920 and 1925 (Behr 1996). Will Rogers quipped, “Prohibition is better than no liquor at all.”

The lower classes drank moonshine and other dangerous alcohol:

There was a run on anything containing alcohol that could be used as a basis for homemade liquor—embalming fluid, antifreeze solution, solidified and rubbing alcohol, bay rum—with horrendous consequences, for, inexplicable, old rules requiring denatured alcohol to bear the POISON warning were discontinued. (Behr 1996 p.85)

New brands of alcohol sprung up with names suggestive of today’s drug trade:

Panther Whiskey, Red Eye, Cherry Dynamite, Happy Sally, Jump Steady, Soda Pop Moon, Sugar Moon, and Yack-Yack Bourbon (Behr 1996:85). Deaths from poisoned liquor quadrupled from 1,064 in 1920 to 4,154 in 1925 (Coffey 1975:196).

In 1930, the word “jake leg” entered the English language. “Jamaican Ginger,” also known as “jake,” was one of many popular “medicinal” beverages in the 1920s. A small amount of ginger extract was “preserved” in strong alcohol and sold in drugstores in convenient two-ounce bottles. Drugstores—particularly those with “soda” counters—proliferated during Prohibition. Jake evidently mixed well with coffee or Coca-Cola. In 1930, a toxic adulterant was used to make a large batch

of jake. Hardest hit were working-class Southerners. In a matter of weeks, 30,000 to 100,000 people were partially but permanently paralyzed. Many had a hobbled walk, which became known as jake leg. Ironically, sellers of this poisonous “medicine” could not be punished under Prohibition laws. The poison itself was not an intoxicating liquor and the liquor was exempted as medicinal.

Crime During Prohibition

From the establishment of police in the mid-nineteenth century into the twentieth century, the majority of police arrests were for public drunkenness. Of those arrested, the majority were foreign-born immigrants. In the early years of Prohibition, there was great debate about the link between alcohol and crime. Similar to the percentage of crime considered drug-related today, 50 to 80 percent of crime was estimated to be alcohol-related. Because of this, “drys” predicted that Prohibition would decrease crime from 50 to 80 percent. “Wets” noted that a majority of the nation had already gone “dry” in the years before national Prohibition, and the expected reduction in crime had not materialized: between 1900 and 1920, national alcohol consumption decreased while crime steadily increased.

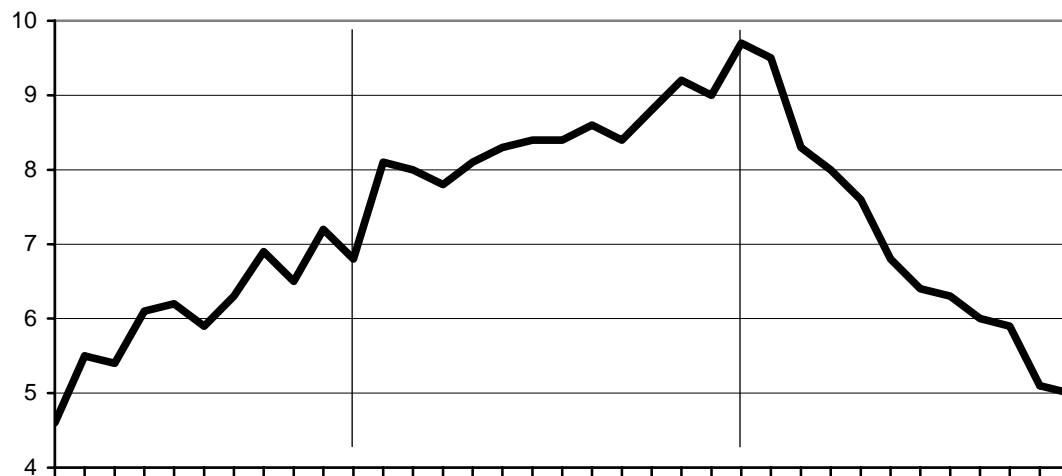
Warburton (1932) used the arrest rate for drunkenness as a proxy measure for alcohol consumption. His data covered 383 cities. From a high in 1916, the arrest rate for drunkenness decreased 63 percent by 1920. By 1928, however, the rate had increased to 80 percent of the 1916 level. Warburton noted that “under Prohibition,

especially during the early years, police were more strict in making arrests. . . . It is reasonable to suppose that drinking is less public and that fewer drunken persons appear on the streets relative to the quantity of liquor consumed” (Warburton, 1932:103).

In the first year of Prohibition, both alcohol consumption and crime decreased. After 1920, however, crime rose in sync with alcohol consumption. One study of 30 major U.S. cities showed a 24 percent increase in the number of crimes between 1920 and 1921 (Towne 1923). Murders increased steadily from 1910 to 1933 (see Figure 10, Prohibition and the U.S. Homicide Rate 1910–1944). Chicago had about 80 Mob killings per year during Prohibition (Behr 1996). While 80 murders a year pales in comparison to the number of drug-related killings today, outside of specific nineteenth-century race riots, it was a level of carnage previously unseen in American cities. The organized Mob existed well before the 18th Amendment, but it flourished and grew with the profits of the illegal alcohol trade. “Drys” denied the increase in crime, blaming the media’s focus on gangland killings for creating a false perception of increased crime (Greenberg 1999). Even *if* alcohol-related crime decreased during Prohibition, these benefits were overshadowed by the increase in crime related to the trade of illegal alcohol.

Law enforcement during Prohibition concentrated on lower-class residents. Behr (1996:172) examined the *Easthampton Star* from 1920 to 1933 and observed that “no socialites, or even ‘respectable’ wealthy householders, were ever arraigned

Figure 10: Prohibition and the U.S. Homicide Rate 1910-1944



1910		1920		1933		1940
	Increased local prohibition	National prohibition enacted		National prohibition repealed		

source: Historical Statistics of the United States, Statistical Abstract of the United States, U.S. Department of Commerce. From Schaffer Library of Drug Policy (<http://www.druglibrary.org/schaffer/index.HTM>).

in the Hamptons: the victims of local Prohibition agents' zeal were invariably working-class artisans or small potato farmers, often recent immigrants with exotic Polish names." New York Congressman Fiorello La Guardia, who would become mayor in 1929, criticized Southern support for Prohibition because it "was only enforced among the coloured populations. . . . The white gentleman openly and freely can obtain and consume all the liquor he desires" (Behr 1996: 172).

By the second half of the decade, despite tougher laws and increased spending on law enforcement, all but the most stubborn "drys" conceded that crime had increased. "Drys" argued that Prohibition failed because it had never been effectively implemented. Prohibitionists continued to argue—both correctly and quixotically—that decreased consumption would lower crime. The solution, they said, was greater enforcement and tougher laws.

In 1927, Congress strengthened Prohibition laws. States passed mandatory sentencing laws with consequences shockingly similar to today's drug laws: in Michigan, a mother of ten was sentenced to life in prison for possession of one pint of gin (Behr 1996). Under-enforcement was also a problem: crime between bootleggers and hijackers was seen as private business; sympathetic jurors acquitted guilty defendants (Behr 1996); public officials were corrupted. Joseph Corrigan, a New York magistrate, fumed to the press that "nine-tenths of these liquor cases are tainted with graft" (New York Times 1922).

While we may reminisce about the 1920s as a swinging era of flappers, baseball, jazz, and (ironically) alcohol, the government's war on alcohol had serious consequences. "Wets" publicized a steady deterioration of civil rights resulting from the government's war on alcohol. With an eerie parallel to today's drug war, police began searching private cars without warrants in order to find illegal alcohol (Gebhart 1929). Drinking, bootlegging, corruption, mob killings, and law-enforcement killings (both by and of police officers) all increased. Prohibition clogged the courts, with over 60,000 people per year arrested for violations of the Volstead Act (Gebhart 1930). While this pales in comparison to the scale of drug arrests today, alcohol prohibition marked the beginning of the government's involvement in the large-scale arrest and imprisonment of nonviolent offenders. The federal prisons became overcrowded:

Before Prohibition and the Harrison Narcotics Act [1914], there had been 4,000 federal convicts, fewer than 3,000 of whom were housed in federal prisons. By 1932 the number of federal convicts had increased 561 percent, to 26,589, and the federal prison population had increased 366 percent. Much of the increase was due to violations of the Volstead Act and other Prohibition laws. The number of people convicted of Prohibition violations increased 1,000 percent between 1925 and 1930, and fully half of all prisoners received in 1930 had been convicted of such violations. Two-thirds of all prisoners received in 1930 had been convicted of alcohol and drug offenses (Woody 1934: 94–95).

