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COP WATCH

Cop Watch: Spectators, Social Media, and Police Reform, by H. Toch
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Psychology, Crime, and Justice Series

Cop Watch: Spectators, Social Media, and Police Reform
Hans Toch

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COP WATCH

Spectators, Social Media, and Police Reform

HANS TOCH

American Psychological Association • *Washington, DC*

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To the memory of Vincent O'Leary

An inspiring president, a supportive dean,
a loyal colleague, and a good friend.

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Contents

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Foreword		*ix*
Preface		*xv*
Acknowledgments		*xxiii*
Part I. West Coast City, 1967–1971		**1**
1.	The Clamorous Chorus	3
2.	The Concern With the Injustice or Unfairness of Police Interventions	17
3.	A Concern About Police Brutality or Disproportional Police Response	33
4.	Sensing an Unbridgeable Divide	45
5.	Rank-and-File Resistance to Community-Relations Reforms	57
Part II. Seattle, 2010–2011		**75**
6.	The Birth of Modern Policing	77
7.	A Video Clip in Seattle	91
8.	A Posthumous Chorus and Street Justice in Seattle	109
9.	Learning to Live With Due Process	131

Part III. Epilogue **145**

10. Volatile Scenarios in the Ghetto 147

References 165

Index 177

About the Author 187

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Foreword

Shadd Maruna

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In my all-time favorite essay on pedagogy, titled "Falling in Love with a Book," Hans Toch (1990) argued that there is a difference between recognizing that a book is good and being swept off one's feet: "The former can be a judgment; the latter is an experience" (p. 248). For me, reading a Hans Toch book is always an experience, and editing this one certainly swept me off my feet, to say the least.

Because this important new work is the second title in my new American Psychological Association (APA) book series, "Psychology, Crime, and Justice," it is my great privilege to open the book with a few remarks. In fact, this is an honor for which I have waited a decade now. In 2001, Toch wrote the foreword for my own APA book, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives.* As a junior scholar and a first-time author, I made sure that the APA put his name on the front cover of the book and even suggested that "with a foreword by Hans Toch" be written in bolder font than my own name. This schoolboy trick worked wonders: For years, the bookseller Amazon.com accidentally advertised the book as "*Making Good* by Hans Toch," which surely accounts for 90% of its sales. My only complaint was the number of people (my mother included) who told me that the foreword was their favorite part of the book.

There will be no such stealing of the spotlight here. *Cop Watch* is quintessentially and inimitably Tochian; no one else could have written it. That said, some of the content of this book—in particular, the emphasis in the

second half on the role of the "new media" in shaping police–community interactions—may come as something of a surprise to those who know the author personally. There is something wonderfully ironic about a confirmed Luddite, who only recently joined the world of e-mail, writing with such insight about the influence of Internet-based social networking, cellular phone technology, and citizen blogging on police–community relationships.

Yet, as new as these developments are, the issues Toch tackles herein have been long-standing concerns of his 50-year project in social psychology. Most obviously, the book returns to the pioneering research by Toch and his colleagues J. Douglas Grant and Raymond T. Galvin exploring the role of police as "problem solvers" (1975; see also Toch, 1992; Toch & Grant, 2005). This phenomenon, first identified by Toch and his colleagues in the late 1960s, was eventually given the name "problem-oriented policing," which then begat "community policing" and "broken-windows policing" and the endless graduate theses breathlessly exploring these "new" innovations in the subsequent decades.

Indeed, this book begins with a return to some of the actual data collected by Toch and colleagues during this tumultuous transition in policing history. This fascinating interview material has sat in storage for decades, worn and yellowing from age and cigar smoke. Yet, these previously unpublished findings have a surprising resonance for contemporary policing issues, as Toch demonstrates in the second half of his elegant argument.

