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# Policing Alcohol and Related Crimes On Campus

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# POLICING ALCOHOL AND RELATED CRIMES ON CAMPUS

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Submitted in Partial Fulfillment of the Requirements

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## DEDICATION

I dedicate this dissertation to the men and women of the DLES at USC who made this study possible. Without you, I'd have no story to tell.

## ACKNOWLEDGEMENTS

In addition to the men and women of the DLES at USC, there are others I wish to thank for their help and support during this journey. First and foremost, I'd like to thank my dissertation committee for agreeing to work with me and guiding me through this process. Dr. Lo, thank you for your continued mentorship and friendship. You are always there when I need you and you instill the greatest amount of confidence in me. Dr. Smith, thank you for showing me how to think more broadly and outside the box. Dr. Rojek, thank you for showing me the fun and value of qualitative research. Your class truly changed the trajectory of my research. To Dr. Alpert: I want to thank you for agreeing to be my dissertation chair; introducing me to the world of police research; and showing me the value of collecting my own data. Although I am a completely different scholar than I would have been if you asked me four years ago, I'm excited about who I've become and where I am in the field; for that I owe you many thanks. Courtney, thank you for being a great roommate, colleague, and most importantly my friend. I'm glad I had you to share this process with. Thanks to my family for supporting me during all these years of school and pushing me to see it through to the end. To Scott: I could have done this without you, but in truth it would have been more difficult. I'm glad to have a partner who not only understands what this process means and how grueling it can sometimes be, but who can also make time to help mentor me, even during the more challenging times. I appreciate your relentless support; it means the world to me.

## ABSTRACT

Research shows that college students drink alcohol frequently and heavily. This can compromise their health and well-being. Student drinking is also tied to crime. While prior work explores the nature and extent of crimes involving alcohol on campus, to date no study has examined how police handle these incidents or crime generally. This study fills that gap in the literature. Qualitative and quantitative data were collected by observing and interviewing campus officers at a large Southeastern university as they navigated through encounters with citizens. Findings include the following. Officers handle a variety of crimes, and do not have a single-faceted view of what makes one offense more serious than another. Traffic stops were the most frequent reason that officers encountered suspects. Alcohol incidents accounted for nearly one in three police-citizen encounters. In traffic stops and alcohol incidents, officers tended to sanction suspects leniently; participants' explanations of this varied. Only a few suspects were arrested because of their offenses; the major reasons for this are the seriousness of the crimes, legal mandate, and suspects' demeanor. Implications for policy are discussed.

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## CHAPTER 1

### INTRODUCTION

For many students, the “college years” are a time of newfound freedom.<sup>1</sup> They walk out from under their parents’ roofs and rules, step onto university campuses, and establish their new homes in residence halls, apartments, or rented homes nearby. Without parental control, students decide the fate of their college existence, so long as it coincides with the university’s own rules and regulations for conduct. While they are there for an education, many are there for a good time too as college life is known for partying, with alcohol being the substance of choice for most students (Pezza & Bellotti, 1995). Students flock to bars, attend “house parties” and keggers, go to tailgate parties, and partake in fraternity and sorority socials in order to get ahold of alcohol. Many of these events occur on a weekly basis, especially on Thursday, Friday, and Saturday nights which are popular days for going out; but any day suffices.

Students’ common sense tells them to drink with peers when they can—and as much as they can—for a variety of reasons.<sup>2</sup> They say it is fun, relaxing, challenging, entertaining, and socially inviting. Plus, you have to be “cool” to drink, or maybe it is the other way around. Drinking is so common that sobriety is even stigmatizing (Herman-Kinney & Kinney, 2012). In any case, alcohol consumption is very common among

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<sup>1</sup> To reduce verbiage “college students” are simply referred to as “students” in many places. Also, “intoxication” refers to “alcohol intoxication” unless otherwise specified.

<sup>2</sup> For a discussion of how common sense guides behavior, see Geertz (1983).

students.<sup>3</sup> Two-thirds of them report doing so in the last thirty days (Johnston, O'Malley, Bachman, & Schulenberg, 2011).<sup>4</sup> That number is particularly striking since the majority of students are under the legal drinking age (NIAAA, 2002). It cannot be understated that college life affects alcohol consumption more so than what is associated with being a young adult; evidence of this is college students drink and binge to a greater extent than do similar-aged persons (i.e., 18 to 24) not enrolled in college (Johnston et al., 2011).

Though drinking is a favored college pastime, it is not all good and fun. It can lead to a host of problems for those who engage in it and the campus community as a whole (Wechsler, 2001). Each year more than 150,000 students develop an alcohol-related health problem (NIAAA, 2002). They accidentally injure themselves or others (CSACU, 1994; Hingson, Heeren, Winter, & Wechsler, 2005; Wechsler, 1996, 2001; Wechsler, Davenport, Dowdall, Moeykens, & Castillo, 1994). Some engage in risky sex practices like not using a condom (Wechsler et al., 1994). A small percentage attempt suicide or die from alcohol poisoning, DUI, or other tragic alcohol-fueled events (CSACU, 1994; NIAAA, 2002).<sup>5</sup> Some drinkers even experience academic problems. Studies estimate that up to 40% of classroom troubles and 28% of college dropouts are alcohol-related (CSACU, 1994; NIAAA, 2002; Wechsler, 1996, 2001).

Student drinking is also associated with campus crime. In fact, a majority of all offenses on campus involve alcohol (Bromley & Reaves, 1999; CSACU, 1994; Dowdall, 2007; Fisher, Sloan, Cullen, & Lu, 1998; Sloan, 1994; Sloan, Lanier, & Beer, 2000;

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<sup>3</sup> There a wide range of criminological, sociological, psychological, rational, and environmental theories of why persons drink alcohol, licitly or illicitly. More will be said of this in the following chapter.

<sup>4</sup> Zimring and Hawkins (1992) define "drug" as a psychoactive substance that is used recreationally.

<sup>5</sup>For example, about 10.5% (n=599,000) of full-time 4-year college students ages 18-24 were injured after drinking (Hingson et al., 2005). Between 1.2 and 1.5% of students try to commit suicide each year due to drinking-related issues, and annually it is estimated that 1,400 students die from alcohol-related injuries (NIAAA, 2002).

Wechsler et al., 1994; Wechsler, 1996, 2001). Crimes related to alcohol, however, can take a variety of forms. Students under 21 years of age offend when they consume, possess, or use a fake ID to buy alcohol. Anyone who drives under the influence is committing an offense. Research also shows that students who drink heavily are more likely to offend or be victimized (Siegel & Raymond, 1992). For instance, they may punch their roommate during an argument, steal University property, or tear a water fountain off the dormitory wall. Others may be robbed while stumbling home, or even sexually assaulted. Most campus crimes that follow alcohol use are property offenses like burglary, theft, and vandalism (Bromley, 1995; Fox & Hellman, 1985; Jennings, Gover, & Pudrzynska, 2007; Reaves & Goldberg, 1996; Robinson & Roh, 2007; Sloan, 1994; Sloan et al., 2000). Very few are violent. But when students do become violent, they generally commit physical assaults (Bromley, 1995).

When crimes, including those related to alcohol, occur on university property, it is the duty of campus police to respond. Sometimes they even respond to incidents involving students off campus. Campus police are responsible for discovering, responding to, and preventing students' offenses and victimizations, including those involving alcohol. To give a sense of scale, in 2010 there were more than 30,000 student arrests for offenses related to alcohol, 90% of which occurred on campus; more than 178,000 disciplinary actions were taken against students for alcohol violations (USDOE, 2010). An estimated 3% of students experience trouble with campus law enforcement as a result of their drinking, though it is likely that many more escape the attention of police (NCHA, 2011). Clearly, alcohol poses a big problem for officers to swallow.

Unfortunately, no study examines how campus police officers handle encounters involving alcohol and related crimes with students, and why in that way. If municipal and campus policing were wholly the same then this gap in the literature would be unproblematic; findings about the first type could be fully extrapolated to the latter. But this is not the case.<sup>6</sup> For one, campus police patrol homogenous populations of 18-24 year old students (Miller & Pan, 1987), most of whom are not old enough to legally drink though nearly four out of five do (CSACU, 1994; NIAAA, 2002). Secondly, university administrators generally resist campus police fighting crime like municipal officers so as not to discourage enrollment or criminalize a large portion of the student population (Wolf, 1998; Wolf, Mesloh, & Henych, 2007). The restrictions to police performance may, in effect, constrain the frequency and severity of sanctions meted out by officers. Together, these two features of campus policing make the university setting a unique context within which to work—and study.

This study increases our theoretical and empirical understanding of campus police work, especially as relates to incidents involving alcohol. It does so through the analysis and presentation of quantitative and qualitative data collected by observing and interviewing police officers working for a large public university in the Southeastern United States. The quantitative information provides numerical descriptions of incidents handled by officers (e.g., frequency of substance-related crimes versus other types) and allows for the statistical testing of theoretically-informed hypotheses about police work. The qualitative accounts describe in detail how officers handled incidents, and are used to understand the reasons behind their actions. Special attention is given to determining the

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<sup>6</sup> Campus and municipal police are similar insofar as they share the same traditional police powers and organizational and operational styles (see Bromley & Reaves, 1998, 1999; Fisher & Sloan, 2007; Paoline & Sloan, 2003; Reaves & Goldberg, 1996; Sloan, 1992).

generalizability of existing theories of police behavior to the college campus context, and expanding knowledge about how offenders' and victims' alcohol behaviors affect the nature of interactions with officers.

The study is organized as follows. Chapter 2 reviews the ways alcohol and crime are related, and describes the nature and extent of those relationships among the general population and college students. Chapter 3 presents the theoretical and empirical literature on factors that affect police and citizen behavior in police-citizen encounters, as well as what is known about campus police and why a study of their interactions with citizens is warranted. The study's research questions, method, and data are described in chapter 4. Chapters 5-8 present the study's findings. For instance, chapter 5 explores officers' perceptions of what makes a crime more serious than others, while highlighting the most and least serious crimes generally as well as alcohol crimes officers had handled in their own experience. Chapter 6 describes how officers handled traffic encounters on campus and why in that way, as these were the most frequent reason officers interacted with citizens. Chapters 7 and 8 present, respectively, alcohol incidents in which officers sanctioned suspects in the most and least severe ways, highlighting officers' reasons for their sanctioning decisions. Chapter 9 discusses the study's findings in light of the extant empirical literature and describes the policy implications.

CHAPTER 2  
ALCOHOL CRIME AND ALCOHOL-RELATED CRIME AMONG COLLEGE  
STUDENTS

This chapter reviews research on the nature and prevalence of alcohol crime and alcohol-related crimes among college students and in the general population, which serves as a point of comparison. What is known about alcohol and crime among college students is highlighted, and also what is not known as this provides a springboard for future studies. To conclude, current methods of controlling alcohol and related crimes are described in brief.

**Alcohol Crime & Alcohol-Related Crime**

Alcohol and crime are related in two broad ways. *Alcohol crime* refers to offenses that are inextricably tied to alcohol. Examples include underage drinking, using a fake ID to purchase alcohol, public drunkenness, driving a motor vehicle while intoxicated (i.e., DUI), and illicit manufacturing (e.g., brewing one's own supply).<sup>7</sup> *Alcohol-related crime* is different; it includes offenses in which alcohol does not play a definitional role in the offense (as that is alcohol crime) but is part of the picture.

There are three types of alcohol-related crime: psychopharmacological; economic compulsive; and systemic (Goldstein, 1985). Psychopharmacological crimes are those involving an intoxicated person as an offender or victim. Economic compulsive crimes are predatory or entrepreneurial offenses motivated by the desire to purchase or steal

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<sup>7</sup> Because no cases of illicit manufacturing of alcohol were observed in this study, a discussion on this area is excluded.

alcohol for personal use. Systemic crimes include victimizations and offenses that occur in the course of illicit market activity. Examples of these three types are, respectively, an intoxicated person punching someone; an alcoholic shoplifting alcohol from a liquor store; and mobsters fighting over control of the alcohol trade during the days of the Eighteenth Amendment in the United States.

This chapter focuses on alcohol-involved psychopharmacological crimes because these are the focus of practically all prior research, especially that relating to college students. Psychopharmacological crimes involving alcohol range in seriousness from murder to the pettiest offenses, such as jaywalking and noise violations. For example, an intoxicated person may hit someone at a bar, not pay their tab, steal property, break a window, stalk someone, urinate in public, or yell expletives in public areas. Psychopharmacological crimes also include the victimization of intoxicated persons, such as being hit, stolen from, or sexually assaulted.<sup>8</sup>

### **Alcohol & Crime among College Students**

The majority of campus crimes involve alcohol (Bromley & Reaves, 1999; CSACU, 1994; Dowdall, 2007; Fisher, Sloan, Cullen, & Lu, 1998; Sloan, 1994; Sloan, Lanier, & Beer, 2000; Wechsler et al., 1994; Wechsler, 1996, 2001). The strong link between being in college, drinking, and crime is explained by two general factors. One is that the student body subscribes to a pro-drinking culture that guides their behavior (Timberlake et al., 2007). This culture may be the outcome of media-produced

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<sup>8</sup> Before proceeding, note that the paucity of research on economic compulsive and systemic crimes involving alcohol is understandable. After all, there is hardly a black market in alcohol, which greatly reduces systemic crime, and the substance is relatively affordable, which reduces economic compulsive crime. The one area that has received a fair amount of attention is the role of the 18<sup>th</sup> Amendment (i.e., the “Prohibition Era”) on violence in America, which is interpreted as systemic crime (see, e.g., Jensen, 2000; Miron, 1999; Owens, 2011).

stereotypes of college life (e.g., the movie *Animal House*), escaping parental supervision, and being caught in a maturity gap (see Moffitt, 1993). Tied to this drinking culture is the second factor: the college environment is drenched with house and tailgate parties, fraternity and sorority socials, bars, and retail outlets supplying cheap alcohol (Kuo, Wechsler, Greenberg, & Lee, 2003). These events and businesses naturally produce more opportunities for alcohol consumption.

Students' pro-drinking culture and their social environment, then, provide, respectively, the motive and opportunity to consume alcohol. Combined, these two factors lead to high rates of drinking, including underage drinking. In turn, this high level of consumption increases the impetus, opportunity, and likelihood of committing alcohol crimes (e.g., using a fake ID, DUI) and of being involved in alcohol-related crimes as an offender or victim. In fact, research shows that students who drink heavily are more likely to be victimized and commit violent, property, and public disorder offenses (Siegel & Raymond, 1992).

The following two sections review prior research on alcohol crime and alcohol-related crime. The alcohol crimes examined are underage drinking, the use of fake IDs, public drunkenness, and DUI. This is followed by summarizing the state of knowledge on alcohol-involved psychopharmacological offenses and victimizations, both violent and non-violent. In these two sections, first findings are reviewed on the general population, and then this information is compared to what is known about college students. This procedure is useful in that it reveals differences between the two groups that may be attributable to "college life."



Unfortunately, studies have not touched on all of the alcohol-involved crime types that may be part of college students' lives. For example, no study to date has determined the rate of public drunkenness among students, which is an alcohol crime in many jurisdictions; nor has research uncovered the frequency of domestic assault related to student alcohol consumption. The upside of such limitations is they may serve as fruitful lines of inquiry for future studies.

### **Alcohol Crime**

The Center for Disease Control has labeled alcohol consumption a “serious issue among adolescents” because they widely use and abuse alcohol (CDC, 2012; also see NSDUH, 2010), despite it being illegal for them to purchase and consume this substance. The desire to drink is evident in results from the Monitoring the Future study, a nationally representative survey, which suggest alcohol is currently used by 13% of 8<sup>th</sup> graders, 27% of 10<sup>th</sup> graders, and 40% of 12<sup>th</sup> graders (Johnston, O'Malley, Bachman, & Schulenberg, 2012).<sup>9</sup> The 2011 Youth Risk Behavioral Surveillance System (YRBSS)—a survey of 9<sup>th</sup> through 12<sup>th</sup> graders—finds that 38.7% of respondents consumed alcohol in the prior 30 days, 22% recently binge drank, and 70.8% used alcohol in their lifetime.