The actual numbers were even worse, as the majority of prisoners were kept in local jails, from which no reliable figures are available.

Law enforcement officers were being killed in record levels. The government's 1931 Wickersham Commission, which opposed Prohibition's repeal,

lowballed the official body count, stating that 60 prohibition agents (and only 144 civilians) had died as a direct result of law enforcement efforts (Greenberg 1999: 164). The real figures, which include “indirect” results, were much higher. By 1930, an estimated 1,000 civilians were killed by local and federal agents in Prohibition enforcement (Gebhart 1929, Tydings 1930, Mencken 1980). Federal agents were routinely indicted by local governments for homicide, but these cases were transferred to federal courts where federal prosecutors would drop the charges (Behr 1996).

While Prohibitionists denied the connection between Prohibition and increased crime, Prohibition’s repeal in 1933 was unambiguous: after rising for three decades, the murder rate began an immediate and steady decline. The homicide rate reached pre-Prohibition levels by 1938 and continued to drop. By the end of WWII, the homicide rate almost matched the low of 1910.

Repeal

In the 1920s, a minority of politicians spoke out against Prohibition. Particularly vocal were representatives of Chicago, New York City and State, Maryland, New Jersey, and Rhode Island. As the supposed benefits failed to materialize, support for Prohibition steadily decreased. While pro-alcohol citizens were always opposed to Prohibition, many anti-alcohol advocates came to accept Prohibition’s cure as worse than the alcohol-related disease. The Great Depression

provided the final push for repeal: a bad economy and rising crime made a legally taxed stiff drink a very popular proposition. In 1933, the 21st Amendment to the Constitution repealed the 18th Amendment. Alcohol regulation returned to the state and local level.

Repeal occurred only when policy concerns replaced the Progressive agenda of moral panic. But decades of “progressive” preaching against the evils of alcohol planted a strong seed. For example, even today, 60 years after Prohibition’s repeal, 43 of 75 Arkansas counties remain dry (Economist 2002).

Prohibition’s repeal brought immediate relief in the form of money saved on enforcement and a reduction in homicides. But just as Prohibition did not bring about its purported benefits, repeal failed to deliver on most of its promises as well: the economy did not improve, prisons did not empty, saloons—renamed bars or taverns—quickly reappeared, and the Mob, rather than going quietly into the night, shifted to such fields as extortion, prostitution, and gambling. But with few exceptions (e.g., Cutten 1944), the “Great Experiment” was judged a failure. August Vollmer (1936) described the futility of legislating against vice:

Legislators pass laws prohibiting activities for which a demand persists; illegal means for meeting the demand are devised and the support of the people makes them profitable; political influence, with its inevitable accompaniment of corruption and inefficiency, prevents enforcement of the law and engenders disrespect both for law and for the agents of law enforcement; reformers are aroused; more laws are passed in the vain hope of effecting a remedy, and the circle starts again? The police, in the center of the maelstrom, are the helpless tools—the victims—alternately of politician and reformer, and the indifferent, uncomprehending taxpayer foots an enormous and perfectly needless bill.

CHAPTER 9: DRUG PROHIBITION

There is but one philosophical way of dealing with this liquor problem, and that is by absolute prohibition, the Divine way of dealing with moral evils.

—The Rev. J.A.B. Wilson (New York Times 1895)

When we fight against drugs, we fight for the souls of our fellow Americans.

—President George W. Bush

The ultimate failure of national alcohol prohibition did not bring about any similar call for repeal of narcotic prohibition. Before alcohol prohibition, progressives linked alcohol and drug use (under the umbrella of drug use) and advocated for a complete ban of all drugs. Early bans that permitted medicinal use of drugs were opposed by reformers as incomplete (New York Times 1914a). With the failure of alcohol prohibition, temperance advocates shifted their moral focus from alcohol to the newly discovered “evils” of drugs. While public demand for alcohol prohibition preceded the 18th Amendment, support for narcotic prohibition grew strong only *after* the implementation of national drug prohibition laws.

Feel No Pain: The Early History of Drugs in America

Cocaine was first isolated in the mid-nineteenth century. In the 1860s, Vin Mariani, a popular French wine fortified with both coca and caffeine, was endorsed by no less an authority than Pope Leo XII. In 1886, during a brief period of alcohol prohibition in Fulton County, Georgia, pharmacist John Styth Pemberton created a

nonalcoholic alternative to Vin Mariani. He replaced the wine with a sweet flavored syrup laced with caffeine and cocaine and called it Coca-Cola (Cohen 1990). Until 1903, Coca-Cola probably contained about the same amount of cocaine as Vin Mariani, around six or seven milligrams per ounce. A glass of Coca-Cola might have been equivalent to a very small “line” of cocaine. For a bigger kick, stronger (and often unlabeled) concentrations of cocaine and opiates were readily available in over-the-counter patent medicines.

Cocaine was recognized as a safe and effective anesthetic in 1884 and heralded as a wonder drug (New York Times 1884). Until then, ether, nitrous oxide, and chloroform were all used as anesthetics, but their dangerous and unpredictable nature made their use controversial even within the medical profession. Cocaine had a brief period of unencumbered glory until it claimed its first “victim” in 1885 (New York Times 1885a). In the last two decades of the nineteenth century, a steady stream of minor press stories described the ruin or death of doctors and chemists “victimized” by cocaine addiction (e.g., New York Times 1885b, 1888, 1889, 1898). Consistent with the morally based framework of the Progressive Movement, the power of cocaine to do evil was emphasized. As addicts were recognized as being of “good” character, they were not demonized. Drug-related criminal behavior was by and large absent until the twentieth century.

Heroin—an opium derivative invented in 1895 by the Bayer Company—was marketed as a sedative for coughs and a nonaddictive substitute for morphine (see

Figure 11, Nineteenth-Century Bayer Ad for Heroin). It first appeared on the illicit street market in 1909 (New York Times 1915c).

From its medical origins, drug use spread to the lower classes by the end of the nineteenth century. The increasing use of cocaine in the black community was a topic of discussion in Negro Conferences of the era (New York Times 1903). When localities criminalized drugs, the idea was to provide a means for drug “victims” to enter rehabilitative medical treatment programs. But treatment proved largely unsuccessful, and responsibility for drug addicts gradually shifted away from the medical field and into the hands of law enforcement.

Society’s perception of drug addicts changed as well. As long as drug addicts were “victims,” incarceration without treatment made no sense. The *New York Times* first linked cocaine to criminal behavior in 1897 (New York Times 1897). In 1900, the newspaper described four “morphine victims” as “human wrecks” (New York Times 1900). But narcotic-related crime in 1900 was limited to minor vagrancy and petty crime as destitute users tried to fund their addiction. But as the promise of drug treatment, redemption, and cure lessened, the perception of the drug addict changed from being a “victim” to being a “drug fiend” (New York Times 1901). The victim became a criminal; the patient, a prisoner.

By 1908, a doctor estimated that while 80 percent of his drug-addicted patients were physicians or physicians’ wives, “few of these people are cocaine users. . . . As a rule . . . the [cocaine] habit is found confined . . . to the lower classes of

Figure 11: Nineteenth-Century Bayer Ad for Heroin

BAYER PHARMACEUTICAL PRODUCTS

ASPIRIN
The substitute for the salicylates

Send for samples and Literature to

ARISTOL
The analgesic and antipyretic

PROTARGOL
The anti-syphilitic

PIPERAZINE
The antispasmodic

EUROPHEN
The anesthetic

CRESOYL CARB
The antiseptic

QUIMALGEN
The anti-rheumatic

GUAIACOL CARB
The anti-constipant

HEROIN-HYDRICAL
The sedative for coughs

HEROIN
The sedative for coughs

LYCETOL
The uric acid solvent

FERRI-SOMATOSE
The iron tonic

SULFONAL
The reliable febrifuge

SOMATOSE
The most valuable agent

HEMICRANIN
The specific for headache

IODOTHYRINE
The specific for thyroid

SYCOSE
The specific for eye

PHENACETIN
The most reliable analgesic

TRIONAL
The reliable febrifuge

SALOPHEN
The antirheumatic and antineuralgic

FARBENFABRIKEN OF ELBERFELD CO.

40 STONE STREET. NEW YORK.

Yale Alumni Magazine, January, 1972

Bayer Advertisement 10

Source: Yale Alumni Magazine, January, 1972

society” (New York Times 1908a). This physician believed there was no cure for cocaine victims and advised that “the best thing for the cocaine fiend is to let him die. He is of no use either to himself or to the community.” Nevertheless, cocaine remained a moderately popular drug for both medicinal and recreational use. But on a per capita basis, cocaine consumption levels were probably one-fifth of today’s levels (MacCoun and Reuter 1991).