Most intriguingly, though, the book represents Toch's return to even deeper, more personal roots—his PhD work at Princeton in social psychology. As a founding member of the State University of New York at Albany's School of Criminal Justice (the first PhD-granting program in criminal justice in the United States), Hans Toch's name today is synonymous with applied research on policing and prisons. Yet, his first love was actually the study of the crowd, and his first publications in the early 1950s were in the journal *Public Opinion Quarterly*. Toch describes these beginnings with his trademark wit and humility:

> When I arrived at Princeton as an impecunious grad student, they assigned me a sinecure at the Office of Public Opinion Research, which then consisted of myself and a secretary. (The secretary was

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> better looking than I was.) The first course I ever taught was "Public Opinion and Propaganda"—an extension course for UCLA [University of California, Los Angeles]-San Diego. A shipmate[1]—Robert Parvin—had to sign up so that I could meet minimum registration requirements. (H. Toch, personal communication, July 29, 2011)

Humble origins or not, Toch wrote the groundbreaking *Social Psychology of Social Movements* in 1965, and in 1969, he coauthored the chapter "Collective Behavior: Crowds and Social Movements" for the *Handbook of Social Psychology,* with no less a figure than Stanley Milgram. Yet, when Toch found himself—he says mostly "by accident"—becoming one of the founding figures of academic criminal justice studies, he got distracted from this wider project on collectivities and crowds. In some ways, then, the present volume can be read as Toch's homecoming, four decades later, and a reconciliation of these two discrete halves of his extraordinary career. (Besides showing an impressive persistence, there is also something wonderful for those of us teaching and supervising graduate students to think that 50 years hence they might still be wrestling with the questions raised in all of these seminars and tutorials.)

Toch achieves this reconciliation by calling attention to the role of a group of ubiquitous but heretofore-invisible actors in the policing process. In policing research, our criminological lens is typically focused either on the arrestees or the arresters. Like a drama, we focus on the protagonist and antagonist, the hero and the villain (and the police can be easily cast in either role). Occasionally, policing research also focuses on the wider audience of the play—measuring community "satisfaction" with or "approval" of policing, or perceptions of police legitimacy among the wider public. Do we cheer the police or boo them? All are important aspects of understanding policing.

Yet, for the first time, in this work Toch focuses his lens instead on a different but equally important group of players. Never lost for eloquent metaphors, Toch calls them "the clamorous chorus," comparing their role with the role played by the chorus in classic Greek tragedies. They are not

[1] Toch served in the navy during the Korean War—heroically and "single-handedly" protecting San Diego from attack (H. Toch, personal communications, September 1998 through August 2001).

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the key participants in the drama of arrest and prosecution, but neither are they passive audience members. They are bystanders who all but insert themselves into the action and actively influence the outcomes in important, if indirect, ways. In particular, they act as interpreters and opinion leaders for the wider audience, helping "the community" or "the general public" decide when to cheer and when to boo.

This is a powerful role, made obvious by the efforts of the police to silence them—confiscating cellular phones and digital cameras, arresting noisy citizens for obstructing the course of justice, or simply ordering such cop watchers to "move along" and "mind their own business." Policing, after all, is fundamentally performative in nature, as expressive as it is instrumental, with its shows of strength, routine patrols, and symbolic arrests intended not just to solve crimes but also to inspire public confidence that the state is "in charge." And no good performer wants to have to put up with a Greek chorus standing on the sidelines questioning and reinterpreting the proceedings, challenging the official script, emboldening the antagonist, and redirecting the action. Such intervention is particularly unwelcome when one is trying to play the hero but the chorus insists on recasting him or her as villain.

With this research, Toch allows the police to talk back to the clamorous chorus, giving their perspective on these emotional dynamics. With the benefit of hindsight, we can see how these interactions—far from perverting the course of justice—were themselves fundamental in the reform of policing and the development of new strategies for building police legitimacy developed in the past 4 decades. This history is far from over, however, and in the second half of Toch's book, we see that the clamorous chorus has hardly gone away either. Indeed, changes in communication technology have given the chorus an even louder megaphone for interpreting and directing the action. These developments may have as much of an impact on the future of policing as have improvements in DNA and surveillance technology. The message is, in other words, if you want to know where policing will go in the future, listen out for the chorus.

In that regard, of all the choral singers—or cop watchers—in all the world, Hans Toch is surely one of the wisest. The remarkable final chapter of this volume—where Toch goes "clamorous" himself with a wither-

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ing analysis of the persistent profiling of poor and minority citizens in police stops and searches—reinforces this fact. In his preface, Toch apologizes for ending this fascinating book on such a low note, blaming decades of practice in being a grouch. I disagree. Like the best Greek chorus, Toch is sounding a pitch-perfect warning here to would-be heroes of the police that if they continue to be carried away by an authoritarian hubris, they may find themselves starring in a familiar tragedy involving "the pride that comes before the fall."