Although these rates may seem high, they are higher among college students. Nearly three quarters of college students are not old enough to legally drink, but nearly four out of five consume alcohol (NIAAA, 2002). Estimates from the 2002-2005 National Survey on Drug Use and Health (NSDUH) show that among full-time underage college students, 57.8% of them used alcohol in the past month, and 40.1% binge drank

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<sup>9</sup> Results are based on a sample of 46,700 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> grade students in over 400 secondary schools nationwide. Trends of alcohol use by underage persons not in high school are unavailable. The MTF does collect data on college alcohol use, but does not differentiate between of-age and underage drinkers.

(NSDUH, 2006).<sup>10</sup> Compared to high school students, underage college students are twice as likely to consume alcohol recently and binge drink. Also, one study has shown that college students drink more often than same-aged persons not enrolled in college (Johnston et al., 2011).

Another type of alcohol crime is possession of a fake ID, which minors use to purchase alcohol. This practice derived after laws were instituted prohibiting the sale of alcoholic beverages to persons under 21 years of age (Schwartz, Farrow, Banks, & Giesel, 1998, p. 26). Few studies examine this phenomenon despite it being a practical and common, albeit illegal, way for underage persons to acquire alcohol (Fabian, Toomey, Lenk, & Erickson, 2008). What is known about this crime is borne out of a few studies. For instance, Durkin, Wolfe, and Phillips (1996) found that 46% of surveyed college students used a fake ID to obtain alcohol. Wechsler, Lee, Nelson, and Kuo (2002) found the rate to be less than half that estimate, specifically 17.8%. It does appear that college students use fake IDs more than younger students; Schwartz and colleagues (1998) found 7% of high school students engaged in this practice, compared to 14% of college students.<sup>11</sup>

Being visibly drunk in public is against the law in many places, although statistics on the frequency of this specific alcohol crime are unavailable. However, an indicator of the extent to which public drunkenness occurs among the general population comes from surveys of inmates in jails and state and federal prisons (see for example, SILJ, 2002;

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<sup>10</sup> Heavy use means the person binged on 5 or more days in the last 30.

<sup>11</sup> The majority of students who use a fake ID reporting buying or receiving it from others (Martinez & Sher, 2010). Another popular, yet understudied, way that underage persons acquire fake IDs is through the internet. Investigative journalists have discovered that some minors purchase IDs from China through websites selling “novelties” (ABC News, 2011). The purchaser is mailed a children’s toy (i.e., the novelty item) with the ID hidden inside of it.

SISFCF, 2004); no data indicate the extent to which college students commit such offenses. The problem with inmate survey data, however, is that drunkenness offenses are included in a broader category of crime—public order offenses; thus, public drunkenness crimes cannot be disaggregated from the broader offense category.<sup>12</sup> Still, the most recent statistics show that among inmates in jails, and state and federal correctional facilities, 26.2%, 41.2%, and 18.3% respectively were intoxicated on alcohol at the time they committed a public order crime (SILJ, 2002; SISFCF, 2004); how much is attributed to public drunkenness specifically is unknown.

A fourth type of alcohol crime is the most harmful. Regardless of a person's age, driving under the influence (DUI) is a serious offense. The CDC (2012) reports that almost 30 people die every day in motor vehicle crashes involving alcohol-impaired drivers; annual costs for these events exceed \$51 billion. Of course not all drunk driving incidents end in death or result in an accident. Some drunk drivers escape notice altogether. Others, for example, are arrested after they swerve off the road, drive without headlights, run through a stop sign, or commit another traffic violation. According to the 2010 FBI Uniform Crime Report (FBI, 2011), more than 1.4 million people were arrested for DUI. However, that number accounts for less than 1% of the 147 million self-reported incidents of DUI among U.S. adults each year (CDC, 2013).

Underage persons drink and drive, as well. According to one survey (YRBSS, 2012), 8.2% of secondary school students report driving a vehicle one or more times after drinking in the prior 30 days. From 1998 to 2001, the number of college students ages 18

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<sup>12</sup> Public order offenses include alcohol law violations, juvenile status offenses, bribery, lewd/wanton behavior, court-related offenses, obscenity law violations, disorderly conduct, obstruction of justice, DWI/DUI (alcohol or drugs), perjury, escape offenses, pornography, false evidence/police report, probation/parole violation, firearms offenses, prostitution offenses, gambling, rioting, habitual offender, sex offenses, immigration offenses, stalking, indecent exposure, weapons offenses (SISFCF, 2004).

to 24 who reported driving under the influence increased from 2.3 million to 2.8 million, or from 26.5% to 31.4% of the total student body (Hingson et al., 2005); by 2005, that number increased to 3.4 million (Hingson, Zha, Weitzman, 2009). Although exact DUI rates are unavailable for same-age persons not in college, studies consistently suggest that college students drink and drive more often (Clapp, Johnson, Voas, Lane, Shillington, & Russell, 2005; NSDUH, 2003; Wechsler et al., 1994).

To summarize, alcohol crime is prevalent among both the general population and college students. However, it appears that being in college increases a person's odds of drinking underage, using a fake ID to purchase alcohol, and driving under the influence, as college students are more likely to offend in these ways than are high school students or same-age peers who are not in college. Thus, the relatively high rate at which college students commit alcohol crimes is explained, in part at least, by the "college life" theory described above.

### **Alcohol-Related Crime**

One reason the government attempts to limit alcohol consumption is its psychopharmacological effect on crime. Research shows that of all drugs (e.g., cocaine, heroin, and marijuana), alcohol is most often involved in psychopharmacological crimes (see, e.g., Goldstein et al., 1989, 1997) and is the most harmful drug to society overall (Nutt, King, & Phillips, 2010). For example, roughly one-third of inmates in a jail or state prison and one in five federal prisoners were using alcohol at the time of their offense (BJS, 2002; BJS, 2004). As relates to college students, the majority of campus crimes—beyond simple alcohol crimes—involve intoxicated offenders and victims (CSACU, 1994; Wechsler et al., 1994; Wechsler, 1996, 2001).

The research reviewed below should be viewed in light of the “dosage effect” (Felson & Staff, 2010). A single beer, glass of wine, or shot of liquor is unlikely to increase a person’s likelihood of offending or being victimized. However, the more drinks a person consumes at one time—i.e., the bigger the dose—then the more likely is the individual to commit a crime or be the victim of one.

**Violent crime.** Alcohol consumption is associated with crime generally, but more strongly linked to violent than nonviolent offenses (Fagan 1990; Felson & Staff, 2010; Felson, Savolainen, Aaltonen, & Moustgaard, 2008; Parker & Auerhahn, 1998; White, Tice, Loeber, & Stouthamer-Loeber, 2002; for an exception, see Richardson & Budd, 2003). According to the 2007 National Incident-Based Reporting System (NIBRS) data, 10.7% of violent incidents known to law enforcement involved an offender who had been drinking (BJS, 2010). Alcohol use increases violent behavior in people by lowering their inhibitions, helping them cope with the risks of offending, and making them more confrontational (Fagan, 1990; Felson & Staff, 2010; Parker & Auerhahn, 1998; but see White, Hansell, & Brick, 1993).

For these same reasons, intoxicated persons are often victimized. Drinking can make people more “obnoxious, annoying, and/or offensive in their appearance, conduct, and speech” and thereby invite trouble (MacCoun, Kilmer, & Reuter, 2003, p. 70; also see McClelland & Teplin, 2001; Parent & Newman, 1999). They may also become less aware of risks, less likely to take precautions against such risks, and appear more vulnerable to offenders (Graham, Bernards, Wilsnack, & Gmel, 2000; Lasley, 1989; MacCoun et al., 2003; Steele & Josephs, 1990). Thus, the frequency and amount of

alcohol a person consumes increases their risk of victimization (Felson & Burchfield, 2004).

Murder is the most serious violent crime. Research consistently demonstrates that murderers and homicide victims are often intoxicated (Darke, 2011; Goldstein et al., 1989, 1997; Spunt, Brownstein, Crimmins, & Langley, 1996). A recent comprehensive review of research in this area suggests that “alcohol is the substance that plays the single largest role in homicide” (Darke, 2011; but see Miles, 2012). For example, a study of homicide in New York City in 1984 and 1988 found, respectively, that 79% and 68% of these offenses were committed by someone under the influence of alcohol (Goldstein, Brownstein, & Ryan, 1992). A meta-analysis of studies on homicide and victims’ intoxication found that 48% of victims tested positive for alcohol during the autopsy (Kuhns, Wilson, Clodfelter, Maguire, & Ainsworth, 2011).

Robbery is another serious violent crime. According to the 2008 National Crime Victimization Survey (NCVS) data, 33% of robbery victims perceived that the offender was intoxicated at the time of the crime (BJS, 2011). In a study of 454 male youth, the participants claimed that strong-arming was one of the most frequent illegal acts they committed while inebriated (White et al., 2002). Sometimes offenders drink before committing a robbery in order to reduce their fear of legal punishment and work up the courage to rob (Wright & Decker, 1997). Intoxicated persons are not only more likely to stick up people, but also are more likely to be robbed. They are attractive targets because their inebriation makes them less aware of their surroundings and less physically capable of fighting back or running away. As one robber said, “drunks never know what hit

them” (Wright & Decker, 1997, p. 87). And in Shaw’s (1934) classic *The Jack-Roller*, Stanley described how he and his friends robbed someone who had been drinking:

[W]e were walking along the street and spied a drunk who appeared to be a “live one.” We waited until he got near a dark spot, and then surrounded him. He was very drunk but was large and husky ... [T]hrowing all caution to the wind I sprang at him—putting the strong arm on him and bringing him to the ground. ... [We ] proceeded to search him. ... [W]e found a money belt, which I cut off (p. 140).

Assault is a third type of violent crime, which, again, is commonly perpetrated by intoxicated persons. NCVS data show that in 2008, 36.2% of both aggravated and simple assault victims believed the offender was drinking at the time of the offense. Studies on juveniles also find a positive association between alcohol consumption and assaultive behaviors such as gang fighting, attacking, and throwing things at others (Felson et al., 2008; Markowitz, 2001; Richardson & Budd, 2003; White et al., 2002).

Domestic violence has a notorious relationship to alcohol use (Friend, Langhinrichsen-Rohling, & Eichold, 2011; Kelly, Izienicki, Bimbi, & Parsons, 2011; Murphy, Winters, O’Farrell, Fals-Stewart, & Murphy, 2005). As relates to offending, one study found that alcohol and/or drugs were used in 67.4% of felony domestic violence cases, and that 84.2% of those cases solely involved alcohol (Friend et al., 2011). A study on encounters with the police found suspects in spousal assaults were four times more likely to be intoxicated than their victims (25% and 6%, respectively) (McClelland & Teplin, 2001). Intoxication also increases the odds of being domestically abused and sexually assaulted. Some research suggests that persons assaulted by their partners are

more likely to be drinking at the time than not (Felson & Burchfield, 2004; also see McClelland & Teplin, 2001).

Alcohol-related sexual assault has been extensively researched, typically from the victims' perspective (Abbey, Ross, & McDuffie, 1994; Abbey, Saenz, & Buck, 2005; Abbey, Zawacki, Buck, Clinton, & McAuslan, 2001; Davis, Kiekel, Schraufnagel, Norris, George, & Kajumulo, 2012; Felson & Burchfield, 2004; Testa, Vanzile-Tamsen, & Livingston, 2004; Zawacki, Abbey, Buck, McAuslan, & Clinton-Sherrod, 2003). Studies find that this crime is more often perpetrated against women and persons who spend more time at a bar or parties (Abbey et al., 2001). It is estimated that up to 50% of sexual assaults involve an alcohol intoxicated perpetrator, victim, or both, and it is most common for both the offender and victim to be intoxicated (Abbey et al., 2001; Zawacki et al., 2003). Data from the NCVS (2008) show that 30.5% of rape/sexual assaults were perpetrated by inebriated offenders.<sup>13</sup> And a study of 225 single men recruited through a convenience sample found them to be intoxicated in 61.2% of sexual assaults they reported committing (Davis et al., 2012).<sup>14</sup>

***Violent crime & college students.*** Universities experience few violent crimes, but an overwhelming proportion—perhaps even 95%—of the cases that do happen involve an intoxicated offender (CSACU, 1994; Fox & Hellman, 1985; Sloan, 1994). From 1998 through 2001, for instance, more than 696,000 assaults were perpetrated by intoxicated college students under the influence (Hingson, Heeren, Zakocs, Kopstein, & Wechsler,

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<sup>13</sup> Note that (1) the NCVS does not disaggregate intoxication by type of substance (i.e., drugs or alcohol), so the exact number of offenses involving alcohol is unknown; and, (2) whether victims were intoxicated at the time of the crime is unknown because the NCVS does not collect such information.

<sup>14</sup> Here, sexual assaults include forced sexual contact, coercion, attempted rape, incapacitated rape, and forcible rape.



2002; NIAAA, 2002). One study found that about 17% of all students became involved in a fight after consuming alcohol (Engs & Hanson, 1994).

Student alcohol consumption is also linked to the commission of violent crimes during so-called “student party riots.” These mass-offense events erupt on college campuses or close by and involve a large number of intoxicated students (sometimes nonstudents as well). Some partygoers wind up throwing beer bottles at police and fighting with officers and each other (Madensen & Eck, 2006).

Unfortunately, little else is known about the exact nature and extent of alcohol-related offenses perpetrated by college students, as such studies are sparse. There is no information, for instance, on the extent of psychopharmacological homicides on college campuses. One reason for this is murders are extremely rare events at universities (FBI, 2010), but they are not nonexistent. One example occurred in 2010; Yeardey Love, a senior at the University of Virginia, was murdered in a “drunken rage” by her ex-boyfriend George Huguey, also a student.

There is equally little understanding of how student drinking affects their odds of victimization. No studies examine the killing of intoxicated students. Nor has any research looked at domestic violence against them. Although limited, research indicates that student alcohol consumption increases the likelihood of being assaulted and robbed (Mustaine & Tewksbury, 1998). This is especially true for college males who spend a lot of time at or near bars (*ibid.*).

Sexual victimization of intoxicated students has been looked at more than any other psychopharmacological crime. Indeed, one of the most robust findings about the negative consequences of college drinking is the strong correlation between alcohol

intoxication and rape victimization (Dowdall, 2007, p. 179; also see Abbey, 1991; Krebs, Lindquist, Warner, Fisher, & Martin, 2009; Testa & Parks, 1996). Up to 90% of campus sexual assaults involve alcohol (CSACU, 1994). This is a common crime, as more than 97,000 alcohol-related sexual assaults or date rapes were recorded for students from 1998 to 2001, for instance (Hingson et al., 2002). However, a small percent of cases, perhaps as few as 5% of them, are reported to campus authorities or law enforcement (see Karjane, Fisher, & Cullen, 2005). In actuality, the size of the problem is probably far greater than the official statistics suggest.

**Nonviolent crime.** Intoxication also has a strong relationship to nonviolent crimes. Although alcohol is more strongly linked to violent offending, it has been found to affect public order and property crimes.