Advances in anesthesiology, particularly the invention of Novocain, lessened the medicinal use of cocaine. In 1906, Congress passed the Pure Food and Drug Act. This landmark regulation did not ban narcotics per se, but it effectively destroyed the sham patent medicine business by requiring accurate labeling on food and medicines. Significantly, the Pure Food and Drug Act laid the groundwork for later prohibition laws by establishing the Federal Government’s right to regulate the food and drug trade.

New York State—in a unanimous vote without fanfare—banned the nonmedicinal use of cocaine in the 1907 Anti-Cocaine Smith Act. The immediate result was telling: drug selling moved underground. The *New York Times* (1908b) reported: “Peddlers, poor, unmoral creatures of the underworld, have sprung up to ply a thriving trade in dispensing the drug among the victims of the habit.” Interestingly, this article makes a brief mention of a form of cocaine with a “small crystal ‘rock-candy’ form” (distinct from the more commonly described powder cocaine “flakes”) that was perhaps a lost precursor to crack cocaine.

In 1914, the Federal Government, alarmed by inflated press accounts of “one million drug-fiends,” passed the Harrison Narcotic Act, banning the unprescribed distribution of opiates and cocaine (See Table 9, Timeline of Drug Laws in America). In 1915, the federal government more realistically estimated the number of drug users nationwide to be around 200,000 (New York Times 1915a). The Harrison Act is often considered the beginning of drug prohibition, but it is more noteworthy as the first federal response to an exaggerated drug scare. The Harrison Act was followed by a dramatic increase in the number of drug-related hospital admissions and deaths (New York Times 1915a).

Concurrent with the Harrison Act, New York City established the first police drug unit, which quickly became known as the “dope squad”:

The police of this city, co-operating in a nation-wide movement inaugurated by a committee of five member of the American Medical Association, began a systematic attempt yesterday to bring into custody those addicted to the use of drugs (New York Times 1914a).

New York City’s new “dope squad” accounted for 623 of 1,950 people arrested in the city for possession or sale of drugs in 1914 (New York Times 1915c). Approximately two-thirds of those arrested for drug violations had no prior criminal records. Even in the drug squad’s first year, police began using arrest numbers as a sign of their success against the evils of drugs.

Table 9: Timeline of Drug Laws in America

Year	Act	Significance
1875	San Francisco Opium Ban	First known law against drug use. Bans the use of opium in opium dens.
1884	Cocaine invented	First effective medicinal anesthetic.
1895	Heroin invented	Bayer Company markets heroin as an opium substitute.
1906	Pure Food and Drug Act	Prohibits adulteration and mislabeling. Lead to decline of patent medicines, many containing cocaine. Contained no provisions for controlling the sale or use of narcotics, but establishes Federal right to do so.
1907	Smith Act	New York State bans non-medicinal use of cocaine
1910s	State anti-marijuana laws	Many states ban marijuana, seen as a Mexican problem of the Southwest.
1913	International Opium Convention	Ratified by U.S. Senate
1914	Harrison Narcotics Act	Prohibited the unprescribed distribution of opiates and cocaine. Limited law, but it marks the beginning of a federal war on drugs. New York Police Department establishes “drug squad.”
1920	18th Amendment and Volstead Act	Prohibition of manufacture, sale, and transportation of intoxicated liquor.
1922	Jones-Miller Act	Establishes Federal Narcotics Control Board.
1922	Narcotic Drug Import and Export Act	Outlaws non-medicinal use of narcotics.
1924	Heroin Act	Prohibits manufacture of heroin.
1930	Federal Bureau of Narcotics Established	Commissioner Anslinger and agents come from prohibition agencies. Leads anti-marijuana campaign. Marijuana use grows.
1933	21st Amendment	Repeals 18th Amendment. Ends alcohol prohibition.
1937	Marijuana Tax Act	Effectively bans marijuana and hemp at the Federal level. Promoted by Anslinger and the Federal Bureau of Narcotics.
1951	Boggs Act	Increases penalties for drug violations. Mandatory minimum sentencing.
1956	Daniel Act	Increases penalties established by Boggs act.
1965	Drug Abuse Control Amendments	Bans amphetamines, barbiturates, LSD.
1968	“War on Drugs”	Phrase first used by Richard Nixon.
1969	Dangerous Substance Act	Classified all drugs, except nicotine and alcohol, by their medical use and addictive potential.
1970	Comprehensive Drug Abuse and Control Act	Replaces and updates all previous laws concerning narcotics and other dangerous drugs.
1972	Drug Abuse Office and Treatment Act	Establishes federally funded programs for prevention and treatment
1973	Drug Enforcement Administration (DEA)	Remodels Bureau of Narcotics and Dangerous Drugs into DEA
1986	Anti-Drug Abuse Act	Urine testing in workplace and mandatory sentences for crack cocaine.
1988	Anti-Drug Abuse Act	Establishes the Office of National Drug Control Policy

Arrested and convicted drug users were placed in mandatory drug treatment.

The *New York Times* (1915b) noted class biases in drug treatment and offered a possible solution:

The situation . . . has social as well as individual aspects. . . . Facilities for receiving needed treatment, palliative or curative, already are provided to some extent, but, as is frequently the case in medical matters, while these facilities are available to the rich and to the very poor, they are to be obtained only with great difficulty and cruel humiliation by people who, while not destitute, are of means strictly limited. For this class of addicts no systematic provision has been made, and there is reason for believing that they will be ruthlessly exploited by charlatans who, under the pretense of curing the habit, will evade the law and in effect take the place of illicit purveyors whom the law, for the time being, at least, has suppressed. The Chinese were wiser than ourselves when they undertook the abolition of opium smoking. While merciless in penalizing everything calculated to make new victims of the drug, they were lenient with the cases of hopeless addiction, and under careful restrictions allowed them to finish out their inevitably abbreviated spans of life untortured themselves and without peril to their neighbors.

Densten (1917) observed that antidrug laws increased drug use by pushing addicts away from medical doctors and toward criminal dealers.

The American Medical Association was a strong supporter of prescribed narcotics up to and even after the 1914 Harrison Act. But support among “respectable” doctors for legal or medicinal use had been largely neutralized by the criminalization of drugs. Doctor-supervised drug-treatment programs were undermined by a series of court decisions restricting the rights of doctors to practice drug maintenance programs. Unscrupulous doctors and pharmacists selling drugs and the limited success of drug treatment further undercut support for the medicinal use of cocaine and narcotics (New York Times 1919, MacCoun and Reuter 2001).

At the same time, local alcohol prohibition laws—designed primarily to keep liquor away from the lower classes—may have increased drug use (New York Times 1914b). Likewise, the beginning of national alcohol prohibition may have caused an increase in the use of other illegal drugs (New York Times 1920). As drugs spread to lower-class whites and especially lower-class blacks, drug use became less acceptable among society's better off. While drug "peddlers" were never held in high regard, after the 1914 Harrison Act, the image of the drug addict completed its shift from the sympathetic "victim" to the morally reprehensible "fiend" (New York Times 1916). Yesterday's "fiend" has become today's junkie.

Congress, in the heady post-war spirit of progress and prohibition, passed more antidrug laws in the 1920s: the Narcotic Drug Import and Export Act outlawed the non-medical use of narcotics, the Jones-Miller Act established the Federal Narcotics Control Board, the manufacture of heroin was prohibited in 1924, the Federal Bureau of Narcotics (the forerunner of today's Drug Enforcement Agency) was established in 1930. But drug enforcement remained less effective than even the limited effectiveness of alcohol prohibition. In the 1920s, an advocate for greater alcohol prohibition enforcement said, "[Alcohol prohibition] can be enforced reasonably well if proper effort is made. . . . It is already better enforced than some of our other laws as, for example, the law against narcotics" (Fisher 1927:435).

The Federal Bureau of Narcotics was modeled after the failed Bureau of Prohibition Enforcement. The Narcotics Bureau's first commissioner, Harry

Anslinger, along with many of his narcotic agents, came directly from Prohibition units. Drug agents were able to do little other than seize small amounts of drugs. In 1938, federal agents confiscated 674 kilograms of opium, 558 kilograms of bulk marijuana, 94 kilograms of heroin, 12 kilograms of morphine, and just 417 *grams* of cocaine (Courtwright 2001).