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Preface

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The chief protagonist of one of Moliere's plays explained that he was surprised and gratified when someone reliably assured him that he knew how to speak prose. At this juncture in my career, I appear to be in a similarly fortunate position. I had been plugging along, working on what I hoped might become a book, but I have to admit that I had no idea what I might have accomplished once I was done.

It would be difficult to imagine my delight when a reviewer of the penultimate version of my manuscript informed the publisher (the American Psychological Association) that the book has several foci, all of which are of scholarly importance:

- alterations in the role of the new media in amplification of (primarily) negative views of policing;
- changes in the sources that shaped public opinion in the last 30 years;
- changes in policing and the views of the police and their craft in this same period;
- alterations in the police occupational culture and public political activities of police spokespersons;
- changes in the role of police and policing in the "high politics" of the city—in this case, Seattle, Washington;
- changes in police leadership and presentational rhetoric in recent years.

This listing sounded impressive to me, and I was proud to be associated with it. However, I had the lingering suspicion that if I had approximated any of these goals, I would not be entitled to claim credit for it. Deep down inside I knew that I had not shaped this book—the book shaped itself, like the proverbial amoeba, acquiring its exotic configuration, including squishy tentacles, on its own. The initial idea had been vague, but modest: to try for a recapitulation exercise, an attempt to revisit some of my past applied encounters and the settings in which these had taken place. What would a nice psychologist like me be doing working with offenders or with cops? And what would nice cops be doing working with a psychologist like me? These were the kind of retrospective questions that appeared suitable for an academic in his rapidly declining years.

My scheme for writing a thinly disguised memoir was fortunately aborted early in the game. I had been plowing through old interview transcripts to jog my moribund memory—specifically, to evoke recollections relating to some violence-related research (Toch, 1969)—when I made a serendipitous discovery. I began noticing some passages in the narratives that had been shared with me by police officers that I had not attended to before. The officers were reminiscing about some of their more memorable experiences on the street, and several of them alluded to bystanders who had interfered with their work. The significance of these bystander interpolations was apparent to the officers, but it did not register with me, despite the embarrassing fact that the solid scholarly literature at my disposal should have alerted me to the importance of these observations—bystanders were objecting to police actions and police officers were taking notice. In retrospect, it is now clear to me that I was so single-mindedly entranced by unfolding police–citizen confrontations that I did not care to be sidetracked by the ancillary behavior of anybody else. The play was the thing, so who cared about the chorus?

The officers I was talking with 5 decades ago in what I now call "West Coast City" complained about what they saw as unfriendly attention—and sometimes, hostile interference—from spectators to their work. The officers told me that they had felt sufficiently strongly about the unwelcome nature of these interpositions that they recalled allowing themselves to be distracted by them, sometimes being deflected from their initial

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designs and provoked to take retaliatory action. I did not realize at the time (though the officers obviously did) that spectators not only exerted a significant impact on the encounters that they had been witnessing but also elevated their importance by endowing them with political significance. The officers also intuited that the sentiments expressed by some of their antagonistic spectators reflected prevalent reservations in the community about the way police work was being conducted.

The officers did not go on to conclude that abrasive police interventions in minority neighborhoods—hit-and-run action that had provided them with a tangible sense of accomplishment—might be inviting the bad feelings they were encountering among members of the public. The fact that the officers did not draw this connection is in retrospect hardly surprising because they were doing their work as they had always assumed police work should be done—and as they were sure the public thought police work should be done. The leaders of the police profession, however, did not have the luxury to stick to those guns. The more thoughtful police executives during the period—and these prominently included the head of the organization with which my informants were affiliated—had begun to embark on a process of reform, designed to fundamentally reshape the approach to policing of their departments to enhance its community acceptance.