For instance, among inmates in jails, and state and federal correctional facilities, 26.2%, 41.2%, and 18.3% of them, respectively, were intoxicated at the time of committing a public order crime (BJS, 2002; BJS, 2004).<sup>15, 16</sup> One public order offense, stalking, is consistently found to be associated with drinking alcohol (Logan, Leukefeld, & Walker, 2000; Roberts, 2002; Willson et al., 2000). For example, Roberts (2002) found that persons who stalked their former partners frequently use alcohol. That relationship is especially strong for men who drink heavily (Logan et al., 2000). A problem with much of this research, and also of that discussed above and below, is it does not demonstrate whether intoxication causes—i.e., significantly increases the odds of—these crimes or if

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<sup>15</sup> Public order offenses include alcohol law violations, juvenile status offenses, bribery, lewd/wanton behavior, court-related offenses, obscenity law violations, disorderly conduct, obstruction of justice, DWI/DUI (alcohol or drugs), perjury, escape offenses, pornography, false evidence/police report, probation/parole violation, firearms offenses, prostitution offenses, gambling, rioting, habitual offender, sex offenses, immigration offenses, stalking, indecent exposure, weapons offenses (BJS, 2004).

<sup>16</sup> Note that these percentages do not include convicted DWI/DUI offenders for jail inmates. If such offenders were included the rate of offending would increase to 48% (BJS, 2002).

the relationship is spurious; the literature on alcohol and violent offending, on the other hand, has begun to steadily move beyond this methodological limitation (see especially Felson & Staff, 2010; Felson et al., 2008)

Regarding property offenses, self-report data from inmates in jails, state prisons, and federal prisons show that, respectively, 28.5%, 29.1%, and 12.8% of them were under the influence when they committed their crime (BJS, 2002, BJS, 2004).<sup>17</sup> Another study based on three data sources found that offenders were intoxicated in 36% of burglary/theft incidents and 26% of motor vehicle thefts (Miller, Levy, Cohen, & Cox, 2006). Youth studies also demonstrate that alcohol use is associated with property offenses such as car theft and vandalism (Felson et al., 2008; White et al., 2002). And a qualitative study by Wright and Decker (1994) found that some burglars consumed alcohol prior to offending “in a deliberate attempt to thwart the deterrence potential of official penalties and thereby facilitate their ability to offend” (p. 129).

What we know about psychopharmacological nonviolent crime is largely tied to the offending side of the equation. Relatively little research has delved into how intoxication affects nonviolent victimization. In some ways this makes sense, as why would drinking alcohol make someone’s home or vehicle more likely to be stolen from or vandalized, for instance? However, one of the few studies bearing on the topic, deriving from Australian data, revealed that drinking was associated with being a victim of theft and vandalism (Williams, 1999). And a separate study, based on American data, demonstrated that drinking alcohol increases the risk of being stalked (Logan et al.,

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<sup>17</sup> For these results, property crime includes arson, larceny, auto theft, pocketpicking, bombing, purse snatching with no force, burglary, counterfeiting, safecracking, destruction, shoplifting, embezzlement, smuggling, forgery, stealing, fraud, stolen property, fraudulent theft, hit and run with property damage, unauthorized use of vehicle, house breaking, vandalism, illegal entry, wire fraud, impersonation, joyriding (BJS, 2004).

2000). Whether drinking actually increases the likelihood of experiencing these problems is unknown. Such patterns could be the result of some underlying causal process; i.e., due to a single factor or multitude of factors that increase the odds of both frequent alcohol consumption and victimization.

*Nonviolent crime & college students.* College student drinking increases the propensity for nonviolent offending. Most campus crimes that follow alcohol use are property offenses (Bromley, 1995; Fox & Hellman, 1985; Jennings, Gover, & Pudrzynska, 2007; Reaves & Goldberg, 1996; Robinson & Roh, 2007; Sloan, 1994; Sloan et al., 2000). Intoxicated students most frequently commit vandalism and public order offenses (Durant et al., 2008; Engs & Hanson, 1994; Mustaine & Tewksbury, 2007; Wechsler, 2001; Wechsler et al., 1994).

It is estimated that up to 80% of campus vandalisms are alcohol-related (CSACU, 1994). About 11% of students report vandalizing school property after drinking (Engs & Hanson, 1994; Wechsler et al., 2002). Although not particularly common, intoxicated students also commit property offenses during student party riots; drunken rioters graffiti cars and buildings, overturn cars and break out their windows, and set fires (Madensen & Eck, 2006).

Intoxicated students perpetrate public order offenses as well. Two common examples are public urination and public nudity (Durant et al., 2008). Stalking is another public order offense; research finds that students are more likely to stalk someone while under the influence (Dowdall, 2007). The extent to which intoxicated students commit these offenses is unknown, however.

Mustaine and Tewksbury's (1998) study is one of the few to examine whether college student drinking affects their risk of nonviolent victimizations, specifically property victimization. They found that frequent alcohol consumption increased the odds of being the victim of a major theft (i.e., property worth more than \$50). Additionally, being drunk in public explained both minor (i.e., property worth less than \$50) and major thefts. As discussed above, it is possible that these relationships are spurious and due to an underlying causal process, such as exposure to offenders in bars.

**Summary.** Based on the available information, it is uncertain how college students' rates of psychopharmacological offending and victimization compare to those of the general population. This is due to the limited amount of studies on alcohol and crime, both violent and nonviolent, among students.

### **Discussion**

Alcohol offenses and related crimes are a significant feature of college life. Students frequently drink underage, use fake IDs, and drive under the influence. While evidence suggests that alcohol plays a heavy part in violent offending and victimization, especially sexual assault, the state of the research is not where it could be. Future studies on college students should examine how intoxication affects the rate of violent and nonviolent crimes, especially perpetrating or experiencing murder (although this is admittedly rare), domestic assaults, and nonviolent crimes given knowledge on these areas is particularly sparse.

A plausible inference is that alcohol-related offending and victimization are relatively common occurrences among college students because they drink alcohol at a greater rate and in greater amounts than high school students and same-age peers who are

not in college (Johnston et al. 2011). The more often people are intoxicated, the greater is the opportunity for alcohol-related crime. At present, however, that is nothing but an informed guess, not an empirically verified hypothesis. Future research should aim to shed light on the validity of this proposition.

### **Controlling Alcohol & Crime among Students**

What is known about drinking, offending, and victimization among college students has generated substantial interest and serious concern among the public, university officials, and police. This raises the question of what is being done to address alcohol offenses and related crimes among students. Current methods of controlling these problems focus on drinking, with the goal of mitigating its harmful effect on students' everyday life and health. This is accomplished by providing alcohol education and counseling to individuals who misuse alcohol; educating the student body as a whole on the dangers and effects of drinking; and, bringing awareness to the college and surrounding community about their role in reducing alcohol abuse (see DeJong & Langenbahn, 1996; DeJong & Langford, 2002; Hingson & Howland, 2002; Toomey & Wagenaar, 2002).

These approaches, however, do not address the role of law enforcement in controlling crime pertaining to alcohol use among students. Researchers have suggested strategies that campus police can use to tackle excessive or underage drinking and related problems, such as increased enforcement, and random spot checks at major events and parties (DeJong & Langenbahn, 1996; NIAAA, 2002). Yet whether researchers' recommendations are actually effective is unknown. Perhaps surprisingly, no study has examined how often and in what ways campus police handle encounters involving

alcohol and related crime with college students (but see Bordner & Petersen, 1983, p. 205-6; Schafer, 2005). Future work should seek to fill this void in the literature, as it may dually help to reduce alcohol-involved crime and understand policing.

## CHAPTER 3

### POLICE-CITIZEN ENCOUNTERS: AN EYE TOWARD CAMPUS POLICING

Policing scholars have long sought to understand what accounts for differences in how police-citizen encounters play out. For example, why are some suspects subjected to force and others not? Why do officers sanction some citizens more severely than others? Why do some suspects resist officer control? This chapter describes the theoretical frameworks that help answer these questions, which were also used to guide this study, and reviews what we know about police-citizen encounters.

The police come into contact with the public in two ways: (1) officers may be dispatched to a *call* for service, or (2) *stop* cars or people on the street. In either case, the police engage with citizens until officers take them to jail or tell them they are free to leave. During these encounters—termed *police-citizen encounters*—unwritten rules stipulate the way officers and citizens are to behave; citizens are expected to defer to police authority, while officers maintain control of the situation.<sup>18,19,20</sup>

Law enforcement's ability to control citizens derives from the police mandate that grants officers coercive power, which is the right to enforce the law, apprehend suspects, and use force, even lethal force, if necessary (Bittner, 1990; Brown, 1981; Manning,

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<sup>18</sup> This paper will use interchangeably the terms *police-citizen encounters* and *police-citizen interactions*.

<sup>19</sup> Goffman (1961) defined encounters as situations where people come together for a particular activity, then part ways.

<sup>20</sup> The words citizen and suspect will be used here interchangeably, although it has been recognized that “the term *suspect* is a pejorative role that not all citizens accept” (Rojek, Alpert, & Smith, 2012).



1977; Muir, 1977; Westley, 1970).<sup>21,22,23</sup> This right is a fundamental and distinguishing aspect of the policing profession, as it helps officers maintain their authority (Bittner, 1990; Dunham & Alpert, 2001; Reiss, 1971). If officers lose control in any encounter, they may compromise their legitimacy in citizens' eyes.

While most encounters unfold as the police want, some do not. Occasionally, citizens resist police control; for instance, the suspect may fear legal punishment or feel the officers' actions are excessive or unwarranted. Such breakdowns may lead to verbal assaults, even physical altercations, which officers must be prepared to face with coercive means. Officers may legitimately use force one level higher than that of resisting citizens in order to gain control (Alpert & Dunham, 2004). Too much police force relative to citizens' resistance, however, may be classified as excessive or improper.

The following section presents several theories policing scholars use to explain how both officers and citizens behave in encounters.

### **Theories of Police-Citizen Encounters**

Many theoretical perspectives explain differences in officers' and citizens' behavior across encounters. This study draws on several theories nested within the larger

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<sup>21</sup> Authority is defined as "a particular form of power to direct or control the behavior of others, based on the acceptance of its legitimacy by those over whom the power is exercised" (Van Maanen, 1978a, p. 177; see Weber, 1946).

<sup>22</sup> The police mandate—"the licensed right to perform an occupation"—grants officers coercive power, which guarantees the right to enforce the law, apprehend suspects, and use force if necessary; the right to use force, even lethal force, is a fundamental aspect of the policing profession, distinguishing officers from the public (Manning & Van Maanen, 1978, p. 7; see also, Bittner, 1990; Brown, 1981; Dunham & Alpert, 2001; Manning, 1977; Muir, 1977; Reiss, 1971; Westley, 1970). The police have *essentially* unrestricted limits to the use of force; it cannot be used maliciously or frivolously, to advance personal interests or the interest of others (p. 37). Bittner (1970) notes that two other groups can legitimately use force: (1) individuals defending themselves and (2) certain "deputized" persons (e.g., prison guards, mental hospital attendants).

<sup>23</sup> Coercion is the "means that the police seek to gain control through practical applications of compliance when faced with someone who does not want to give compliance" (Crank, 2004, p. 77). Force includes actions and the use of weapons, ranging from least to most severe, such as strong directive language, come-along holds, open-handed strikes, closed-handed strikes, chemical sprays, batons, tasers, and finally firearms (Alpert & Dunham, 2004).

paradigms of symbolic interactionism (e.g., theory of deference exchange in police-civilian encounters, authority maintenance ritual theory) and pure sociology to explain such differences in encounters, especially incidents involving alcohol. Other explanatory factors that do not fit neatly within these two major orienting paradigms—identified and examined by police researchers—are also drawn on.<sup>24</sup>

### **Symbolic Interactionism**

Symbolic interactionism, rooted in social psychology, is founded on the principles of meaning, language, and thought. This perspective focuses on the way actors interpret each other's actions, give them meaning, and use language to communicate meanings, feelings, and thoughts to oneself and then others (Mead, 1934). Thus, interactions help form human conduct based on the meanings individuals ascribe to others and their behavior (Blumer, 1969). Symbolic interactionism has no testable or falsifiable hypotheses, but is a useful guiding perspective because it highlights the importance of interactions for shaping actors' behavior (e.g., words, gestures, actions, cues, symbols).

**Theory of deference exchange.** Sykes and Clark's (1975) theory of deference exchange in police-civilian encounters proposes that breakdowns in police-citizen encounters occur as a result of "asymmetrical status norms." Status norms are imbalanced, or asymmetrical, because the police occupy a more powerful position in society than citizens who are expected to defer upward. When citizens show officers an acceptable amount of respect and deference, encounters unfold rather peacefully. If citizens, however, do not accept the social situation as defined by the police (i.e., the asymmetry of status norms) and become noncompliant, disrespectful, or verbally or

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<sup>24</sup> Sykes and Clark's (1975) and Alpert and Dunham's (2004) theories, although not symbolic interactionist theories in the strict sense, focus specifically on the interactive process between law enforcement and the citizenry and elucidate the way exchanges can digress from good to bad.

physically resistant, officers may respond with coercive force to have their authority realized.

**Authority maintenance ritual theory.** Filling in where Sykes and Clark (1975) left off, Alpert and Dunham's (2004) authority maintenance theory explains that officers not only have to establish their authority at the outset of an encounter, but also be ready and willing, if necessary, to use coercion to maintain control throughout the duration of an interaction. Unlike prior theories, they suggest that coercive force is proportionally applied to the level of suspect resistance. In other words, the more physically resistant or hostile a suspect becomes, the more force the police must use to gain compliance. A distinguishing aspect of this theory is that it recognizes how interactions are a progression of actions instead of momentary blips, meaning that both officer and citizen behavior may change in tandem as they navigate through an encounter.

### **Pure Sociology**

Pure sociology is a paradigm that explains behavior as an effect of social structure, which is made up of the social status of and social distance between individuals in a situation (Black, 1995).<sup>25</sup> This perspective avoids explanations centered on motivations, attitudes, and feelings (i.e., it is “non-psychological”); does not view behavior as goal-oriented (i.e., non-teleological); and is not anthropocentric (i.e., focused

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<sup>25</sup> There are five types of social status and three types of social distance that embody social structure (Black, 1976, 1995, 1998). Social status takes on five forms: vertical, radial, corporate, symbolic, and normative. *Vertical status* increases in accordance with one's wealth or rank; *radial status* increases with the amount of work, family, or other aspects of community life maintained by an actor; *corporate status* increases when an actor's participation in organized action; *symbolic status* increases when an actor's knowledge and conventionality; *normative status* decreases as more social control, be it formal or informal, is applied to an actor. The three types of social distance are (1) *relational distance*—the amount of intimacy between two or more actors; (2) *organizational distance*—the number of common memberships actors hold; and (3) *cultural distance*—the degree of cultural similarity. Social distance between actors decreases as they become more intimate, bound by common memberships, or similar culturally. Social structure, then, is the joint social status of and social distance between individuals in a particular social situation.

on individuals) (Cooney, 2006). Instead, pure sociology explains social behavior using social structure as it relates to wealth, community, culture, organization, and respectability (Black, 1976, 1998).

**Black's theory of law.** Black's (1976) theory of law, nested within pure sociology, describes how the social structure of situations (i.e., the social status of and social distance between officers, suspects, and victims) affects police behavior. The quantity of law (i.e., amount of formal social control) applied to suspects from one case to the next depends on their social status as well as their social distance from victims. At the simplest level, this theory predicts that suspects are arrested more often and have more force used against them as their status decreases. For crimes with a victim, more law is applied as victims' status increases and the disputants become more socially distant—meaning less intimate and more culturally dissimilar.

### **Additional Explanatory Factors**

Not every variable of significance to police work is of direct importance to theories of symbolic interactionism and pure sociology. The value of these other “‘situational factors’ [is they] are the cues on which officers form judgments about how incidents should be ‘handled’” (Worden, 1995, p. 32).<sup>26</sup> These variables include legal factors and structural factors, citizens' age, sex, mental impairment, race, and—of special importance to this study—their level of intoxication.

### **Empirical Evidence on Police-Citizen Encounters: Legal & Extralegal Factors**

Upon arrival to a scene or on making a stop, officers are bombarded with a line of inner-personal questions. What is the reason prompting the encounter? What is the crime, how was it committed, where, when, by whom, and, for some offenses, who against?