The drug market was undoubtedly much smaller than it is today. Between 1900 and 1930, cocaine was often sold for 25 cents in units of “grains” (one “grain” was approximately 60 milligrams). While law enforcement was more concerned with heroin in the 1920s, cocaine use fell out of favor (for reasons unclear). Between 1930 and 1969, cocaine use was extremely rare (Courtwright 2001). Cocaine came back in vogue in the 1970s. Since 1970, the street price of cocaine has dropped from about \$230 to \$50 per gram (in 2003 dollars), about the cost for cocaine between 1900 and 1930.

Marijuana and hemp were effectively banned with the 1937 Marijuana Tax Act. Ironically, anti-marijuana propaganda (such as *Reefer Madness*) from Anslinger’s Federal Bureau of Narcotics unwittingly helped spread knowledge and use of marijuana. From its previously isolated locale in the Southwest, marijuana use increased gradually but remained low through the 1940s and 1950s.

In the 1960s, drug use became linked to social movements and opposition to the war in Vietnam. President Nixon, running on a “law-and-order” ticket, coined the phrase “war on drugs” as a wedge issue to isolate counterculture liberals. Nixon

outlawed amphetamines, barbiturates, and LSD. As marijuana use spread to the middle class, Nixon pursued a policy of supply interdiction, treatment for users, and punishment for dealers. The current system categorizing drugs based on medical use and addictive potential—nicotine and alcohol notably excepted—was created in 1969 and 1970. In 1972, federal funds were set aside for treatment and prevention. Nixon's support for rehabilitation was strongly influenced by the fear of drug-addicted veterans returning home from Vietnam.

Drugs, Drug Laws, and African-Americans

Many have noted that new drug prohibition laws generally follow increased drug use by an outside minority group (for example, Mosher and Yanagisako 1991). Cocaine became illegal after being associated with African-Americans following Reconstruction; opium, associated with Chinese immigrant workers, was first restricted in California in 1875 (the nation's first drug law); Irish drunks helped the cause of prohibitionists; marijuana was legal until it became associated with Mexicans; LSD became illegal in 1967 after being embraced by the counterculture; and crack cocaine laws came after the drug became popular among poor urban blacks.

Accounts of widespread cocaine use by African-Americans—some sensational, some descriptive—began to appear around 1900. An oft-cited *New York Times* (1914b) article described a cocaine-frenzied black man unfazed by police

bullets large enough to “kill any game in America.” Early stories of marijuana in the 1910s focused on crazed Mexicans in the Southwest. Many states took the initiative and banned the plant.

Racist sensationalism seems standard in the early twentieth century. Yet it is doubtful that drug-related press stories were more racist than other stories of the era concerning race. Additionally, drug stories with a racial angle were not at all common; only a small handful of stories in the mainstream press “played the race card” on drug use. The majority of drug-related press accounts dealt with the death of upper-class white men and women. Drug “victims” were rarely news unless from a prominent station in society. Drug “fiends” were usually white.

For the African-American community in the early twentieth century, social problems were often simply ignored by the rest of society. The *New York Times* (1914b) noted increased drug use, particularly cocaine, among poor southern blacks. This was a matter of concern to both white and black communities. It seems likely that many race-related drug stories arose from a patriarchal combination of sympathy, concern, and fear.

Crack cocaine, unlike other illegal drugs, was considered a “black” problem from the beginning. To make crack, ordinary cocaine is heated in a solution of baking soda until the water evaporates. The resulting mass is broken into smaller “rocks” and sold. These rocks are usually lit in a small glass pipe. The negative effects of crack were felt in black neighborhoods in the 1980s. In crack’s early years,

the black community complained that not enough was being done to battle the problem. Black community leaders, such as the actor Ossie Davis, advocated *more* law enforcement and greater news coverage: “Unless the federal, state and city governments are willing to put crack, other drugs and their attendant problems at the very top of their agendas, we are going to stay in the streets” (New York Times 1986a).

The press publicly debated the difficulties in providing balanced news coverage on stories linking race, drugs, crime, and the black community (New York Times 1986b). In hindsight, many of these press reports appear highly sensational: unfounded accounts of black “crack babies” combined with warnings of the growth of a dangerous new generation of black youth. At the same time, accounts of the overall level of violence within the black community often went underreported.

Congress passed severe antidrug laws in 1986 and 1988. While some hold these laws—which have so adversely affected African-American males—to be *prima facie* evidence of racism, at the time many prominent blacks and liberal politicians supported the legislation. Even today, support for drug legalization—even a shift away from criminalization toward a medicinal approach to drug addiction—has *less* support among blacks than whites (Davis et al. 2003). While strict drug laws may be a misguided reaction based in part on racist fears, many of these fears are shared by whites and blacks alike. Though the negative impacts of drug laws are borne

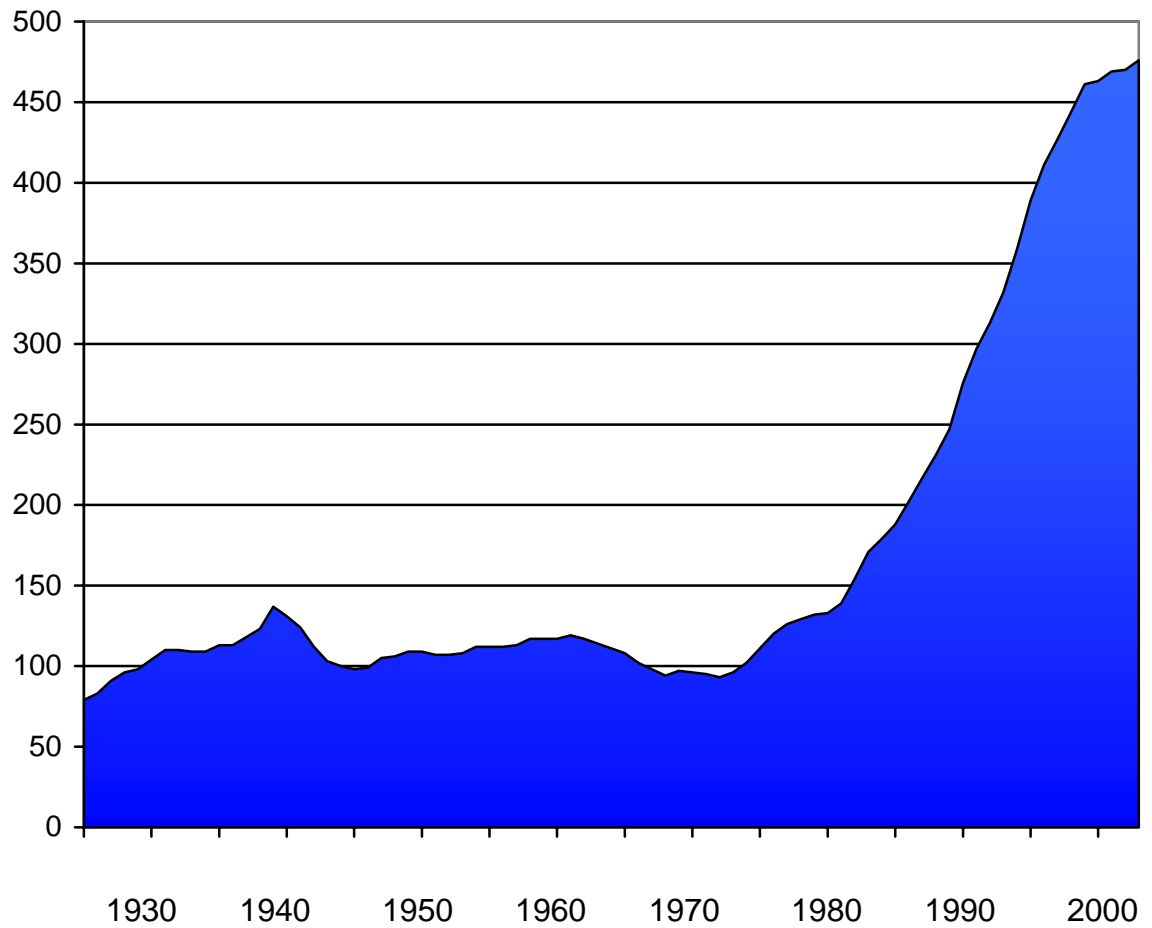
disproportionately by minority communities, there is no evidence that these drug laws were racist in their intent.