This resolve to change the way business was conducted not surprisingly invited resentment among many rank-and-file officers who did not see the need for change. For most of the officers, the animosity they had been experiencing in the community was unadulterated subversion or a product of deficient child rearing that produced disrespect for authority. Consequently, once the progressive police chiefs embarked on their community-oriented reforms, the prevailing view in the locker rooms was that these initiatives represented shameless pandering and transparent compromise. As noted by the criminologist Egon Bittner (1980),

> the response to outside conditions came to be viewed by many policemen as a coerced concession to rebellion. These men, who view themselves as custodians of the public order, consider it deplorable to enter into any kind of negotiations with parties that dared to challenge this order. (p. 114)

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The juxtaposition of top-down and bottom-up perspectives in police organizations gave rise to some ugly confrontations (which I shall sample in this volume), but the passage of time has resulted in across-the-board accommodations, particularly as police officers have begun to admit that members of the community may have legitimate grievances and that some citizen complaints may deserve careful scrutiny (as long as excruciating due process is extended to the officers who are complained against). I review some of the changes that produced this mellowed ambience later in this book.

The book is concerned with the history of police reform, but the history I am mainly concerned with is that of those bystanders and spectators I did not attend to when they were first brought to my attention. And in that regard, I have to emphasize that an immense amount of change has taken place over the intervening period of 5 or so decades. The fact was recently highlighted by a panel of judges in a decision of a federal court of appeals (*Glik v. Cunniffe,* 2011) which reaffirmed the right of contemporaneous spectators to videotape police–citizen encounters. The judges noted that

> changes in technology and society have made the lines between private citizen and journalist exceedingly hard to draw. The proliferation of electronic devices with video-recording capabilities means that many of our images of current events come from bystanders with ready cell or digital camera . . . and news stories are now just as likely to be broken by a blogger at her computer as a reporter at a major newspaper. (*Glik v. Cunniffe,* 2011, p. 5)

A beneficent consequence delineated by the judges was that "ensuring the public's right to gather information about their officials not only aids in the uncovering of abuses . . . but also may have a salutary effect on the functioning of government more generally" (*Glik v. Cunniffe,* 2011, p. 4).

A police officer who is nowadays engaged in an unseemly confrontation can literally discover him- or herself acting on a public stage. The use of force can be memorialized in vivid color and revealing detail, to be disseminated on the evening news, under morning newspaper headlines, and in a range of outlets over the Internet. Spectator responses to the officer's exploits can eventuate from across the globe, featuring vigorous debate about the substance of the transgressions. Given a series of incidents involv-

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ing members of the same police departments, systemic questions are apt to be posed about the department as a whole, questions insistently reiterated by activists.

There came a juncture in the exploration of these questions in this book when I needed a change of venue. After mature but shamelessly contaminated deliberation, I opted to focus on a city of which I happen to be a long-term secret admirer and which also happened to have a police department whose efforts to be transparent and responsive I thought had been commendable, even if not uniformly successful.[1] The second portion of this volume has therefore turned into a memento of Seattle, while it records and dissects recent events that involve the city and its police department. Ironically, given my emphasis in the second part of this narrative on the evolving role of technology, I have drawn the documentation for my Seattle account largely from the Internet. What I may or may not have accomplished in the process has been eloquently delineated by my reviewer (see previous), and I find that I have nothing to add.

I was tempted to conclude the book with a few prescriptive ruminations about the process of police reform. But having ventilated my suggestions in that regard on a number of occasions to no discernible effect, I saw no point in repeating myself. Instead, I have decided to end this volume more usefully by pointing to what I think is incontrovertible evidence of retrograde trends in the conduct of police work these days, which appear to inexorably erode public support for the police.

One example of these trends can be found in the response to the recent Occupy Wall Street movement, in which police have employed aggressive tactics against peaceful demonstrators in various cities. The intense media coverage of these events has led Norm Stamper, who was police chief in Seattle during the World Trade Organization protests in

[1] A recent example (on both counts) was provided in a report from Seattle published in the *New York Times,* which recorded that "the Police Department in this technology-conscious city had started a 12-hour experiment of posting almost all its emergency calls on Twitter. It wanted citizens to see what a day in the life of the department was really like" (Seelye, 2011, p. A17). The article goes on to announce, "The Police Department will . . . start another experiment next month, with officers in the field sending out Twitter messages of what they did on their calls only, of course, after they have resolved the incident" (Seelye, 2011, p. A17). A move of this kind could be designed to preempt some of the spectator involvement I discuss in this volume.

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November 1999, to think about the relevance of his experience to these more recent confrontations. The target of protesters in 1999 was globalization, as represented by the World Trade Organization, which was meeting—or was attempting to meet—in the Seattle Convention Center. The police response to this demonstration involved the extensive use of tear gas, which contributed to an escalating confrontation, which in turn culminated in a seriously disruptive riot.