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<sup>26</sup> These variables are generally divided between legal and extralegal factors.

After taking in all of the necessary information, officers finally decide a course of action, while simultaneously working to maintain their authority and safety throughout the encounter.

### **Legal Factors**

Legal factors are arguably one of the most influential types of variables affecting the way police handle encounters because they reduce officers' discretionary decision making. These variables include the seriousness of an offense, strength of evidence against a suspect, and citizen requests for police action. Research finds that the more serious the offense and the greater amount of evidence present in a situation, the more likely a suspect will be arrested and subjected to force (Bittner, 1967; Black, 1971, 1980; Black & Reiss, 1970; Lundman, 1974; Lundman, Sykes, & Clark, 1978; Mastrofski, Worden, & Snipes, 1995; Mastrofski, Snipes, Parks, & Maxwell, 2000; Smith & Visser, 1981; Terrill, 2001; Worden & Myers, 1999) (for an exception, see Terrill & Paoline, 2007). One reason the likelihood of arrest increases as does the seriousness is the law dictates that officers must make an arrest, thereby reducing their discretionary decision making; offense seriousness and officer discretion are inversely related. Domestic violence, in many places, is an example of a serious crime with a mandatory arrest policy. In cases as these, officer decision making is more heavily guided by the law than by other situational characteristics. However, what is written into law is but one reason officers may arrest suspects on the basis of an offense's seriousness. Chapter 5 considers alternative conceptualizations of offense seriousness that may affect how severely a suspect is sanctioned.

The police are more likely to use force in more legally serious incidents in order to counter the level of risk posed to officer and citizen safety and to maintain control. Using Police Services Study (PSS) data, Worden (1995) found that force was disproportionately used when suspects committed violent crimes, engaged in automobile pursuits, possessed weapons and became hostile and physically resistant, all of which are “more serious” offenses according to the law.

Finally, officers sometimes arrest suspects when citizens ask for it (Black, 1980; Black & Reiss, 1970; Engel et al., 2000), especially when they are victims of domestic disputes (Smith & Visher, 1981). Mastrofski et al. (2000), however, found that officers only complied with requests when (1) citizens asked for less formal control against suspects or (2) there was evidence implicating the suspect. But arrest decisions are “more susceptible to the influence of evidentiary strength than requests for the mobilization of less control ... because officers serve more to modulate than amplify the public’s will, at least when enacting the most extreme form of control” (p. 332-333). Intoxicated or mentally ill persons are the least likely to have their requests granted, because they are generally seen as less credible complainants; due to their state of mind, the police cannot be sure if the accused suspect is truly culpable (Mastrofski et al., 2000).

### **Extralegal Factors**

Although legal factors greatly influence officer decision making, extralegal variables can be important too. Some of these factors even affect the way citizens behave toward officers. The first sections describe findings bearing on demeanor, social status, and the relationship between suspects and victims. This subsection then turns to the additional explanatory factors mentioned above: the so-called “structural” influences on

situations, which refer to the setting of encounters, and citizens' age, sex, race, and mental impairment.

**Demeanor.** Demeanor is one of the most widely cited factors affecting the nature of police-citizen encounters. Based on early ethnographic police work, demeanor has come to refer to

not only physical aggression and other overtly *hostile* acts that threaten officers' safety but also *resistance* in the form of actions or statements that merely challenge officers' authority or legitimacy (e.g., denying an officer's accusation or questioning an officer's judgment) and even *passive* acts of noncompliance (e.g., failing to respond to an officer's questions or requests) that imply that officers are "not being taken seriously" (Worden et al., 1996, p. 326-327).

As can be seen below, however, these are just a few of the concepts police researchers use to represent demeanor.

Westley (1970) was one of the first to discuss demeanor when he wrote about disrespectful citizens whom he called "wiseguys." These suspects were often arrested and subjected to force so that their errant behavior could be punished and corrected (Brown, 1981; Muir, 1977; Rubinstein, 1973; Skolnick, 1994; Van Maanen, 1978b; Westley, 1970). Officers had little patience for affronts and challenges to their authority, so citizens who pushed the boundaries were met with coercive action, though not all officers followed that prescription.

A wealth of empirical inquiries concur that disrespectful suspects are more likely to be arrested or have force used against them (Black, 1971, 1980; Black & Reiss, 1970; Engel, Sobol, & Worden, 2000; Lundman, 1994, 1996; Piliavin & Briar, 1964; Sykes,

Fox, & Clark, 1976; Worden & Shepard, 1996). Klinger (1994, 1996), however, questioned the validity of prior studies' findings, and suggested that perhaps demeanor does not really matter. His criticisms rested on two grounds: (1) demeanor was defined so broadly that it included criminal acts committed during an encounter, and (2) analyses did not adequately control for the crime that prompted the encounter. To address the first concern, he insisted that "because demeanor is conceptually defined as conduct that violates no laws, indicators of demeanor must measure only legally permissible citizen conduct if they are to be valid" (p. 478). For the second criticism, he argued that control variables should disentangle criminal versus legal behavior occurring during the two stages of police-citizen encounters, which are the pre-intervention and interaction phases. After controlling for crime at all stages of an interaction, Klinger's analyses revealed, contrary to others, that demeanor did not affect the likelihood of arrest and was actually fairly stable throughout disputes.<sup>27</sup>

Following Klinger's 1994 article on the relevance of demeanor, Lundman (1994) answered the call for reanalysis of prior research by analyzing Midwest City data on public drunkenness, juvenile, and traffic encounters. He controlled for the initial crime (i.e., felony vs. nonfelony) and additional crimes committed during encounters, and limited measures of demeanor to spoken words, as suggested by Klinger. Several variables for demeanor were created. First, Lundman operationalized three dummies which were impolite, deferent, and mixed (i.e., both impolite and deferent) with entirely

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<sup>27</sup> A later study by Dunham and Alpert (2009) discovered, counter to Klinger's claim, that demeanor did change throughout interactions. Officers were more positive at the beginning of encounters than suspects, but demeanor changed at the same rate for both during the interactions, whether positive to negative or negative to positive. By the end of encounters, officers exhibited more positive demeanors than suspects. The importance of this study is it highlights how interactions are more than momentary occurrences; they are fluid exchanges involving multiple actions and reactions by those involved.



polite encounters as the reference category.<sup>28</sup> Then he constructed a continuous measure of the number of impolite statements made by the suspect, which represented hostile demeanor. A third kind of variable was a dichotomous measure of greater than average impolite encounters. Lastly, a replication of Klinger’s hostile demeanor variable measured as “entirely polite, including deferent encounters=1, encounters with at least one somewhat impolite statement=2, encounters with at least one very impolite statement=3” (p. 637). Findings revealed that some representations of demeanor were significantly associated with arrest, but more importantly “the effects of demeanor depend[ed] on model specification and, especially, representation” (p. 647).

Later, Klinger (1996) reexamined the Metro-Dade data. Demeanor was measured at two points—the beginning of encounters and later in the interaction—and conceptualized as (1) apologetic, (2) deferential, (3) somewhat demeaning, or (4) openly hostile. To guarantee temporal ordering, Klinger limited his analyses to measures of demeanor at the outset of encounters. A total of three demeanor variables were analyzed. The first was a binary outcome—“hostile/nonhostile”—that collapsed categories 1 and 2 to represent nonhostile and categories 3 and 4 for hostile. The second measure of demeanor was a four point ordinal scale. The third variable was dichotomous and measured extreme hostility; categories 1-3 were operationalized as other demeanor and category 4 as extreme hostility. Only the extreme hostility measure was significantly related to arrest in the zero-order correlation; however, it had less explanatory power on arrest after comparing the pseudo R<sup>2</sup> in the two logistic regression models. He suggested

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<sup>28</sup> Impolite captured encounters in which at least one impolite, no deferent, and a variable number of polite statements were made (p. 636-637). Deferent includes encounters where at least one deferent, no impolite, and a variable number of polite statements were made. Mixed entailed encounters that shifted from being impolite to deferent to polite at different points.

that there may be a threshold effect for hostility wherein demeanor does not affect the odds of arrest until hostile behavior reaches a certain point, as there was no linear relationship between hostility and arrest.

In a second address to Klinger's call, Lundman (1996) examined previously unpublished Midwest City data on drunk driving encounters to determine if demeanor or other extralegal variables affected police discretion when crime was partially controlled and demeanor was limited to legally permissible words. Results indicated that not only does demeanor's representation matter for finding significance, but the type of encounter may also be important.

Furthermore, Worden and Shepard (1996) sought to determine the importance of demeanor in police-citizen encounters when they reanalyzed PSS data to see if the effects of demeanor were misestimated. They measured suspects' demeanor with several dichotomous variables representing passive noncompliance (i.e., refusal to answer questions or cooperate), active verbal resistance (i.e., arguing with the officer or asking for the police to leave him/her alone), and an ordinal variable measuring 0=civility, 1=noncompliance, and 2=verbal resistance. They found that suspects' demeanor significantly affected police behavior. Therefore, Worden and Shepard (1996) concluded that although researchers define demeanor differently, findings on the whole show that suspect disrespect influences police decision making.

While the extant literature mostly demonstrates that demeanor affects police action, it also highlights a significant problem in this line of research: the inconsistent conceptualization of demeanor. More recently, researchers have tried to use more nuanced definitions of demeanor in an effort to disentangle the many different behaviors

that encompass it (e.g., resistance, noncompliance, disrespect, hostility) (see Dunham & Alpert, 2009; Engel et al., 2000; Worden, Shepard, & Mastrofski, 1996); however, a standard, all-encompassing measure is yet to exist. Despite shortcomings of this area, research consistently finds that a negative demeanor increases the likelihood of being more severely sanctioned.

Researchers have also explored the relationship between suspect race and demeanor, but to a lesser degree. Many studies report that minority suspects are no more likely than whites to disrespect the police (Engel et al., 2000; Engel, 2003; Kavanagh, 1997; Klinger, 1996; Mastrofski, Snipes, & Supina, 1996; Reisig, McCluskey, & Mastrofski, 2004). Engel (2003), however, found that minority suspects are significantly more likely than whites to be noncompliant (two times as likely) toward white officers, but no more likely to seriously resist police with verbal or physical aggression, and disrespect. Engel suggests that minority suspects may be less likely to comply because they feel they are being targeted because of their race or see officers' requests as unjust.

Research on demeanor largely examines suspect demeanor, though the police themselves sometimes exhibit a negative demeanor toward citizens. Sykes and Clark (1975), for example, discovered that the police were more likely to disrespect citizens, than the other way around. Other studies find a reciprocal effect (Mastrofski, Reisig, & McCluskey, 2002; McCluskey, Mastrofski, & Parks, 1999). Whether officers or citizens initiate disrespect, an important insight by Dunham and Alpert (2009) is that officers' demeanor can profoundly affect citizen behavior, for better or worse.

**Social status.** Early police ethnographers observed how officers were prejudiced toward lower status persons, because they were believed to be more criminal and

disrespectful than higher status individuals (Bittner, 1967; Brown, 1981; Westley, 1970). The police, therefore, tended to be more harsh—both in sanctioning and using physical force—to poorer individuals, who were also the least likely to defer to police authority, in order to gain their respect (Sykes & Clark, 1975).

More recent studies similarly find that the police exercise more authority and use greater levels of force against lower status suspects (Alpert et al., 2004; Black, 1980; Lundman, 1994, 1998; Terrill & Mastrofski, 2002) (for an exception, see Mastrofski et al., 1995). Even lower class drivers are more likely to be stopped by the police for both legitimate and improper reasons (Lundman & Kaufman, 2003).

Social status is also tied to the way police respond to citizens' requests for action, though research in this area is rather sparse. Black (1976) found that the police are less likely to address complaints by lower class victims compared to victims of higher status. In a much later study, however, Mastrofski et al. (2000) observed no relationship between citizens' wealth and police fulfillment of requests for action.

**Relationship between suspect & victim.** In encounters where both victims and suspects are present, how intimately tied they are to one another can be a major determinant of police action. Research has found that the more social distance between victims and suspects, the more likely the police will make an arrest (Black, 1971, 1980; Engel et al., 2000; Friedrich, 1977; Smith & Visher, 1981). One study finds that officers are more likely to arrest strangers over intimates, friends, and acquaintances, but only in minor attacks (i.e., a push or shove); the police see these types of incidents as not “deserving of arrest, if the parties know each other” (Felson & Ackerman, 2001, p. 671). While the above studies indicate that the closer are victims and suspects the less likely

the police will make arrest, others find that officers may be less inclined to take formal action when suspects and victims are more intimate because they feel victims will not cooperate with the police or prosecutors; this is especially true in domestic incidents (Brown, 1981; Smith & Visser, 1981). Because of potential inaction by both law enforcement and victims, mandatory arrest laws were created with the specific intent to reduce leniency afforded to intimate partner suspects (see Sherman & Berk, 1984). Therefore, research since the enactment of such laws should reflect higher rates of arrest for suspects whose victims are intimates. Felson and Ackerman's (2001) study using NCVS data did find that the police are more likely to arrest suspects who assault victims that are intimates over strangers; perhaps because the victims can easily identify the perpetrators to the police. However, given the aforementioned finding by Felson and Ackerman (2001), the seriousness of the offense may also matter in police decision making more so than strictly the relationship between a suspect and a victim itself.

**Structural issues.** The way officers enter into an encounter, whether proactively (officer-initiated) or reactively (i.e., citizen-initiated), may affect how they handle an incident.<sup>29</sup> While most police-citizen encounters are reactive (Black, 1971; Reiss, 1971), officers may sanction suspects more severely in proactive contacts (Black, 1971; Lundman, 1974) (for an exception see Brown & Frank, 2005). The reason for this, as suggested by Bayley and Garofalo (1989), is proactive stops are the most potentially violent situations to enter into as officers have little to no information on the suspect (e.g., if they are wanted) and do not know whether they are armed.

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<sup>29</sup> Researchers have also tried to determine if officer entry affects whether a suspect will resist the police, but the findings are inconclusive (Engel, 2003; Kavanagh, 1997).

The location of an offense (i.e., indoor or outdoor) may also affect how officers handle encounters (Black, 1976; Lundman, 1974), though some studies suggest otherwise (Klinger, 1996; Smith & Visher, 1981). Lundman (1974), for example, found that offenses committed in certain open public places (e.g., public library, bus depot) were more likely to end in arrest than those on sidewalks or private areas like apartments. A possible reason for this is the former generally has a higher density of people at any given time over the latter. After all, research shows that suspects are more likely to be arrested, ticketed, and even subject to force when bystanders are around (Brown & Frank, 2005; Engel et al., 2000; Manning, 1977; Smith & Visher, 1981). A major reason the police may exercise more control in the presence of bystanders is to legitimate their authority (Smith & Visher, 1981). But officers may also behave differently when other officers are at the scene. In encounters as these, some research suggests that officers may be more willing to use force against suspects (Garner, Buchanan, Schade, & Hepburn, 1996; Worden, 1995). Whether additional police reinforce the responding officer's behavior or other officers happen to be called as backup to incidents in which force is used remains unknown (Worden, 1995).

A final structural characteristic that can affect the way officers patrol their beats and handle encounters with citizens is the neighborhood or ecological milieu. Early police ethnographers noted that police in higher crime communities (which were also poor) were more aggressive toward citizens (i.e., stopping cars to counteract high street crime and drug sales) than in lower crime communities (Brown, 1981; Rubinstein, 1973). Empirical studies show the neighborhood does influence law enforcement practices. Smith (1986, 1987), for example, found that a community's poverty level is the leading

predictor of arrest between neighborhoods; the poorer the neighborhood, the more likely the police will arrest a suspect in any given incident.