Eric Schlosser (1998) dubbed the confluence of politics, race, crime, and prisons the “prison-industrial complex.” Independent groups all acting in their best interest, he wrote, have created a situation in which poor whites are employed at prisons guarding poor blacks:

Three decades after the war on crime began, the United States has developed a prison-industrial complex—a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need. The prison-industrial complex is not a conspiracy, guiding the nation’s criminal-justice policy behind closed doors. It is a confluence of special interests that has given prison construction in the United States a seemingly unstoppable momentum. It is composed of politicians, both liberal and conservative, who have used fear of crime to gain votes; impoverished rural areas where prisons have become a cornerstone of economic development; private companies that regard the roughly \$35 billion spent each year on corrections not as a burden on American taxpayers but as a lucrative market; and government officials whose fiefdoms have expanded along with the inmate population. . . . The raw material of the prison-industrial complex is its inmates: the poor, the homeless, and the mentally ill; drug dealers, drug addicts, alcoholics, and a wide assortment of violent sociopaths. (p.54)

Prison population statistics give credence to Schlosser’s position. Until 1970, the rate of imprisonment remained near 100 per 100,000. After 1970, the rate of imprisonment increased dramatically (See Figure 12, Prisoners in State and Federal Institutions). Not coincidentally, the only previously dramatic increase in prison population occurred during alcohol prohibition between 1920 and 1933. The rate of increase has slowed, but the rate of state and federal incarceration is 476 per 100,000 and rising. This is twice the 1990 rate and nearly five times the rates seen between

Figure 12: Prisoners in State and Federal Institutions, 1925 - 2002 (rate per 100,000)



Source: Sourcebook of Criminal Justice Statistics, U.S. Department of Justice, Bureau of Justice Statistics

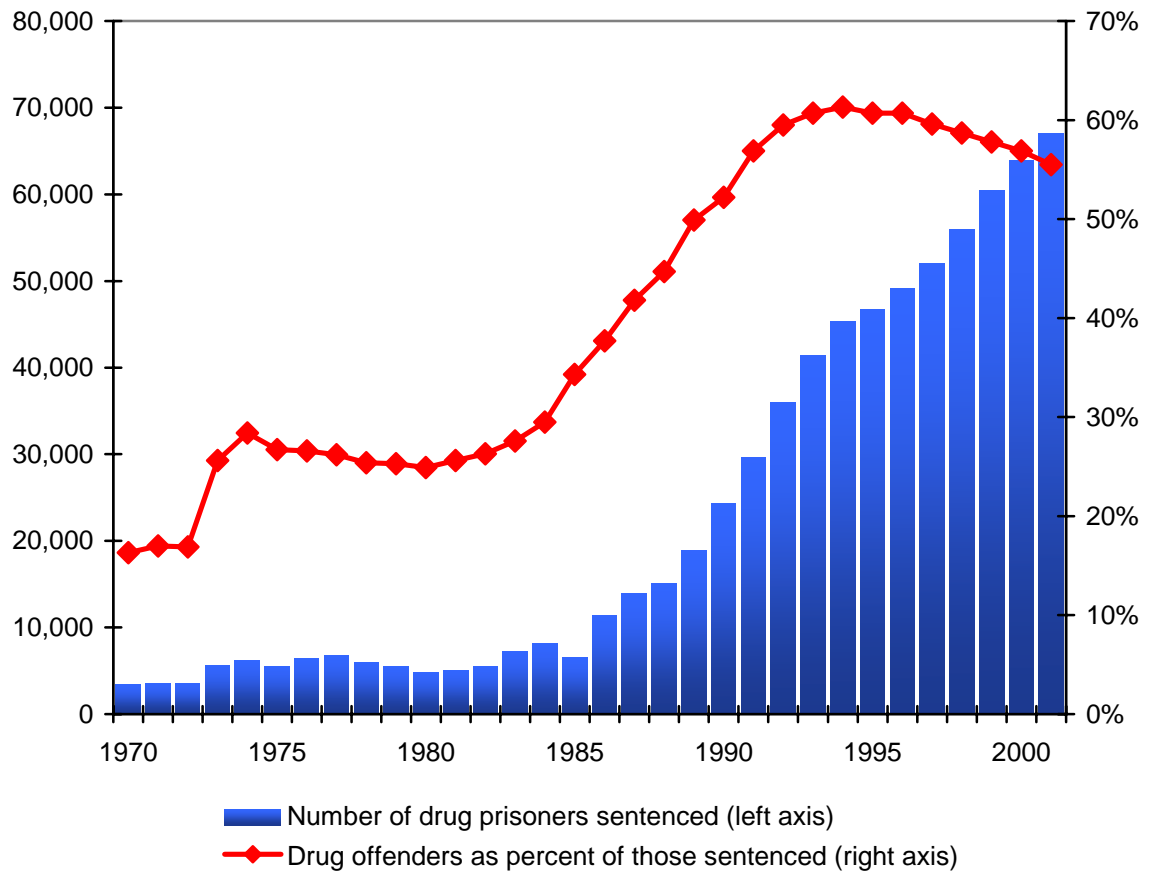
1945 and 1975. Drug-law violators are now the absolute majority in federal and state prisons (see Figure 13, Number and Percent of Prisoners Sentenced for Drug Offenses). Black prisoners have outnumbered white prisoners in absolute numbers since 1988.

Loïc Wacquant (2002) takes an extreme position: drug laws are the means by which America continues the historic oppression of African-Americans. The “hyperghetto” and prison are the fourth of four “peculiar institutions.” The first three are slavery, Jim Crow laws, and the regular (as opposed to “hyper”) ghetto. Wacquant argues that these institutions have successively defined, confined, and controlled African-Americans in the United States:

The ghetto operates as an ethnoracial prison: it engages a dishonoured category and severely curtails the life chances of its members. . . . As the walls of the ghetto shook and threatened to crumble [in the 1960s], the walls of the prison were correspondingly extended, enlarged and fortified, and “confinement of differentiation,” aimed at keeping a group apart . . . gained primacy over “confinement of safety” and “confinement of authority.”

Drug enforcement is the means by which prisons have become overwhelmingly Afro-American. Wacquant claims that as legal discrimination against blacks ended, the war on drugs continued a system of racial domination in America. What Wacquant does not explain, however, is the relevance of the 300 percent rise in the homicide rate between 1960 and 1970. While the war on drugs may be a de facto war against blacks, it seems more likely that national policy and law enforcement efforts focused on the increased rate of black violence.

Figure 13: Number and Percent of Prisoners Sentenced for Drug Offenses, 1970 - 2001



Source: U.S. Department of Justice, Bureau of Justice Statistics

Despite limitations and a certain conspiratorial edge in Wacquant's analysis, it is worrisome that so many social facts support such a pessimistic theory. Even if crack-cocaine laws and mandatory-minimum sentencing are not racist in their intentions, outcomes that so negatively affect African-American males should place a moral onus on those who advocate imprisonment as our national drug policy.

Drugs and Crime: The Drugs/Violence Nexus

Although both drugs and violence have a long history in America, the two were not bedfellows until the 1960s. Between 1880 and 1930, opium, heroin, and cocaine users routinely ruined their own lives. But by and large (with the possible exception of cocaine use in Southern lower-class black communities in the early 1900s) drug users had only a minor impact on the greater community. Heroin changed that.

During WWII, America was virtually cut off from the world heroin market, and the total number of heroin addicts in the United States dropped to 20,000 people (Bureau of Narcotics 1964). In the 1950s, helped in part by U.S. cold-war foreign policy (similar to the increase of poppy production in post-Taliban U.S.-controlled Afghanistan), the Sicilian Mafia and Southeast Asia drug lords reinvigorated the heroin trade. In the 1960s, heroin made a lasting and deadly impact on American cities.

Preble (1980) conducted an ethnographic study of heroin addicts in East Harlem from the mid-1960s to 1980. He discovered that 14 percent of his sample had been murdered in the course of fifteen years. In a study of 1972 Philadelphia, Zahn and Bencivengo (1974) observed that drugs accounted for approximately 31 percent of homicides, which in turn were the leading cause of death among drug users. Ball (1991) examined heroin addicts in three East Coast cities (including Baltimore). Only 20 percent of heroin addicts remained crime-free in a given year. Almost 40 percent of heroin addicts committed more than 500 criminal offenses per person per year.

The United States' homicide rate, strongly correlated with the number of youths aged 18 to 24, rose in the 1960s and peaked in 1980. As predicted by demographers, the homicide rate declined in the early 1980s in sync with the declining number of youths. Yet something strange happened in the late 1980s: even though the number of youths continued to drop, the homicide rate increased sharply. Crack cocaine had hit the big cities, and youth violence—black youth handgun violence in particular—skyrocketed.