Stamper, who had been hired as a community-oriented reformer in 1994 but lost his job in the wake of the disturbance, thinks back to the morning in Seattle in which "large contingents of demonstrators began to converge at a key downtown intersection" and "sat down and refused to budge" (Stamper, 2011, p. 6). Stamper recalls that he responded to demands that he have the protesters removed from the premises, which (succinctly summarized) "caused all hell to break loose." Stamper reflects in retrospect that "the 'Battle in Seattle' . . . was a huge setback—for the protesters, my cops, the community" (p. 7). He now adds that

> more than a decade later, the police response to the Occupy movement . . . brings into sharp relief the acute and chronic problems of American law enforcement. Seattle might have served as a cautionary tale, but instead, US police forces have become increasingly militarized, and it's showing in cities everywhere: the NYPD "white shirt" coating innocent people with pepper spray, arrests of two student journalists at Occupy Atlanta, the declaration of public property as off-limits and the arrests of protesters for "trespassing."

Stamper (2011) concludes that

> the paramilitary bureaucracy [of police departments] and the culture it engenders—a black-and-white world in which police unions serve above all to protect the brotherhood—is worse today than it was in the 1990s. Such agencies inevitably view protesters as the enemy. And young people, poor people and people of color will forever experience the institution as an abusive, military force—not just during demonstrations but every day, in neighborhoods throughout the country (ibid.).

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Despite such misgivings, Stamper has envisaged a direction for what he sees as overdue reform, which in his words might include "building a progressive police organization, created by rank-and-file officers, civilian employees, and community representatives" in which "cops and citizens would forge an authentic partnership in policing the city."

Chief Stamper is in a unique position to appreciate the dilemma posed for the police by groups of peaceful demonstrators who appear determined to congregate in public places. But Chief Stamper is in an even more unique position to appreciate the drawback of responding to demonstrators in what he calls a "militaristic" fashion. Today, the harmful consequences he alludes to can be even more serious than they were ten years ago. Today's consequences follow from the instantaneous and widespread dissemination of scenarios such as that of a group of kneeling women casually sprayed with chemical irritants, or of a veteran injured with a tear-gas canister grenade, or of reporters beaten in the course of being inappropriately arrested. Such scenarios raise fundamental questions around the globe about the role of police forces in a civil society.

I would have liked to end on a happier note, but after eight decades of being a grouch, I cannot afford to tarnish my reputation.

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Acknowledgments

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For a person who considers writing a book, there is nothing more important than finding a congenial and nurturing publisher. I have been blessed in this regard and should like to take this opportunity to thank American Psychological Association (APA) Books and Mary Lynn Skutley, to whom I have been indebted for 20 years of unswerving confidence, collaboration, and friendship. Mary Lynn's faith was most recently tested as she was presented with a project so vague that for most of its lifetime it could have been alluded to as "the book without a name." As Mary Lynn's culminating contribution to this cause, she supplied the pithy title for our book, and a subtitle.

My development editor was Tyler Aune, whose assignment was to goad an author celebrated for his pigheadedness and rigidity into considering entertaining some bare-minimal revisions. To make Tyler's unenviable task even less inviting, he discovered along the way that he had to guide his superannuated charge through the rudiments and the mechanics of editing. Throughout, Tyler exercised both patience and wisdom, and unfailing good humor. I thank him and forgive him the short vacation he took while editing the book, in contravention to my instructions.

I should particularly like to recognize the contribution of my valued friend and colleague Shadd Maruna, under whose auspices (as APA series editor) this book will appear. Maruna's exalted role provides him with the prerogative of writing a foreword, which will convert my contribution into an extended appendix. I shall forgive Shadd Maruna for upstaging

me, because he has been a consistent source of good ideas. On comparable grounds, I should like to thank Jay Wachtel, who started life as my student but has lately functioned as my teacher.

The writing of this book has been made possible by the fact that my long-time employers, the University at Albany (State University of New York), did not summarily evict me following my retirement. For this, I am grateful.

Lastly, the peer-review process offers ironclad confidentiality, and I have therefore been prevented from identifying the reviewers of my manuscript. But strictly on the grounds that if it walks like a duck and quacks like a duck, it may be a duck, I should like to express my warm appreciation to Peter Manning.

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ONE

WEST COAST CITY, 1967–1971

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