Use of force also differs across neighborhoods: suspects in disadvantaged communities are more likely to experience higher levels of force compared to those in more privileged areas (Terrill & Reisig, 2003). One study illustrates the aforementioned finding: disadvantaged black neighborhoods are viewed more suspiciously and suffer more abuse by police as compared to middle-class black communities (Smith, 1986); this suggests then that social class is more predictive of police behavior than race. But as Weitzer (1999) explains, *inside* neighborhoods of residence social class is the most important determinant of police treatment, but *outside* the neighborhood race overshadows social standing.

To better understand differential police enforcement across environmental contexts, Klinger (1997) hypothesized that officers in communities with higher crime and social deviance (i.e., neighborhoods generally low in socioeconomic status) are more lenient and only respond to calls or initiate stops when it is very serious compared to officers in lower crime/deviance communities. The reason being the police

must develop rules that allocate officer time, that is, they must develop prioritization regimens ... [where] more incidents must be pushed to the lower echelons of the prioritization continuum in order to manage increasing workloads. Because making arrests, taking reports, conducting thorough investigations, and so forth, generally consume more officer time than letting suspects go, taking no report, and conducting cursory investigations, officers will respond less

vigorously to a larger portion of the deviance spectrum as district deviance increases (p. 293).

In other words, officers will be more lenient as a community's level of crime and deviance increases and police resources decrease. A study that empirically tested this theory, however, found contrary to Klinger's assertions that the police are more vigorous in higher-crime neighborhoods (Sobol, Wu, & Sun, 2013). Nevertheless, differences in police work may exist across neighborhoods.

Suspect disrespect has also been explored at the neighborhood-level. Reisig et al. (2004), after controlling for neighborhood effects, found that blacks were no more likely than whites to disrespect the police. They concluded that economic and social disadvantage, more than race itself, better explain black suspects' disrespect toward the police.

**Age.** Historically, the police were harsh toward juvenile offenders. Many officers felt that the court's leniency toward delinquents, especially those with a lengthy record, led them to disrespect police authority (Muir, 1977; Rubinstein, 1973; Westley, 1970). In turn, patrolmen often arrested juveniles as a way to sanction their parents; the hope was that then parents would punish their children (Rubinstein, 1973). Enforcement, however, was heavily focused on minorities, because they were seen as more disrespectful and in need of the law to correct their wayward behavior (Black & Reiss, 1970; Pilivian & Briar, 1964).

Empirical studies show that the police are more likely to ticket, arrest, and use force against younger persons over adults (Black, 1980; Brown & Frank, 2005; Engel & Calnon, 2004; Novak, Frank, Smith, & Engel, 2002), especially young minority males



(Engel & Calnon, 2004) (see also Rosenfeld, Rojek, & Decker, 2004; for an exception see Engel & Silver, 2001). One reason may be because younger persons are more likely to resist police control (Engel, 2003; Kavanagh, 1997) (for an exception see Belvedere, Worrall, & Tibbetts, 2005). Beyond these findings, however, research is less clear about the effect of age on police-citizen encounters.

**Sex.** Early police studies suggest that a person's sex (i.e., male or female) strongly influenced whether an officer initiated contact with the individual. Occasionally the police were suspicious of women, but on the whole they were reluctant to stop them because they could not be frisked and officers did not want to be forceful with them, even if they were justified in doing so (Rubinstein, 1973; Skolnick, 1994). Patrolmen also generally refrained from arresting women, unless they were known prostitutes; instead women were given preferential treatment, suggesting a "chivalry hypothesis" (Rubinstein, 1973; Skolnick, 1994; Visher, 1983). The empirical literature shows that females are far less likely than males to be arrested and have force used against them (Brown & Frank, 2005; Garner, Maxwell, & Heraux, 2002; Lundman, 1974; Mastrofski et al., 1995; Worden, 1995; Terrill & Mastrofski, 2002), although, females are equally likely to resist arrest or disrespect the police (Engel, 2003; Kavanagh, 1997; Klinger, 1996).

**Race.** Race is perhaps the most important citizen characteristic affecting police-citizen encounters. Early police ethnographers were among the first to discover how suspect race affects police behavior: blacks were more frequently stopped and arrested than whites because officers viewed them as more suspicious (Bittner, 1970; Brown, 1981; Rubinstein, 1973; Westley, 1970; Wilson, 1981). Since then, researchers have

explored the relationships between race and the likelihood of being profiled and stopped, arrested, and subjected to force; this research is discussed below in brief.

Many empirical studies show that minorities are more likely to be profiled and stopped by the police (Lundman & Kaufman, 2003; Smith & Petrocelli, 2002; Warren, Tomaskovic-Devey, Smith, Zingraff, & Mason, 2006; Weitzer & Tuch, 2002), although others report an insignificant relationship (Alpert, Dunham, & Smith, 2007; Alpert et al., 2005; Dunham, Alpert, Strohine, & Bennett, 2005). To clarify the state of the research, Alpert et al. (2005) studied ride-alongs in Savannah, GA and found that while suspect race is an important factor in the formation of police suspicion—based on nonbehavioral cues such as suspects’ appearance, time and place, or BOLO status—officers did not necessarily make stops based on that suspicion. They concluded that much more needs to be known about why suspicion is formed in the first place.

The literature also shows that minorities are more likely to be arrested (Black, 1980; Kochel, Wilson, & Mastrofski, 2011; Smith & Davidson, 1984; Smith & Visher, 1981) and have force used against them (see Black, 1980; Dunham & Alpert, 2004; Fyfe, 1982; Meyer, 1980; Smith, 1986; Terrill, 2001; Terrill & Mastrofski, 2002; Worden, 1995). Other studies, however, find that minorities are no likelier to be arrested (Brown & Frank, 2005; Klinger, 1996; Mastrofski et al., 1995; Novak, 2004; Smith, 1987; Smith, Visher, & Davidson, 1984) or have forced used against them (Engel et al., 2000; Friedrich, 1980; Garner, Schade, Hepburn, & Buchanan, 1995). To address the disparity in findings on arrest, Kochel et al. (2011) conducted a meta-analysis and found with certainty, after controlling for other legal and extralegal variables, that race does affect the likelihood of being arrested. “The extant research [however] does not demonstrate the

causes of this racial disparity, nor does it point to a clear policy response for dealing with it” (ibid., p. 499). As for use of force, police may use it more often against minorities to “suppress the potential threat ... [they] ... pose to the hegemony of the white elite” (Parker, MacDonald, Jennings, & Alpert, 2005, p. 54; see Chambliss & Seidman, 1980). But as Parker et al. (2005) explain: the relationship between racial threat and police use of force is more complex. Other factors like the community’s structural disadvantage, the level of police organization (i.e., whether a department has a police union and they are nationally accredited), and political climate (i.e., having a minority mayor) also matter.

**Mental impairment.** Bittner (1967) was the first to identify mentally ill persons as a vulnerable population because the law could be invoked against them through emergency apprehensions (i.e., institutionalization), which restricted their freedom. He also recognized the important role of police in deciding whether to make an emergency apprehension or a nonofficial response such as persuading the person to go to the hospital; transporting a person to a medical emergency center, instead of the psychiatric facility; returning the “lost” person to family, friends, or neighbors; initiating a contact in order to have a conversation; and routinely interacting with persons on the street. Arrest was not a common method of response. Though officers largely limited their interactions with the mentally ill, when they did make contact they frequently made emergency apprehensions because the person appeared suicidal; showed signs of injury or other physical symptoms; appeared psychologically disturbed and extremely agitated or violent; and caused a nuisance in public. The police also apprehended mentally impaired persons when a third party identified the individual as at-risk.

Nearly two decades after Bittner's seminal study, Teplin (1984) reported conflicting findings: mentally ill suspects were much likelier to be arrested than non-mentally ill persons. She explained that officers often arrested mentally impaired persons because they were belligerent, disrespectful, or verbally assaultive, not recognizing those behaviors as symptomatic (Lamb & Weinberger, 1998; Teplin, 2000). She also argued that increased arrest rates were the result of reduced mental health services and the labeling of mentally ill persons as "criminal."

Other studies, however, find no difference in arrest rates of mentally versus nonmentally ill persons (Engel & Silver, 2001; Novak & Engel, 2005). Novak and Engel (2005) note that the mentally ill may be more likely to disrespect and be hostile toward the police, but after controlling for other factors that affect officer decision making, they are no likelier to be arrested. Engel and Silver (2001) criticize Teplin's earlier finding because her sample size was limited, so factors influencing discretionary decision making could not be controlled for, and her measure of mental disorder was not based on officer perceptions, but rather clinical criteria. They also note that research on the mentally ill generally suffers from smaller sample sizes, so the ability to generalize to multiple jurisdictions is limited.

A person's mental impairment may also affect an officer's decision to use force in an encounter. Tedeschi and Felson (1994), for example, found that individuals exhibiting signs of mental illness like being loud or extremely angry may prompt officers to use force, especially at higher levels. Other studies report that the mentally ill are no more likely to have force used against them (Kaminski et al., 2004; Terrill & Mastrofski,

2002). Therefore, whether the mentally ill are more or less likely to experience force is debatable.

### **Empirical Evidence on Police-Citizen Encounters: Suspect and Victim Intoxication**

Suspect and victim intoxication is another extralegal factor. It includes not only alcohol intoxication but also that stemming from illicit drugs such as marijuana, cocaine, heroin, and methamphetamine. Unless specified, “intoxication” refers to all sorts of psychoactive substances used for recreational purposes (see Zimring & Hawkins, 1992).

Intoxication is a major determinant of behavior. It leads to aggressiveness, increases the chance of offending, and makes individuals more vulnerable to victimization by reducing suspects’ and victims’ control over their cognitive and physical faculties (McClelland & Teplin, 2001; Parent & Newman, 1999; Peterson, Rothfleisch, Zelazo, & Pihl, 1990).

The psychopharmacological effects of drugs and alcohol on individuals make encounters between the police and inebriated persons risky for both parties. Intoxicated persons may perceive an officer’s behavior as threatening, excessive, or unreasonable—when in reality it is not—so they refuse to cooperate, resist police control, or worse, physically assault the officer. In encounters as these, officers may use force to subdue a suspect’s behavior. But not all encounters with intoxicated suspects are volatile; sometimes the police do not even realize someone is under the influence. Nevertheless, officers must prepare themselves for the gamut of behaviors intoxicated individuals, with whom they interact, may display.

Early police ethnographers were among the first to describe encounters between the police and intoxicated suspects, who were commonly referred to as “drunks.” The

policemen did not arrest the drunkards for the sake of making an arrest as many believed drunkenness was not really a crime (Bittner, 1967; Wilson, 1968); drunks were only arrested when they caused trouble or an alternative was unavailable and order needed to be preserved (Bittner, 1967; Brown, 1981; Rubinstein, 1973; Wilson, 1968). In cases involving extremely intoxicated suspects, arrest was (and still is) used as a protective measure for those who could not care for themselves, had no one to take them home, required medical attention, and needed to be protected from potential victimization (Bittner, 1967; Brown, 1981; Muir, 1977; Wilson, 1968). These actions also protect officers from being held liable in the event an intoxicated person is subsequently hurt or victimized once he/she exits the encounter.

Empirical research shows that intoxicated suspects are more likely to be arrested (Berk & Loseke, 1980-1981; Black, 1971; Brown & Frank, 2005; Dunham et al., 2005; Engel et al., 2000; Ericson, 1982; Friedrich, 1977; Lundman, 1974, 1994, 1996, 1998; Mastrofski et al., 1995; Reisig et al., 2004; Smith, 1987; Smith & Klein, 1984; Smith & Visher, 1981; Terrill, Paoline, & Manning, 2003; Worden, 1989; Worden & Pollitz, 1984). Arrests are often made when suspects exhibit a negative demeanor meaning they are disrespectful, noncompliant, or hostile, or their behavior escalates to the point of becoming physically resistant, even violent; all of these actions, among others, increase the seriousness of any situation (Brown, 1981; Engel et al., 2000; Lundman, 1994, 1996, 1998; Rubinstein, 1973; Westley, 1970). But the odds of arrest are greatest, Engel et al. (2000) argue, when intoxicated suspects disrespect the police in front of bystanders;

perhaps this is because officers have to demonstrate their control over the situation and discourage others from challenging their authority.<sup>30</sup>

Comparatively, intoxicated suspects are much more likely to disrespect officers over sober suspects (Reisig et al., 2004). But disrespect is just one way impaired persons can resist the police. Engel (2003) argues that resistance includes

not only physical aggression and other overtly hostile acts, but also verbal aggression (e.g., arguing with or cursing at an officer), noncompliance or statements that challenge officers' authority or legitimacy (e.g., denying an officer's accusation, questioning an officer's judgment, or refusing to respond to an officer's questions or requests), and general forms of disrespect (e.g., sarcasm, body language) (p. 477).

Evidence suggests that intoxicated suspects are more likely to resist police control (Crawford & Burns, 2002; Dunham et al., 2005; Engel, 2003; Kavanagh, 1997; White & Ready, 2010). Engel (2003) even found that substance use is the strongest predictor of all kinds of resistance (e.g., noncompliance, verbal aggression, physical aggression, disrespect), but Crawford and Burns (2002) note that the degree to which a suspect resists really depends on the types of substances ingested. They argue that those who use alcohol tend to resist violently, while those using illicit drugs resist more passively. Alpert and Dunham (1999), however, find that suspects under the influence of substances are no more likely to resist the police than sober citizens, but when they do, they actively resist, and even assault officers.

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<sup>30</sup> Disrespectful or hostile demeanor was defined as noncompliance (i.e., refusing to answer questions or cooperate with police requests) or verbal resistance (i.e., arguing or cursing at the officer).

Several studies purport that intoxicated suspects are much likelier to attack an officer during an encounter (Alpert & Dunham, 1999, 2004; Rabe-Hemp & Schuck, 2007; Stetser, 2001), but Kaminski and Sorensen (1995) find that they are less capable of successfully assaulting the police compared to sober individuals. Alpert and Dunham (2004) report that officers are no more likely to be injured in assaults by intoxicated suspects compared to sober suspects. Collectively, these studies suggest that intoxicated suspects may assault law enforcement more frequently, but are they are less capable of inflicting actual bodily harm.

Intoxicated suspects are also more likely to have coercive force used against them (Crawford & Burns, 1998, 2008; Dunham et al., 2005; Engel et al., 2000; Friedrich, 1980; Garner et al., 1996; Garner et al., 2002; Kaminski, Digiovanni, & Downs, 2004; Kavanagh, 1997; Terrill, 2005; Terrill & Mastrofski, 2004; Westley, 1970; Worden, 1995). Some studies report a negative relationship between intoxication and use of force (Alpert & Dunham, 1999, 2004; Bayley & Garofalo, 1989; Garner & Maxwell, 1999). There is evidence, however, that officers use varying types of force against suspects according to the substance(s) they consume. Crawford and Burns (1998), for example, find that officers are more likely to use lower levels of force (e.g., verbal commands) and least likely to use lethal force against suspects who are intoxicated from alcohol; but they use elevated levels of force (e.g., restraints, tactics, nonlethal weapons) against suspects under the influence of illicit drugs. Similarly, Kaminski et al. (2004) report that suspects under the influence of illicit drugs have greater levels of high and low types of force used against them than those impaired by alcohol.<sup>31</sup> Different types of force may be used

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<sup>31</sup> The variable for impairment combined drug and alcohol intoxication with mental illness. However, when this variable was disaggregated it produced this finding.



because certain nonlethal weapons are ineffective against intoxicated persons. For instance, Kaminski, Edwards, and Johnson (1999) discovered that OC spray was effective on suspects under the influence of alcohol, but not illicit drugs. Together, these studies suggest that officers may be more willing to use greater levels of force against suspects impaired from illicit drugs, but not alcohol. Perhaps this is because persons using certain types of substances may pose a greater threat to officers' and the public's safety, and require more stopping power (e.g., suspects who use strong hallucinogens like PCP).