Between 1984 and 1993, the overall homicide rate for those 24 years and older remained constant (Fox 2000) while the rate of handgun homicides among blacks aged 18 to 24 *tripled* (Blumstein 2000). In addition to greater overall violence, the “youth movement” in homicide changed the nature of urban violence.

The percentage of victims knowing their assailant decreased (Fox 2000). This increased the seemingly “random” nature of gun violence.

Crack’s hold on the ghetto had many contributing factors. First and foremost, crack could be sold in low-priced single-use doses. Second, making and selling crack offered a new source of income for people without proper job qualifications. While previously drug dealing required financial or social capital to buy or be trusted with costly drugs, a crack dealer could start with \$10 or \$20. Third, President Reagan’s 1980s budget cuts made getting by, or “hustling,” much harder for many poor blacks in the ghetto (Venkatesh 2000). Fourth, the enactment of severe anti-crack laws may have deterred middle- and upper-class drug dealers and users. Dealers with customers rich enough to buy \$100 bags of powder cocaine could make more profit with (arguably) the same drug and did not have to risk severe crack-cocaine penalties. This confluence of factors formed a kind of “perfect storm” that brought cocaine use and crack dealers to the ghetto masses.

Unlike other drugs, the spread of crack can be considered a supply-driven marketing phenomenon (Reinarman and Levine 1997). The high volume needed for low-priced sales encouraged drug dealers to conduct business in high-traffic public areas. Similar to “loose” cigarettes and bottles of malt liquor, crack was sold in single servings. This product, conveniently available at all hours, allowed many poor people to experiment and become addicted to cocaine. Interestingly, unlike other

trends and fashions in our society, crack use has not moved from the ghetto to the middle-class suburb.

Public drug dealing increases violence. Paul Goldstein (1985) breaks drug-related violence into three categories: “*drug high*” violence due to the direct effects of drugs, violence used to “*get money*” to buy drugs, and violence from the “*trade*,” marketing, and selling of drugs (see Table 10, Goldstein’s Drugs/Violence Nexus). Since the late 1800s, “drug high” and “get-money” violence appear linearly and consistently related to the number of drug addicts and the level of consumption. “Trade” violence, despite a noteworthy link to alcohol prohibition in the 1920s, began in earnest only in the 1960s. In a 1988 sample of homicides in New York City (n = 414), 48 percent of homicides were (non-alcohol) drug-related (computed from Tables 6-1 and 6-2 from Goldstein et al. 1997). It must be noted that this is a very conservative estimate, because “unknown” homicides, such as a body found in the street, are classified as non-drug-related.

In Goldstein et al.’s (1997) New York sample, 9.6 percent of drug-related homicides resulted from the “drug-high” effect of being drunk on alcohol, while the “drug-high” effect for all other drugs combined accounted for just 4.6 percent of

Table 10: Goldstein's Drugs/Violence Nexus

	Drug High	Get Money	Trade	Combination
Goldstein's Nomenclature	psychopharmacological	economic compulsive	systemic	multidimensional
Definition	being violent on drugs	being violent to get money to buy drugs	being violent in the course of buying or selling drugs	combination of drug-high, get money, and trade violence
Percent of (non-alcohol) drug-related homicides in category	5.0%	4.0%	82.2%	8.6%

Source: Goldstein, Paul J. Henry H. Brownstein, Patrick J Ryan, and Patricia A. Bellucci. 1997. "Crack and Homicide in New York City: A Case Study in the Epidemiology of Violence" in Craig Reinerman and Harry G. Levine (eds.), *Crack in America: Demon Drugs and Social Justice*. Berkeley, CA: University of California Press. Data are a sample of New York City homicides in 1988 (n = 414, of which 197 homicides are classified as non-alcohol drug related).

drug-related homicides.¹⁸ “Get money” is also a very minor factor in drug-related homicides, accounting for just 3.7 percent of these murders. By and large, people do not commit violence because they need money to buy drugs, nor do they commit violence because they are high on drugs. The drugs/violence nexus centers almost exclusively around the trade of illegal drugs. Goldstein et al. report:

The most striking finding in our study was that about two-fifths of all the homicide events we studied (162 or 39%) and nearly three-fourths of all the drug-related homicides (162 or 74.3%) had to do with the exigencies of the illicit market system. Of these systemic [trade] homicides, nearly two-thirds (106 or 65%) were classified as being primarily crack-related. This suggests that however severe the psychopharmacological [drug-high] consequences of crack use and however strongly crack addicts may feel economic compulsion to support their use, *the vast bulk of crack-related homicides occurred between dealers or dealers and users*. They did not involve the murder of strangers outside the crack world. (p. 118)

While drug prohibition is a necessary causal element for drug-related violence, prohibition itself does not lead to violence generally. Only a small part of today’s illegal drug market is linked with violence. Marijuana is by far the most popular illegal drug in the U.S., and the majority of drug users are suburban whites. Yet violence among suburban “pot” smokers is virtually nonexistent.

¹⁸ Outside of alcohol, crystal methamphetamine may be the only drug that has significant “drug-high” violence (personal conversation with a methamphetamine dealer). Egan (New York Times 2002a) noted interesting parallels—depopulation and welfare and farm subsidies—between crack use in urban ghettos in the 1980s and “crystal meth” use in poor rural and small town white areas today. Methamphetamine—though a large and growing problem in white areas of the West and Midwest—is still relatively unknown on the East Coast or in African-American communities (though it is gaining popularity at gay parties in New York City). African-Americans have extremely low usage rates of methamphetamines, ecstasy, and LSD.

When one considers that just two percent of the U.S. population has ever tried crack cocaine (Substance Abuse and Mental Health Services Administration 2002), the crack/violence nexus is even more significant. Comparatively, 1.6 million people buy and use powder cocaine in a given month, probably a similar number take ecstasy, and 12 million people buy and smoke marijuana (see Table 11, Drug Use in the U.S.). Accounting for double users, fewer than 500,000 Americans—less than 0.2 percent of the population—consume crack or heroin in any given month.

There is virtually no drug-related violence for the vast majority of the illegal drug trade. Most Americans who use illegal drugs manage to procure and imbibe their drug of choice without any related violence. In Goldstein's sample, marijuana alone accounts for just four percent of drug-related homicides. For illegal drugs, the style of drug dealing and the social and economic class of dealers and users are the variables linked to violence.

Goldstein et al. report that 73 percent of drug-related homicides were linked solely to the "trade" violence of crack and powder cocaine. "Trade" murders have many contributing factors, including the robbery of drug dealers, assaults to collect debt, punishment of workers, dispute over drug thefts, and revenge for dealers selling bad drugs. The largest single cause of "trade" murders, accounting for more than one-third of them, is a territorial dispute (a conclusion is supported by Jacobs's [2000] qualitative research).

Table 11: Drug Use in the United States

Substance	Ever Used	Used in Past Year	Used in Past Month
Alcohol	184.4 million 81.7%	143.6 million 63.7%	109.0 million 48.3%
Tobacco	161.0 million 71.4%	78.6 million 34.8%	66.4 million 29.5%
Marijuana	83.2 million 36.9%	21.0 million 9.3%	12.1 million 4.8%
Cocaine	27.7 million 12.3%	4.1 million 1.9%	1.6 million 0.7%
Ecstasy	11% (of 12th graders)	NA	NA
Crack	6.2 million 2.8%	1.0 million 0.3%	400,000 0.2%
Heroin	3.0 million 1.4%	450,000 0.2%	120,000 0.1%

Source: Substance Abuse and Mental Health Services Administration, US Department of Health and Human Services, Results from the 2001 National Household Survey on Drug Abuse: Volume 1. Summary of National Findings (Rockville, MD: Office of Applied Studies, August 2002), p. 109, Table H.1; p. 110, Table H.2; p. 129, Table H.21; and p. 130, Table H.22.

Source for ecstasy use: The Monitoring the Future (MTF) survey, National Institute on Drug Abuse, National Institutes of Health. For 12th graders, ecstasy use is higher than cocaine use. For the overall population, ecstasy use is rising and is probably similar to usage rates for powder cocaine. Traditional drug surveys, however, still do not ask about ecstasy use. The Drug Enforcement Administration seized 949,257 ecstasy pills in 2000 (up from 13,342 in 1996) and estimates that around 11% of all drugs are seized. Ecstasy, having no odor, would have lower seizure rates.

By and large, drug violence is synonymous with poor, young, minority males in the ghetto trying to support their own drug habits. Only four percent of suspects and victims in Goldstein's study were identified as "high-level" sellers, those who buy and sell drugs as a business primarily to make a profit. One-third of victims were identified by police as "low-level" sellers, people involved in drug buying and selling mainly to support a personal habit.

While Goldstein's analysis would benefit from a comparison with drug usage in the sample area, the overriding point, at least in New York City in 1988, is that drug-related violence is centered almost exclusively around the trade of crack cocaine in the ghetto.

Wilson and Kelling's (1982) Broken Windows thesis provides a possible link between the crack trade and violence. Many problems related to drugs are due to the manner and style in which drugs are sold but cannot be considered Goldstein's "trade" violence. Similar to Blumstein's (1995) "community disorganization effect," Broken Windows quality-of-life issues are significant for local residents: dealers shout to advertise their wares, glass breaks as empty 40-ounce bottles of malt liquor are discarded, addicts roam up and down the streets, people urinate and defecate in public, children walking to school pass drug deals and discarded needles, and hostile dealers confront residents opposed to their presence. Broken Windows quality-of-life

issues can occasionally be fatal, such as in the case of squatted vacant buildings accidentally set on fire by addicts.

By combining Goldstein's drug/violence nexus with a Broken Windows framework, one can clarify the relationship of prohibition, violence, drugs, and alcohol (see Table 12, Effect of Prohibition on Drug- and Alcohol-Related Harms). Alcohol-related crime is mostly "drug-high"; drinkers cause trouble when they're drunk. Violence, therefore, is directly related to levels of consumption. Prohibition did not cause any lasting decrease in alcohol consumption. Theoretically, however, decreased alcohol consumption should significantly lower levels of alcohol-related violence. While alcohol prohibition may have slightly lessened the "drug-high" and Broken Windows quality-of-life issues of alcohol, these benefits did not outweigh the increase in "trade" violence.

Drug addicts commit some "drug-high" violence, but more often commit crime while trying to "get money" for their next high. Assuming drug prohibition results in lower levels of drug consumption—a logical but by no means proven assumption—prohibition would benefit society through lower levels of "drug-high" violence. This benefit, however, is outweighed by increased levels of "get-money" and "broken window" quality-of-life issues. Most significantly, drug "trade" violence has exploded to a level outweighing any moral or substantive benefits to drug prohibition.

Table 12: Effect of Prohibition on Drug- and Alcohol-Related Harms

<i>Drug-Related Harm</i>	<i>Effect of Alcohol Prohibition</i>	<i>Effect of Drug Prohibition</i>
Get-Money Violence	More violence as cost of alcohol is much increased. Correlation with overall consumption levels.	More violence as cost of drugs are increased. Less violence if consumption levels are decreased.
Drug-Trade Violence	Increased Homicide Rate	Increased Homicide Rate
Drug-High Violence	Less public drunkenness. If consumption decreases, less violence.	If consumption decreases, less violence
Broken-Windows Harms	Pushed drinking from public to private sphere. Lessened harms though closing of problem saloons and decreased public drunkenness.	Pushed drug trade from private to public sphere. Increased harms through greater public drug dealing.

The damages to the community from drug use and distribution are both real and significant but more nuanced than often supposed. Violence and police activity in America are concentrated in poor, urban, African-American neighborhoods. The impact of drug prohibition—drug overdoses, drug-related violence, and mass imprisonment—is borne disproportionately by poor black men (Tonry 1995, Austin et al. 2001).

In areas where significant segments of the population engage in illegal drug use, the war on drugs is as futile and divisive as was national alcohol prohibition in the 1920s. Today's drug laws are more absolute than even the constitutional amendment banning alcohol. The 18th Amendment permitted medicinal, religious, personal possession, and consumption of alcohol. Ironically, the prohibitions imposed by the 18th Amendment towards alcohol are the same restrictions advocated by drug reformers today.

The effects of prohibition have changed little over time: law enforcement adopts an arrest-based approach to shift focus away from its inability to reduce consumption; drug-related crime increases; the impact of law enforcement falls disproportionately on minorities and the lower classes; and all the while the failure of prohibition provides further proof of the “evil” nature of the object, thus justifying even greater efforts toward prohibition. That American drug policy is ineffective is readily apparent after 90 years of prohibition. That we, as a society, refuse to allow consideration of any alternative drug policy is alarming.

CHAPTER 10: HOPE FOR THE FUTURE?

Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself.

—President Jimmy Carter, 1977

If the war on drugs were winnable, it would have already been won; drug prohibition has been in effect for almost a century. The war on drugs has failed to alleviate the harms of personal drug use while the negative effects of drug laws—drug-related violence and mass imprisonment—have increased. Certainly the harms of drug addiction are real and severe, but these problems must be seen as distinct from the problems of public drug dealing and an illegal market based on cash, guns, and violence. While drug use can destroy an individual, the illegal and violent drug trade has destroyed whole communities.

American public policy has long been dictated, in part, by moral beliefs rooted in religion. Prohibition, first of alcohol and now of drugs, reflects a faith in the government's responsibility to legislate against evil. The Progressive Movement first shifted the temperance debate from the policy sphere to the moral sphere. Before prohibition, alcohol and drugs could be purchased at a pharmacy, use was a matter of personal responsibility, and abuse was considered a medical problem. Under prohibition, criminals sell drugs while the state delegates its moral duty to the criminal justice system. As long as the drug debate is framed in moral terms of good and evil, issues of crime, economics, and racial injustice will remain secondary.

Similar to the Progressives' arguments against immigrants and alcohol at the turn of the last century, today's law enforcement is focused on drug abuse and criminality within the minority population. There is nothing inherently racist about prohibition or an uncompromising moral stance against drug use. But the consequences of the war on drugs are not spread equally throughout society. Until the 1960s, drugs were not considered a major social problem except by social reformers intent on legislating against all vice. In the 1960s, marijuana became popular in the "counter-culture," heroin use became prevalent in cities and among U.S. soldiers in Vietnam, and President Nixon launched a reactive war on drugs. Since 1970, our prison population has increased 500 percent, and poor African-American drug offenders comprise a disproportionate share of those incarcerated.

The crux of policing occurs in urban ghettos. While police perform vital functions in all locales, violent crime—and police response toward that violence—is heavily concentrated in a limited number of neighborhoods. The front line of the war on drugs takes place in African-American ghettos such as Baltimore's Eastern District.

While the Eastern District is not typical of urban communities, it serves as a useful archetype to understand the massive numbers of African-Americans entering the criminal justice system. This is why those residents most in need of police services—those most victimized by violent crime—are anti-police. Our drug laws create this paradox by criminalizing the majority of the population in some areas.

Police are outsiders, an occupying force that attempts to preserve the peace through the imposition of a moral standard at odds with much of the community.

Alcohol prohibition was tried and failed. But that does not mean that alcohol is an absolute “good.” For the most part, people are happy to let localities regulate alcohol sales. Cities and states balance the individual’s right to drink with societal harms from alcohol addiction. If nothing else, the “Great Experiment” taught us to examine the harms of drugs and the harms of prohibition separately.

The debate on drug prohibition needs to move beyond medicinal marijuana and the various arguments related to the benefits and harms of drugs to a discussion on the benefits and harms of prohibition. The current trends, however, are not favorable. The war on drugs began as a calculated political move by Richard Nixon in 1968. The war’s continuation, however, depends on linking drugs and morality. Evil is now a *casus belli* against terrorism and, pushed by public service advertisements, provides a tenuous link between drugs and terrorism. Drug seizures in the Persian Gulf are called “a vital part of winning the global war on terror” and serve as proxy victories for the war against al-Qaeda (US ‘seizes al-Qaeda drugs ship’ 2003). Less convenient facts—such as the massive increase in drug production in U.S. controlled Afghanistan—are ignored.

Still, there is hope. In the past 40 years, cigarette smoking has decreased by half without criminalization and without one nicotine addict being jailed for drug use. Not only is this a great victory for public health, it is perhaps our country’s only

success against any addictive drug. For both tobacco and alcohol, high taxation raises money and discourages new users from starting. Public education hammered home the harms of tobacco and changed our culture's attitudes toward smoking.

Our drug policy could follow such an approach. Treat drug abuse as a medical problem. Separate the problems of drug use from the violence of the drug trade. Allow localities control over their drug policies. Acknowledge that drugs are bad, but don't frame drug policy as a moral war against evil. We as a society tend to advocate prohibition against "evil," while we regulate and tax that which is simply "bad."