In addition to encounters with intoxicated suspects, the literature describes the way officers handle interactions with intoxicated victims. However, what we know about these incidents largely derives from older ethnographic work. These studies consistently show that drunk victims were not afforded the same treatment that the relatively harmless drunk suspects enjoyed. Brown (1981) noted that the police were generally unsympathetic toward the plight of intoxicated victims. Due to victims' impaired state, officers felt they could not adequately or fairly determine whether the suspect or the victim was the true culprit. It was common for officers to not take reports, take as little action as possible, or simply ignore the problem (Brown, 1981; Rubinstein, 1973). One empirical study examines police response to intoxicated victims and reports that officers are significantly less likely to fulfill a citizen's request for police action when they are under the influence (Mastrofski et al., 2000).

Although we have some understanding of the way officers handle encounters with intoxicated suspects and, to an even lesser extent, victims, little is known about the frequency with which the police deal with these types of situations. Only one study has empirically examined how often the police become involved in encounters with

intoxicated citizens (see McClelland & Teplin, 2001). They find that 34% of police-citizen encounters (n=1,236) involved alcohol; about 25.6% of suspects and 7.4% of victims were intoxicated when they made contact with the police. The rate of alcohol involvement was highest for public order/vandalism encounters (e.g., urinating in public, public drunkenness, disorderly behavior, noise violations), followed by violent encounters. However, after controlling for individual-characteristics, suspects in violent encounters were almost twice as likely to be intoxicated compared to suspects in nonviolent incidents. They also examined victim intoxication across different offense types and discovered that victims of violent encounters were six times more likely to be intoxicated than victims of nonviolent crimes. They concluded that intoxication is more strongly associated with being violently victimized over perpetrating violence, and alcohol intoxication more negatively affects groups who are generally less vulnerable to violent victimization such as whites, males, older persons, and people with a higher socio-economic status.

Other indicators of the nature and extent of police-intoxicated citizen encounters derive from the Arrestee Drug Abuse Monitoring Program (ADAM) and the Survey of Deaths in Custody Reporting Program (DCRP).<sup>32</sup> Collectively, these datasets provide information on arrestees who were under the influence of drugs and/or alcohol at the time of the offense.

Data from the 1998 ADAM Program report that out of 9,242 male and 2,594 female arrestees, 22% of men and 16% of women were under the influence of alcohol at

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<sup>32</sup> ADAM data are collected from arrestees at the time or shortly after they are booked into jail by the police. The DCRP reports the percentage of intoxicated suspects who died in the custody of the police (i.e., arrest-related death). Both datasets are valid indicators of encounters between the police and intoxicated suspects, although they only capture incidents that resulted in arrest. Therefore, the rate of encounters involving intoxicated suspects who were not arrested remains a dark figure.

the time of their offense (Martin & Bryant, 2001). Looking at the type of crime committed, both men and women more often drank prior to committing violent crimes (57% and 44% respectively), over property offenses (52% and 36% respectively). The 2010 ADAM II data indicate that of all sampled adult male arrestees (n=5,516) more than 60% in nine of ten sites and as much as 80% in two sites were under the influence of drugs at the time of their arrest; information on alcohol was not collected (ONDCP, 2011). Marijuana was the most commonly detected illicit substance, followed by cocaine.<sup>33</sup>

The latest report from the 2003 and 2009 DCRP revealed that approximately 11% of reported arrest-related deaths (n=4,813) were due to intoxication (Burch, 2011); this was the third largest category behind homicide and suicide.<sup>34</sup> Intoxicated suspects who died in police custody were predominately black (41%); whites and Hispanics, respectively, accounted for 34% and 21% of deaths. Impaired females had a higher percentage of arrest-related deaths than impaired males (16% and 11% respectively). Suspects ages 25-44 accounted for 70% of all intoxicated deaths in police custody. The crimes committed by intoxicated suspects who died in police custody were as follows:

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<sup>33</sup> ADAM II data is a continuation of the ADAM program (2000-2003) which reports statistical significance of changes from year to year that ADAM did not and also makes improvements in estimation methodology. Since 2007, data on drug use by arrestees has been collected in ten sites (Atlanta, GA; Charlotte, NC; Chicago, IL; Denver, CO; Indianapolis, IN; Minneapolis, MN; New York, NY; Portland, OR; Sacramento, CA; Washington, DC), yielding 18,000 interviews representing more than 135,000 arrests.

Data is collected through 20-25 minute interviews, urinalysis samples, booking information on the arrestee, and information on all persons arrested in the 14 day data collection periods (i.e., the “census” data). The benefit of ADAM data is that it captures persons as they enter the criminal justice system. The samples of arrestees are comprised of males arrested during 24-hour periods during the 14 day collection time. Persons eligible for the study are males over the age of 18 arrested within the county jurisdiction of study at the time of data collection and 48 hours prior.

<sup>34</sup> It should be noted that the data does not distinguish between alcohol and drug intoxication.

violent (27.2%), property (11.4%), drug (20.2%), public-order (24.2%), no criminal charges intended (9.0%), and offense not reported (8.0%).<sup>35,36,37</sup>

Together, the ADAM and DCRP provide some indication of the extent to which the police encounter intoxicated suspects, as the data were gathered shortly after suspects were arrested. The cumulative findings draw some important conclusions: (1) the police frequently come into contact with intoxicated suspects; (2) the police frequently arrest intoxicated suspects; (3) there is a strong association between suspect intoxication and offending; and (4) the police more often apprehend intoxicated citizens for violent crimes over property, drug, and public order offenses. Although the main cause of arrest cannot be derived from the sources mentioned above, it can be inferred that the legal seriousness of the committed offense is a leading reason for arrest. It is clear, however, that intoxication, crime commission, and police contacts are broadly linked.

### **Discussion**

This review explored various factors that influence the dynamics of police-citizen encounters. Neighborhood and legal factors are arguably two of the most important variables impacting officer decision making. At the neighborhood-level, research shows that police work varies across different contexts; the police are more aggressive in socially disadvantaged communities which also happen to have higher crime rates and a larger minority population. This suggests then that race and social class affects officers' actions, but as Weitzer (1999) explains: because law enforcement practices and citizens'

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<sup>35</sup> Violent offenses include homicide, sexual assault, robbery, assault, and other violent crimes. Of the violent offenses, assaults account for 23.6% of the violent offenses committed by intoxicated suspects who suffered an arrest-related death.

<sup>36</sup> Property offenses included burglary, larceny, motor vehicle theft, and other property crimes.

<sup>37</sup> Public-order offenses included obstruction of justice, weapons, traffic violations (i.e., driving while intoxicated), drunkenness/disorderly conduct, and other public-order crimes. The majority of public-order offenses committed by intoxicated suspects who suffered an arrest-related death were drunkenness/disorderly conduct offenses (10.3%).

perceptions of the police are the same in both middle-class black and middle-class white neighborhoods, perhaps social class matters more than race. In other words, race may be negated by other neighborhood effects, namely social class. But research on the effect of race in police-citizen encounters shows that it is an important predictor of police action, especially the formation of suspicion. However, while the police may be more suspicious of minorities, research shows that the former are no more likely to act against the latter. Future research should aim to understand why minorities are viewed more suspiciously in order to disentangle race effects from other variables that may better explain officer behavior in encounters.

Legal factors are equally important because they help determine probable cause, define what is criminal, and whether arrest is mandatory. For example, for serious offenses like homicide and armed robbery, officers have little discretion in their decision making because the law demands that individuals who commit these crimes be arrested. In cases involving less serious offenses, the police have greater amounts of discretion, which, arguably, makes officer decision making more susceptible to the influence of extralegal variables.

As for extralegal variables, demeanor is one that consistently predicts officer and citizen behavior, with the exception of two studies that downplay its significance (see Klinger, 1994, 1996). There are, however, notable limitations to this line of research. The major drawback is the differential conceptualization of demeanor. Researchers should typologize demeanor in order to capture its many forms (e.g., disrespect, noncompliance, hostility, resistance, verbal aggression); this will result in a clearer understanding about how different types of demeanor affect police-citizen encounters. Another limitation to

this literature is that studies, with the exception of Dunham and Alpert (2009), only measure demeanor initially; Klinger (1996) observed demeanor during encounters, but subsequently dropped it from analyses. It is important to capture changes in demeanor throughout interactions since it is not stable, as Dunham and Alpert (2009) show counter to Klinger's (1994) claim.

Extralegal variables with perhaps less explanatory power are sex, age, and victim-related factors because the findings are mixed; this may be why relatively few studies examine them. The same is true for the role of mental impairment in police-citizen encounters. Mental illness appears to be an important predictor of contacts with the police, but seems to not affect the likelihood of arrest, as police generally find alternative ways to deal with such individuals. Future research should continue to examine the importance of mental impairment in police decision making.

Regarding intoxication, the research tends to show that the police handle encounters with impaired suspects differently than sober ones, but suspects under the influence may also behave differently than sober suspects. What exactly explains these differences remains unclear. As discussed extensively in the last chapter and briefly here, we know that drug and alcohol consumption increases chances of offending and victimization (Goldstein, 1985; McClelland & Teplin, 2001; Parent & Newman, 1999), leads to aggressiveness in some persons (Fagan, 1990; Graham et al., 2000; Steele & Josephs, 1990), and impairs cognitive and physical functioning (Peterson et al., 1990); all of which increase the odds that an intoxicated person comes into contact with the police, is subject to force, resists, or assaults officers. However, without detailed descriptions of officer and suspect behavior, the actual offense, type of intoxication, and other situational

influences, it is difficult to extrapolate findings and determine, especially for less serious crimes (i.e., those without mandatory arrest policies), why some intoxicated suspects receive more severe police action and others do not.

One way to address this limitation is to distinguish between drug and alcohol impairment; most studies only examine suspects' alcohol or drug/alcohol intoxication (for two exceptions see Crawford & Burns, 1998; Kaminski et al., 2004).<sup>38</sup> The two exceptional studies, however, only consider alcohol versus drug intoxication, without considering different types of illicit drugs. The danger in this is that different substances elicit different effects (Fagan, 1990). For example, marijuana and opiates can cause mild euphoria and relaxation, which suppresses hostility and aggression, thereby minimizing risks for violence; cocaine (crack included) and methamphetamine can cause irritability, delirium, hyperawareness, and physical aggression, which increases violent tendencies (Fagan, 1990; Gold & Tullis, 1999; Jaffe & Jaffe, 1999). Alcohol, however, is the substance most frequently associated with violence and aggressiveness (Boles & Miotto, 2003; Parker & Auerhan, 1998). Therefore, when lumped together, the effects of both drugs and alcohol in police-intoxicated citizen encounters may be over- or underestimated. Illicit drug intoxication should at the very least measure each of the major drug types (e.g., cocaine/crack, heroin, methamphetamine, marijuana, ecstasy, LSD).

Research should also consider how different crimes involving drugs and alcohol differentially affect police-citizen encounters; as it stands, the current body of literature strictly focuses on the way intoxication impacts officer and suspect behavior and not the

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<sup>38</sup> Note, however, that although Kaminski et al. (2004) measure impairment as drug vs. alcohol intoxication, they fail to account for different types of drugs.

interaction of legal factors and intoxication on outcomes.<sup>39</sup> The nature of police-citizen encounters involving drugs and alcohol can take many forms. For example, an officer may witness a street corner drug deal, so he/she stops the buyer and seller to question them and make an arrest. Perhaps an officer spots a driver swerve off the road and upon stopping the vehicle discovers that the person is highly intoxicated. Maybe two drunk men get into a brawl outside a bar and the police step in to stop the fight. Or a minor is caught consuming alcohol underage at a party.

Though drugs or alcohol are present in each of the above scenarios, the mechanism of involvement differs, as well as their legal seriousness. For these reasons it is important for researchers to consider how different crimes involving drugs or alcohol differentially affect the way officers handle and suspects behave in encounters. The more serious the drug or alcohol crime, presumably the less discretion officers will have; therefore, we can expect that their decision making is mostly influenced by the crime itself, meaning it is guided by a legal mandate for arrest. Suspects who commit more serious crimes involving drugs or alcohol arguably have more to lose if caught by the police, so it may be that in more serious incidents, suspects are more hostile and resistant

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<sup>39</sup> As described in the previous chapter, drugs and alcohol are broadly related to crime in two ways. *Drug and alcohol crime* refers to offenses related to possession, consumption, distribution, and manufacturing; this includes driving under the influence (DUI), illicit drug use, illicit drug and alcohol production, among others. Then there is *drug- and alcohol-related crime*. Goldstein (1985) conceptualized three distinct ways drugs and alcohol are related to violence, though they apply to nonviolent offenses like fraud, theft, destruction, harassment, and disorder as well. The *psychopharmacological* model suggests that the ingestion of substances makes crime more likely. *Economic-compulsive* is when someone commits a crime to get money for drugs or alcohol; they may also illegally take the substances. *Systemic* crime results from involvement in an illicit drug marketplace wherein participants (e.g., buyers, sellers, users) lose access to law, increasing chances for victimization and retaliation. Therefore, encounters involving either substance should first be classified as a drug or alcohol crime or drug- and alcohol-related crime. Then further typologizing should be done to the encounters to indicate which type of drug or alcohol crime or drug- and alcohol-related crime it is. This is essential for obtaining more nuanced findings as each of these crimes differ in their seriousness—some are victimless, some violent, and some nonviolent—so we can expect then that officer decision making will vary for each type, as arrest may be mandated for one criminal incident and not another.



in an effort to escape police custody. And perhaps the more serious the drug or alcohol offense, the less impact extralegal variables have on officer decision making; also, depending on the crime, the impact of intoxication may be secondary to the offense itself. Because the current literature is mainly focused on intoxication, findings fail to disentangle the effects of suspect intoxication from the legal seriousness of an offense on police action, and to describe how the police handle encounters involving drugs and alcohol more broadly.

### **Campus Police**

Campus police are the individuals responsible for controlling crimes on college and university campuses. While prior literature has examined the nature and extent of crimes that campus police handle, including those related to alcohol, few studies have focused on how officers actually deal with them. In fact, much of what we know about campus police behavior must be inferred from research with their municipal counterparts. This section describes what we know about campus police and why a study of their encounters with citizens, especially those involving alcohol, is an important avenue for empirical inquiry.

#### **What We Know About Campus Policing**

As the number of universities and colleges and student enrollment rates have grown over time, campus police has evolved into its own unique institution (Sloan, 1992). But during the 1930s and 1940s, campus police officers acted more as “night watchmen” whose primary duties were to protect property, secure facilities, and respond to break-ins and vandalisms (Fisher & Sloan, 2007; Sloan, 1992). These duties were—and still are—essential for reducing university expenditures incurred from criminal

activity. A secondary duty was to patrol campus for violations of the student code of conduct (Fisher & Sloan, 2007).

By the late 1960s and early 1970s, campus police, as we know them today, were officially established in the wake of student protests across campuses (Sloan, 1992; Fisher & Sloan, 2007). University administrators formed campus police forces by selecting experienced officers from municipal departments to develop, staff, and oversee campus enforcement operations (Fisher & Sloan, 2007). These newly established campus departments emulated the organizational and operational styles of municipalities, which helped to professionalize and legitimize them (Bromley & Reaves, 1998, 1999; Fisher & Sloan, 2007; Paoline & Sloan, 2003; Reaves & Goldberg, 1996; Sloan, 1992). To further support the development of campus police agencies, states passed laws authorizing colleges and universities to staff their departments with sworn officers (Bordner & Peterson, 2001). Therefore, new officer recruits were required to become POST (Peace Officer Standards Training) certified, granting them the same police powers as officers in municipal departments (Fisher & Sloan, 2007; Sloan, 1992). Campus officers were issued distinct uniforms with badges and carried weapons and handcuffs like municipal officers (Sloan, 1992). It was during this era that campus officers began acting more as public servants (see Wilson, 1968, p. 200), although they continued the role of night watchmen by protecting university property (Bromley, 2007).