Even absent needed and fundamental (and unlikely) changes in our nation's drug laws, many negative effects of the war on drugs can be reduced simply by changing police culture. Just as decreasing violence in a small number of high-crime neighborhoods in New York City in the late 1990s significantly lowered the violent crime rate in the U.S. overall, a focus on police discretion in a limited number of high-drug neighborhoods could dramatically reduce arrests and the imprisonment of African-Americans in general. Drugs were illegal long before our prisons were filled with drug offenders. Police departments could play a role in rolling back the war on drugs. As laws against jaywalking do not fill the prisons with jaywalkers, laws against drug use need not fill prisons with society's less fortunate. How to proceed?

First, accept that police cannot win the war on drugs. Small victories against the drug trade can be won with great effort. Yet the larger battle—even in an area as

small as a few square city blocks—is not being won. Uniformed police are ineffective against business transactions involving a willing buyer and seller. Drug users and drug sellers can be arrested, but successful prosecution is difficult. The court system succeeds on willing victim testimony and proof beyond a reasonable doubt. These standards, purposely high, are near impossible to meet for any “victimless” crime. Yet one should not blame constitutional liberties for the failure of the drug war. One need only look at drug culture in prison to realize that no amount of repression or state control can eliminate drugs from our society.

Second, encourage greater use of police discretion by moving away from a reactive car-based approach to police patrol. A 911 system of call and response is the least effective method of patrol in a high-drug area. Police must remain available to answer calls. The benefits of rapid police response are negligible and come at the expense the vast majority of police resources. Car patrol turns officers into incident handlers while effective policing demands that officers get out of their cars, freed from the burden of remaining available to immediately answer calls.

Third, recognize the variability of arrest decision within the police department. Focus efforts on the minority of officers who make the majority of arrests. Change the institutional factors that create an arrest-based culture. Judge an officer’s effectiveness by crime prevention rather than arrest numbers. Schedule court appearances only when officers are on duty. Provide alternatives for officers to earn overtime pay that are more desirable than court appearances (the much-

maligned Massachusetts law requiring a police officer at road construction is one fine example).

Admittedly, these changes would do little to lessen violence or drug addiction at first. But simply reducing the number of drug-related arrests is a desirable beginning. Individuals and families affected by arrests immediately benefit. Indirectly, police benefit through improved relations with the community. In the long term, reducing the number of arrests can prevent crime and violence by reducing the number of people being cycled through our prisons and criminal justice system. If a powerful nation has a moral responsibility to encourage freedom, then let us look inward to the laws and police practices that—though well intentioned—have failed to protect the citizens least able to protect themselves.

Appendix: The Questionnaire

Instructions: Please circle or fill-in the appropriate answer. This questionnaire is designed to measure people's attitudes. There are no right or wrong answers. The questionnaire is completely confidential.

Sex: *Male* *Female*

Race: *Black* *White* *Other*

Education: *Some High School* *H.S. Grad* *G.E.D.* *Some College* *College Graduate*

Marital Status: *Single* *Engaged* *Married* *Separated/Divorced*

Military Veteran? *Yes* *No*

What's the most important reason you want to be a cop (please circle 1 of the 6)?

Job excitement *Job pay* *Job authority*

Chance to help people *Job prestige* *Job security*

Politically, I am: *Liberal* *Conservative* *Somewhere in the Middle*

Ideally, the police should be thought of as: *Crime Fighters* *Peace Keepers*

Which quality is more important in a cop: *Honesty* *Loyalty*

Thinking now of close friends - not your husband or wife or partner or family members - but people you feel fairly close to...

How many close friends would you say you have? _____

How many of these close friends are people you work or train with now? _____

How many of these close friends are white? _____

How many of these close friends are black? _____

How many of these close friends are women? _____

<i>For the following statements, please circle the number which best reflects your agreement or disagreement with the statement</i>	strongly disagree	disagree	uncertain	agree	strongly agree
1. An officer on foot patrol can learn more about neighborhood problems than can an officer in a patrol car.	1	2	3	4	5
2. The use of foot patrols is a waste of personnel.	1	2	3	4	5
3. The presence of motor patrol cars reduces citizens' fear of crime more effectively than do foot or bike patrols.	1	2	3	4	5
4. Citizens know more about what goes on in their area than the officers who patrol there.	1	2	3	4	5
5. Lowering citizens' fear of crime should be just as high a priority for this department as cutting the crime rate.	1	2	3	4	5
6. Police officers should avoid too much contact with citizens.	1	2	3	4	5
7. Police officers have reason to be distrustful of most citizens.	1	2	3	4	5
8. The police should reflect (in terms of gender, race, ethnicity...) the area in which they work.	1	2	3	4	5
9. Over time, public disorder can lead to serious crime.	1	2	3	4	5
10. Reducing public fear of crime would also serve to reduce crime itself.	1	2	3	4	5
11. There is no time in police work for foot patrol.	1	2	3	4	5

	strongly disagree	disagree	uncertain	agree	strongly agree
12. The public doesn't understand what it means to be a cop.	1	2	3	4	5
13. Police should live in the area they work.	1	2	3	4	5
14. Preference in hiring and promotions should be given to certain groups (e.g.: children of cops, military veterans, minorities).	1	2	3	4	5
15. It is important for police officers to protect each other, even if one does something wrong.	1	2	3	4	5
16. The police would be better if there were more women cops.	1	2	3	4	5
17. Police officers could do a better job if the police organization wasn't always getting in the way.	1	2	3	4	5
18. Police officers could do a better job if liberal judges and politicians weren't always getting in the way.	1	2	3	4	5
19. In general, the news media treats the police fairly.	1	2	3	4	5
20. It is understandable that some of the non-criminal public don't like the police.	1	2	3	4	5
21. There is little relation between what cops learn in the academy and what cops need to know on the street.	1	2	3	4	5
22. Improving relations between the police and the public should be a major goal of the police.	1	2	3	4	5
23. Race relations in this country are getting better	1	2	3	4	5
24. Racism is present in today's society	1	2	3	4	5
25. The main job of police should be to arrest criminals.	1	2	3	4	5
26. The main job of police should be to prevent crime.	1	2	3	4	5
27. Possession of small amounts of marijuana should be legal.	1	2	3	4	5
28. Effective policing can prevent crime.	1	2	3	4	5
29. To prevent crime, society must attack the "root causes" of crime (poverty, unemployment, poor education, racism, etc.).	1	2	3	4	5
30. Being a cop is a good job.	1	2	3	4	5
31. I am willing to put in a great deal of effort beyond that normally expected in order to help this department be successful.	1	2	3	4	5
32. I talk up this department to my friends as a great department to work for.	1	2	3	4	5
33. I feel very little loyalty to this department.	1	2	3	4	5
34. I find that my values and the department's values are very similar.	1	2	3	4	5
35. I am proud to tell others that I am part of this department.	1	2	3	4	5
36. I could just as well be working for another police department.	1	2	3	4	5
37. This department really inspires the very best in me in the way of job performance.	1	2	3	4	5
38. There's not too much to be gained by sticking with the department indefinitely.	1	2	3	4	5
39. Often, I find it difficult to agree with this department's policies on important matters relating to its employees.	1	2	3	4	5
40. Deciding to work for this department was a definite mistake on my part.	1	2	3	4	5

Questions on Racial Attitudes

	strongly disagree	disagree	uncertain	agree	strongly agree
41. I feel comfortable in an all white environment.	1	2	3	4	5
42. I feel comfortable in an all black environment.	1	2	3	4	5
43. I often find myself referring to black people as niggers, lazy, etc.	1	2	3	4	5
44. I feel guilty and/or anxious about some of the things I believe about black people.	1	2	3	4	5
45. Whites should feel guilty about the way they have treated blacks in the past.	1	2	3	4	5
46. Whites should feel guilty about the way they treat blacks today.	1	2	3	4	5
47. Racism is responsible for blacks who don't succeed.	1	2	3	4	5
48. White people can't be trusted.	1	2	3	4	5
49. Black people can't be trusted.	1	2	3	4	5
50. Blacks are a unified group in the Baltimore Police Department.	1	2	3	4	5
51. The Baltimore Police Department treats black officers fairly as compared with white officers.	1	2	3	4	5
52. The O.J. Simpson verdict of not-guilty was the correct decision.	1	2	3	4	5

53. Has being in the Baltimore Police Department changed your ability to get along with people of other races (please circle one of the following)?

- I get along better with people of other races-

- I get along with people of other races the same as I did before-

- I get along worse with people of other races-

54. When I was growing up, I was physically disciplined with hits, fists, belts, cords, or any other methods more severe than open-hand spanking on the behind (please circle one of the following):

Never

Sometimes

Often

All the time

55. What percentage of Baltimore City do you think is Black? _____ %

56. What percentage of the Eastern District do you think is Black? _____ %

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