From the late 1980s to the early 1990s, however, campus police experienced a period of change following media reports that the reason behind burgeoning campus crime rates was lax security practices. In particular, the murder of freshman Jeanne Ann Clery in 1986 propelled the issue of campus safety to the forefront (Sloan & Fisher,

2011). Clery was brutally raped, tortured, and strangled to death while asleep in her dorm room by a man, with whom she was not acquainted, who entered her room in an attempt to burglarize it (Carter & Bath, 2007). Reports stated that the perpetrator was able to access Clery's room because several of the building's doors had been propped open and left unlock. Soon thereafter, universities, including campus police, were required to implement policies ensuring the safety and security of students (e.g., *Student Right to Know and Campus Security Act of 1990*) (Sloan & Fisher, 2011). Moreover, during this era many campus police departments adopted a community oriented policing approach in order to better identify crime problems and foster relationships between the police and campus community (Bromley, 2007; Fisher & Sloan, 2007). In effect, campus law enforcement became much more proactive, perhaps even more so than municipal departments (Sloan & Lanier, 2007; Trojanowicz & Carter, 1988).

Today, campus law enforcement departments are far reaching, though "there is a wide variance in the number, role, structure, and professionalism of security and police operations occurring on college and university campuses" (COPS, 2005). Nevertheless, the most recent estimates from 2004-2005 indicate that about three-quarters of campus police agencies at 4-year institutions with 2,500 or more students have sworn personnel (Reaves, 2008). Furthermore, many campus police departments have become highly trained, adopting the same weapons (e.g., handguns, pepper spray, tasers, batons) and law enforcement tactics/skills (e.g., active shooter training, self-defense, high-visibility policing, chemical weapons protection) as municipalities. This serves the purposes of protecting against internal and external threats (i.e., threats from both students and nonstudents) and enforcing state and local laws (Bromley, 1995; Sloan & Fisher, 2011).

Other duties campus police are now expected to perform include ensuring the security of computer networks housing personal records of students, faculty, and staff; providing escort services; and maintaining emergency callboxes/telephones (Bromley, 1995; Sloan & Fisher, 2011).

### **How Campus Police Work is Unique**

As reviewed above, campus police possess the same traditional police powers as municipal departments, and emulate their organizational and operational styles (Bromley & Reaves, 1998, 1999; Fisher & Sloan, 2007; Paoline & Sloan, 2003; Reaves & Goldberg, 1996; Sloan, 1992). However, there are two major differences in the nature of campus police work that can impact their actions: the demographic makeup of the campus community and administrative pressure on campus law enforcement.

Comparatively, campus police patrol homogenous populations of 18-24 year old college students (Miller & Pan, 1987), three quarters of whom are not old enough to drink legally, though nearly four out five do (CSACU, 1994; NIAAA, 2002). This high rate of student alcohol consumption means, by logical implication, that campus police may deal with a high frequency of both alcohol crimes (e.g., underage consumption/possession, DUI, fake ID use/possession, public drunkenness) and alcohol-related crimes (e.g., assault, robbery, theft) (see chapter 2). It is plausible then that campus police may spend a greater portion of their time dealing with crimes involving alcohol as compared to municipal officers. Perhaps the frequency with which campus officers deal with crimes related to alcohol influences how they handle such incidents.

The other difference between municipal police and campus officers is the latter must perform in accordance with the expectations of university administrators who

generally resist aggressive enforcement, including severe sanctioning (Wolf, 1998; Wolf, Mesloh, & Henych, 2007). Administrators restrict police activity so that students will not be dissuaded from attending a university with a reputation of overzealously enforcing the law and its own policies. At the same time, however, campus police must control crime, as otherwise it can damage the school's image and discourage student enrollment (Carr & Ward, 2006; CSACU, 1994; Fisher & Nasar, 1992). As a result, campus police may be constrained in terms of the quantity and severity of their enforcement actions, including those for crimes involving alcohol.

### **Looking Forward**

What we know about campus police is limited. Much of what we know about how campus officer handle encounters with citizens is inferential, based on findings on municipal police. This is problematic because the context in which campus officers enforce the law and the controls to which they are subjected differ. But do campus police behave differently? Though the major purpose of this study is not to answer this question, the findings to come should shed light on differences and similarities in their actions, in particular their sanctioning decisions, relative to municipal police. The results may have implications for campus police practices and the development of university policies, including those related to student alcohol consumption.

## CHAPTER 4

### THE PRESENT STUDY: RESEARCH QUESTIONS, METHOD, & DATA

#### **Research Questions**

Previous research has examined the role of alcohol in crime and the factors affecting police-citizen encounters between municipal officers and the general public. However, it is unknown whether the police deal with alcohol crime and related incidents differently in the campus context. What do campus police officers think about crime generally and as relates specifically to alcohol? How do they handle incidents, and why? Thus, the following research questions guide the chapters to come:

1. What do officers perceive as the most serious and least serious crimes they have handled on campus? This is examined in chapter 5.
2. What factors determine how severely officers sanction traffic offenses, as these are the most common crime type they handle? This is the topic of chapter 6.
3. For alcohol crimes and alcohol-related crimes, why do officers arrest suspects or sanction them less severely? This is the focus of chapters 7 and 8, respectively.

The remainder of this chapter describes the research design and resultant data used to address these questions.

## Research Design & Method

The purpose of this study is to increase our theoretical and empirical understanding of the way campus police handle encounters with citizens, especially those in which alcohol is involved. The following chapter describes the research design and method used to study these encounters.

### Study Locale

The data for this study were collected by observing and interviewing campus police officers at the Division of Law Enforcement and Safety (DLES) at the University of South Carolina (USC), Columbia campus.<sup>40</sup> Access to DLES was granted by its Director, and instruments were approved by the University of South Carolina Institutional Review Board. Data collection began in January 2011 and continued through April 2012, during the fall and spring semesters.

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<sup>40</sup> This study's findings may not necessarily be extrapolated to other contexts. There are regional differences in alcohol consumption that affect its connection to crime and how it is policed. The National Health Interview Survey (NHIS), for example, finds that in 2011 the rates of any drinking for persons 18 and over in the South were one-and-a-half times or double that of, respectively, the Midwest and the West, and the Northeast (Schiller, Lucas, & Peregoy, 2012). Differences in current drinking rates among adults 18 and over—defined as having at least 12 drinks in the past year—though, were not as striking: 23,053 (Northeast); 28,669 (Midwest); 38,471 (South); and 27,619 (West) (Schiller et al., 2012). Kerr (2010), however, using 2005-2006 NSDUH data found that rates of any drinking among persons 12 years and older were the lowest in the Dry South (Alabama, Arkansas, Georgia, Indiana, Kentucky, Mississippi, Oklahoma, Tennessee, Utah, Virginia, West Virginia) compared to Moderate and Wet states; Kerr determined whether a state was West, Moderate, or Dry by the proportion of heavy drinkers and *per capita* consumption of alcohol, as well as other measures. Note, Florida, South Carolina, and Texas were considered Moderate states. Kerr also examined the binge drinking rates of persons 18 and over across all the states using 2007 Behavior Risk Factors Surveillance System (BRFSS) data and discovered that South Carolina's rate specifically was lower than that of the U.S. as a whole. Moreover, the 2005-2006 NSDUH data showed that among 18-25 year olds, the highest reported rates of drinking occur in the New England states and some Middle Atlantic states (New Jersey, Delaware, Pennsylvania). Additionally, the United States has an interesting history with alcohol that is somewhat distinct from that of other countries. For instance, the United States experienced an era of prohibition in which alcohol was outlawed, thereby increasing alcohol-related violence. And specific to the campus context, compared to other countries fraternities and sororities are almost exclusive to the United States, with the exception of the Philippines and some European countries (QS, 2013). This is noteworthy because such members tend to have higher reported rates of drinking, especially binge drinking, as compared to other same-aged students and nonstudents.

The Division of Law Enforcement and Safety is a police department with four major operational units: field services, investigations, administration, and community relations. Data were gathered from officers working in the field services unit, also known as the patrol division. This unit is responsible for responding to calls for service and proactively patrolling campus—which sprawls over 570 acres—by vehicle, bicycle, and foot. The patrol division operates with between 25 to 35 officers at any given time; this includes a supervising staff of a Major, Lieutenant, four Sergeants, and four Corporals. The patrol officers (POs) are divided among four teams, each of which is supervised by one of the four Sergeants and Corporals. The teams work 12-hour shifts, with two teams working on any given day.

Columbia is the state’s capital and largest city with a population of about 130,000 (USCB, 2010). The city’s racial makeup is 51.7% white, 42.2% black, and 6.1% other. Males and females account for 51.5% and 48.5% of the population respectively. The median household income from 2006-2010 was \$38,272. The University of South Carolina at its main campus in Columbia has about 1,604 full-time faculty members and 30,000 enrolled students. More than 22,000 students are undergraduates. Almost 30% of all students live on campus. About 71% of the student body is white, 11% black, 3% Hispanic, and 15% other. Males and females account for 42% and 53% of the student population, respectively; 5% is unaccounted. Given the topic of this study, noteworthy is that The Princeton Review ranked USC-Columbia as one of the top 20 “party schools” for 2012 (CBS News, 2012).

The most recent annual campus crime statistics show police investigated the following number of incidents reported to them in 2011: 10 harassment/stalking cases, 10



sexual assaults, 6 cases of relationship violence, 1 forcible sex offense, 2 robberies, 8 aggravated assaults, 113 burglaries, and 22 motor vehicle thefts. Campus police made 42 and 113 arrests for liquor and drug law violations, respectively. USC-Columbia also punishes students by meting out “disciplinary actions,” such as requiring participation in a drug/alcohol awareness course; this process begins with a referral by campus police to the Department of Judicial Affairs. In 2011, there were 1,220 and 215 disciplinary actions for liquor and drug law violations, respectively. Yet because only the most serious disciplinary action is reported when multiple sanction types are handed out, there surely were far more violations than suggested by those statistics; this rule of reporting, known as the Hierarchy Rule, is outlined in the Clery Act—a law requiring colleges and universities to disclose campus crime statistics and security information.

Statistics may underestimate the extent of liquor and drug law violations on campus for three reasons: (1) if a student commits more than one liquor or drug law violation at a time, only the sanction for the more serious offense is reported (e.g., if a student is arrested for possession of marijuana and given a disciplinary for underage drinking, only the arrest is reported); (2) certain alcohol crimes such as public drunkenness and DUI are not classified as liquor law violations, so they are not at all reflected in campus crime statistics; (3) the majority of crimes generally do not come to the attention of law enforcement; and (4) many crimes go unreported altogether, leading to a dark figure of crime. Given these three points as well as the high rates of student drinking and university crime related to alcohol, the reported frequency of both liquor and drug law violations may, arguably, be lower than in actuality.

## **Sampling**

The unit of analysis in this study is the police-citizen encounter, which is best understood as a sequence of events (Dunham & Alpert, 2009). An encounter begins when an officer first comes into contact with a suspect or victim, and ends when the individuals part ways. However, because this study's dependent variable is officers' sanctioning of suspects, each of the police-citizen encounters included in the sample involves an officer and a suspect (as this is logically necessary to sanction), but only sometimes a victim and/or bystanders.

The sample of encounters was built as the researcher completed "ride-alongs" with USC-Columbia patrol officers; the population of encounters is all encounters that were handled during the year. It was necessary to take only a sample of encounters, because it is unfeasible for the lone researcher to observe all encounters.

During ride-alongs, field officers were observed and information about their actions was recorded while they patrolled and responded to incidents. Observations were limited to vehicular patrols, for the most part; there were, however, encounters where the participant officer responded as back-up to an officer on foot or by bicycle. Each ride-along took place over a seven hour time frame in the late evening and early morning of Thursdays, Fridays, and Saturdays because these are the nights with the most alcohol-related activity (see for example, McClelland & Teplin, 2001; Sloan & Fisher, 2011). A total of 30 ride-alongs was completed. Over these 30 observation periods, which were chosen out of convenience, the researcher collected information on a total of 103 police-citizen encounters.

For each night the researcher completed a ride-along, she attended roll call. At the conclusion of roll call, the supervising officer (Corporal, Sergeant, Lieutenant, or Major) assigned the researcher to ride along with an officer on that shift. Thus, the sample was generated in a convenient but non-probabilistic method.

Although not directly relevant to the current study, the purpose of this sampling technique was to see if there were patterns in the way supervisors assigned officers to the research; if so, there are implications for this study as well as other observational studies of the police (see Allen, 2011). Researchers who study the police through observations typically gather their samples by first randomly selecting police beats and then randomly selecting shifts within the chosen beats; this type of research is termed systematic social observation (SSO) (see e.g., Mastrofski et al., 2002). The researcher rides with the officer who is assigned to the beat on a given shift. But officers may not be randomly distributed across beats. SSO researchers fail to consider that certain officers may be assigned to particular beats on the basis of personal characteristics. Moskos (2008), for example, found that rookie officers in the Baltimore Police Department were more often assigned to high crime beats as compared to more senior officers; rookie officers have been described as more impulsive, aggressive, and quicker to react than older, more seasoned officers (Doerner & Ho, 1994; see also Brown, 1981; Wilson & Boland, 1978) (for an exception see Alpert & Dunham, 2004). Thus, gathering samples based on a random selection of beats may be problematic because research has identified differences in behavior among officers based on characteristics like race, gender, length of service, and educational background (see Worden, 1995; also see Alpert & Dunham, 2004; Balch, 1972; Skolnick, 1994). In other words, there may be something about officers selected or

assigned to research that differs from those who are not. Findings of SSO studies, therefore, may not be representative of the shifts, beats, and departments under study and may actually over- or under-estimate the quantity and severity of policing. To explore this possibility, this study collected data on the aforementioned characteristics for all officers working a particular shift in order to see if certain officers were more or less likely to be assigned to the research, and to theorize the effect of such assignments on the study's findings (see Allen, 2011).

Conducting the research in a convenient and non-probabilistic way introduces potential problems. The study's internal validity may be compromised because there may be something about the officers assigned to the ride-alongs that differs from officers not chosen. Ultimately, however, data were recorded for the responding officer, who is not always the participant officer, so the size of this threat to internal validity is restricted, at least to a degree.

Prior to any assignment the supervisor was informed that the assigned officer could at any time choose not to participate in the study. The researcher also reiterated to the selected officer that participation in the study was voluntary, and that at any point they could terminate the ride-along. In addition, the researcher made clear to the officer that there were no negative ramifications for nonparticipation or early termination.

The sample consisted of 16 officers. No assigned officer refused to participate or terminated the ride-along early. Seventy-five percent of the sample was white, 12% black, and 12% Hispanic. About two-thirds of the sample were males. Officers' ages ranged from 22 to 46. More than 80% had a 4-year college degree. About 56% and 44% are single with no children and married with children, respectively. Only one in five

officers has ever worked for another law enforcement agency. The number of years worked for DLES ranged from zero to ten years.

### **Data Collection**

Both quantitative and qualitative data were collected during ride-alongs with officers. This method was modeled after other well-known observational studies on the police (e.g., the Project on Policing Neighborhoods (POPEN)) (Mastrofski, Parks, Reiss, & Worden, 1998). The quantitative data are used to generate numerical descriptions (e.g., frequency tables) of encounters. The qualitative data are used to describe how officers and citizens act in encounters and to develop theoretical understanding of their behavior.

Quantitative and qualitative data were each collected by observing and interviewing officers. The *observation data* pertain to police-citizen encounters; this information is based on what the researcher viewed and heard at the scene, as well as what she was told by officers during debriefings that followed the conclusion of encounters. *Interview data* concern officers' perceptions of crime; this information was collected during an audio-recorded conversation between the participant-officer and the researcher (and does not apply specifically to any given encounter).

The observation data include both the dependent and independent variables of interest, as identified in the prior research on police-citizen encounters with municipal officers (described in detail below). The interview data are used to describe officers' perceptions, and to help explain their handling of different campus crimes. The observation and interview data are used in conjunction throughout the study to identify and elucidate overlap and inconsistencies in what officers believe versus what they actually do; more is said about this in the section on triangulation.

With any study based on observations and interviews, there is the possibility that internal validity may be compromised if participants altered their behavior in front of the researcher, resorted to lying or distortion, or were incapable of sufficiently recalling past incidents asked about in interviews. The researcher took active steps to minimize these problems. For one, all participants were promised confidentiality. It was made clear to them that they could choose not to discuss anything with which they felt uncomfortable. Participants were probed for details to help them recall prior events and shed light on unusual or unfounded responses. Despite these safeguards, it is possible that some participants lied, distorted the truth, or altered their behavior.

**Observations.** As just mentioned, the observation data concern police-citizen encounters. With the aid of a checklist, the researcher collected information throughout the course of the encounter. Information was recorded on (1) the dependent variable: how an officer sanctioned a suspect; (2) legal factors; (3) structural factors; (4) and suspect and victim characteristics (see *Observation Guide*, Appendix A).

When the police encountered a suspect or victim, the researcher first recorded whether the response was proactive or reactive, the location of the offense as well as the location of response (as the two may be distinct), and the reason for the response as specified by the responding officer (as this is not always motivated by the offense). Then the researcher noted the number of suspects, victims, bystanders, and other officers at the scene.

For each suspect and victim present at the scene, the researcher documented the following: age; sex; race; demeanor; affiliation with the university as a student, faculty/staff member, or neither of these roles; appeared under the influence of alcohol,

marijuana, hard drugs, or no substance. Assuming a victim was present, their relationship to the offender was noted. Each of the characteristics named was recorded based on officers' knowledge or perceptions. Rather than rely on the researchers' knowledge or perceptions, that of officers is used because (1) they may know more about suspects' and victims' demographic information by viewing their identification cards, and (2) their perceptions of suspects and victims will more heavily impact their discretionary decision making.

The researcher also documented whether an alcohol or alcohol-related crime appeared to have been committed; if so, which type (e.g., underage drinking, DUI, psychopharmacological theft/fraud/sexual assault); whether a first-responder was called; and, if hospitalization was required.<sup>41</sup>

Oftentimes the participant-officer and responding officer was one in the same, but not always. Because this study's dependent variable is the sanctioning of suspects, which responding officers are responsible for doing, the observational data focus on the characteristics of the responding officer. Thus, the sample of officers included in the encounter-level data is larger than the aforementioned sample of 16 participant officers. A total of 26 responding officers are included in the observation data.

As encounters unfolded, the researcher also recorded qualitative accounts bearing on the demeanor of officers, suspects, victims, and bystanders, and also their body

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<sup>41</sup> A first responder is an Emergency Medical Technician (EMT) who responds to urgent medical and all 911 calls on campus. Campus police will dispatch a first responder to the scene when suspects or victims need medical attention or suffer adverse effects from being under the influence of drugs or alcohol. When the first responder arrives to the scene, they assess the individual's condition. In cases involving persons under the influence, they take their vitals and ask them a series of questions that they are expected to know and answer in an effort to determine their level of intoxication; examples include who is the President of the United States; what is your name; where are you from; how old are you; how fingers am I holding up; what is your current location? Based on the person's vitals and their ability to answer the questions, the first responder may dispatch a local EMT to have the person transferred to a local hospital to receive further care.

language, posturing, positioning, and words exchanged between everyone at the scene throughout the duration of the interaction.

**Debriefings.** Shortly after the completion of an encounter, the researcher debriefed the responding officer, which amounts to a short focused interview. Officers were asked to explain why they handled the incident as they did and describe their perceptions of citizens' (suspects, victims, and bystanders) demeanor and behavior.

**Interviews.** Interviews with participant-officers were audio-recorded and typically lasted 30 minutes. Questions followed an open-ended interview protocol. Information was recorded on officers' perceptions of general crimes vs. crimes involving alcohol (see *Interview Guide*, Appendix B), which is described below in detail.

Participants were asked about their perceptions of general versus alcohol crimes in two parts. The first part is open-ended and asked officers to describe the most serious and least serious crimes they have dealt with on campus generally, and to explain why they believe them to be that serious. The researcher then asked participants how often they think the crimes they identified as the most serious and least serious occur on campus.

For the second part, officers were asked to describe the most serious and least serious alcohol crimes (e.g., DUI, underage drinking, fake ID possession, public drunkenness) they have handled on campus. Then they were asked to explain why each offense is that level of seriousness. As with the part on general crimes, officers were asked how frequently the alcohol crimes they identified as the most serious and least serious occur.



## Quantitative Measures

**Observations.** Quantitative data collected through observations of police-citizen encounters provide measures of both the dependent and independent variables of interest to this study. These measures are used for generating descriptive statistics of the campus police-citizen encounters.

**Dependent variable.** The dependent variable is how severely an officer sanctioned a suspect in any given police-citizen encounter. Officers used seven different levels of sanction, which are described below.

Encounters in which officers did not sanction suspects in any of the ways discussed below are classified as “no sanction.” More specifically, these are incidents where officers interacted with suspects, but made no formal documentation of the encounter nor verbally warned them that continuing the behavior would result in a more severe sanction if officers were mobilized again. A verbal warning is an oral notice to a suspect that should they continue the behavior that drew the attention of law enforcement, a sanction would be given. Suspect’s information/trespass refers to instances where officers recorded a suspect’s name, basic demographic information, and, if applicable, home or local address, or placed the individual under a “trespass,” meaning if they stepped onto university property—without being accompanied by someone affiliated with the university—they could be arrested.<sup>42</sup> A written warning documents a suspect’s information including the offense that they were suspected of committing (this is not done with “suspect’s information/trespass); this form of sanction carries no financial or legal penalty, but increases the odds of being more severely sanctioned should another

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<sup>42</sup> Note that information and trespass are distinct; a suspect may have their information taken by officers, but not be placed under trespass.

offense be committed. Student disciplinarys are given to university students who violate university policy; they are drawn up by campus police officers and forwarded on to the Office of Student Conduct.<sup>43</sup> A written citation documents the suspect's information and notifies the suspect of the charge(s) against them; when a suspect is cited, they are required to go to court to pay a fine and/or appear before the judge. Arrest is a when a suspect is placed in the custody of the police and taken to jail. *Sanction severity*, then, was operationalized with seven levels ranging from least to most severe: no sanction (=0), verbal warning (=1), suspect's information/ trespass (=2), written warning (=3), student disciplinary (=4), written citation (=5), or arrest (=6).<sup>44</sup>

A second way of examining the distribution of sanctions was to dichotomize sanction severity in order to compare sanctions handled by the university (=0) versus the criminal justice system (=1). University-specific sanctions include no sanction, verbal warning, information/trespass, written warning, and student disciplinary. These sanctions are grouped together because while each is documented, they do not carry a fine and are not handled by the court system. Criminal justice system sanctions include written citation and arrest, because they are managed by the city's criminal justice system and, therefore, have implications beyond USC like fines or jail time.

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<sup>43</sup> The "Office" then notifies the student that they must attend a meeting to determine if there is enough information or evidence of a violation to warrant punishment. If there is enough, then at this stage most students admit responsibility, foregoing a formal judicial board hearing, and are sanctioned "based on an education philosophy" (USC, 2012). Otherwise, the case proceeds onward to a judicial board hearing; if the suspect is found responsible for violating the university's rules, they are assigned sanctions, which include educational activities (e.g., classes, reflection or research papers, interviews), restitution, restrictions, community service, probation, suspension, and expulsion, among others.

<sup>44</sup> Although suspect information/trespass can be taken from/issued to both students and non-students and the student disciplinary is only applied to students, the latter is ranked as more severe than the former because it directly leads to the suspect being punished by the university. To the contrary, the suspect information/trespass initially serves as a warning; only upon violation of a previously issued trespass notice or coming to the attention of the police shortly after information is taken can more formal action be made against the suspect.

***Independent variables.*** Several independent variables were constructed in order to examine their association with how severely officers sanctioned suspects; below, they are organized as legal factors, structural factors, and suspect and victim characteristics.

***Legal factors.*** The legal factors of interest are whether the police-citizen encounter relates to an alcohol offense, an alcohol-related offense, or both. *Alcohol offense* is coded as 1 if the police-citizen encounter involves a person suspected of underage possession or consumption of alcohol, possession of a fake ID, public drunkenness, or DUI; if no citizen is suspected of such offenses then it is coded as 0. *Alcohol-related offense* is coded as 1 if the police-citizen encounter involves a person who appears intoxicated on alcohol and is suspected of committing a non-alcohol offense (e.g., assault or theft); otherwise it is coded as 0. *Both* captures whether a suspect committed both an alcohol and alcohol-related offense during an encounter and is operationalized as no (=0) and yes (=1).

***Structural factors.*** Structural factors are the location of the encounter, method of police mobilization, and number of officers as well as bystanders at the scene. *Location of the encounter* is operationalized as campus building (=0), which includes dorms and other buildings that are university property, or street or sidewalk (=1). *Police mobilization* refers to the way the responding officer entered into the police-citizen encounter, whether reactive (=0) or proactive (=1). The number of *officers at the scene* and *bystanders at the scene* are each measured continuously.

***Suspect and victim characteristics.*** The number of suspects and victims present during each encounter are both measured continuously. Analyses are constrained to characteristics of the suspect who is most severely sanctioned and of the victim who is

most severely victimized as measured in injury or financial loss.<sup>45</sup> For both the suspect and victim, the analysis includes their race, sex, age, student status, intoxication, and demeanor. *Race* is operationalized as non-white (=0) or white (=1). *Sex* and is measured as female (=0) and male (=1). *Age* is represented as over 30 years old (=0) and under 30 years old (=1).<sup>46</sup> *Student status* is measured as other (nonstudent or faculty/staff) (=0) versus USC student (=1). *Intoxication* is operationalized as not visibly under the influence (=0), visibly under the influence (=1). Two dummies related to intoxication are created to capture whether a first responder was called to the scene and if the person was hospitalized (no=0, yes=1). For victims, the relationship between them and the suspect is operationalized on a 3-point scale: strangers (=0); acquaintances (=1); and intimate partners or family (=2). Finally, demeanor is captured by three dummies: *disrespect*, *noncompliance*, and *resistance*; for each sort of demeanor, if present it is measured as 1 and if not present then as 0.<sup>47</sup> An index of scores for the three variables captures suspects' demeanor ranging from 0 at the low end and 3 at the high end. Because so few cases scored a 1 or higher, the variable was ultimately collapsed to account for positive demeanor (=0) and negative demeanor (=1).

## **Analysis**

Two types of analysis were performed—quantitative and qualitative—which are described below.

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<sup>45</sup> Analyses cannot include multiple victims or suspects from the same police-citizen encounter because this will violate the assumption of independence of observations.

<sup>46</sup> This is the approach to operationalizing age because for many encounters it was difficult to get the exact age of suspects and victims but pretty easy to determine whether someone appeared younger or older than 30 years of age (see Alpert, Dunham, & MacDonald, 2004).

<sup>47</sup> Disrespect was defined as rolling eyes and turning away while being spoken to without clearly disobeying the officers' orders (Dunham & Alpert, 2009). Noncompliance entails refusal to answer questions, refusal to cooperate, and verbal resistance (e.g., arguing, cursing) (Engel et al., 2000). Resistance includes both active and passive resistance. Active resistance is trying to hit an officer. Passive resistance involves less aggressive physical actions like pulling away from an officer.

**Quantitative analysis.** Quantitative data obtained through observations of police-citizen encounters were analyzed with SPSS. The data were used to generate frequencies and examine correlational relationships between the independent and dependent variables. Because the sample of encounters is small (n=103), predictive analyses are precluded.<sup>48</sup> Thus quantitative analyses unfolded in three stages: (1) analyze descriptive statistics, (2) then chi-squared relationships, and finally (3) correlational associations.

**Qualitative analysis.** Qualitative data were collected through both observations (including debriefings) of police-citizen encounters and interviews with officers conducted during ride-alongs. Thus, three sorts of qualitative information are available for analysis: one is the researcher's descriptions of police-citizen encounters; the second is responding-officers' descriptions and explanations of encounters collected during debriefings; the third is participant-officers' perceptions of crime. These data were analyzed with NVivo, a qualitative data software package. NVivo was used to code qualitative data into categories that are tagged, meaning labeled, so that they can be later retrieved for focused analysis.

The first stage of qualitative analysis consisted of coding the data into broad categories: sanction type; legal factors; structural factors; suspect and victim characteristics; officer characteristics. Then, the data in each broad category were coded to capture smaller distinctions. For example, data in the "suspect characteristics" category were coded as "race," "sex," "age," "student status," "intoxication," and "demeanor."

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<sup>48</sup> While the number of encounters (n=103) is small, Homer and Lemeshow (2004) suggest that only 10 outcome cases are needed per independent variable entered into each model for regression analyses (see also Vittinghoff & McCulloch, 2007). Although predictive analyses can be run with this study's quantitative data, caution has to be taken when interpreting results as there may be extremely large standard errors and other over- or under-inflated statistics. For this reason and also that this study's goal is to qualitatively explain officers' sanctioning decisions in encounters, less emphasis is placed on predicting sanctioning outcomes.

Similarly, this second level of categories was further divided; demeanor-related information, for instance, was coded as “(dis)respect,” “(non)compliance,” “(non)resistance.” Thus, these second and third levels of sub-categories largely reflected the quantitative operationalizations described above. These codes were used primarily to engage in deductive analysis (i.e., compare hypotheses with what actually happened). In addition, at each level of coding the researcher created sub-categories that captured emergent findings from the researcher’s observations or the officers’ words. The principal purpose of these codes was to provide the building blocks for inductive theory building (see Glaser & Strauss, 1967).

After these various levels of categories were created, the researcher compared material within each to uncover similarities and differences across police-citizen encounters and police officers’ perceptions. Then, this variation was explained by drawing on existing theories and, where appropriate, by suggesting theories that emerged from the data.

**Triangulation.** This study used triangulation—namely, multiple types of data and collection techniques—to increase confidence in its findings (see Tashakkori & Teddlie, 1998). The benefit of triangulation is that knowledge of any given action (set) is enhanced by analyzing information about it at multiple times, places, and through multiple perspectives. On the one hand, this is because misinterpretations and biases nested in one sort of information can be corrected by the others. On the other hand, valid interpretations are given more weight when they are found across the various types of data.

For instance, by conducting both interviews and debriefings it is possible to analyze variation in what officers say/think about police work in general (discussed during interviews) versus particular incidents (discussed during debriefings). By conducting independent observations along with debriefings it is possible to, if ever so slightly, separate “officers’ reality” from what a third-party observer might reasonably interpret as having happened during an encounter. And by collecting quantitative and qualitative information, the study can compare officers’ explanations of sanction severity to those with statistical significance.

In short, triangulation was used to (1) uncover biases or misrepresentations of citizen behavior by the researcher, (2) highlight officers’ distortion of suspects’, victims’, and bystanders’ behavior for the benefit of “saving face” or looking justified in their actions, and (3) pinpoint differences in what officers say they do and what they actually do.

## **Ethics**

A study based on observations and interviews with police raises important ethical issues. This study was approved by the university’s Institutional Review Board (IRB). Based on that board’s guidance and ethical standards in criminology, the researcher used a number of safeguards to protect the confidentiality of persons observed and interviewed. These measures include all participants being assigned a number and an alias so that information obtained from or about them is kept separate from their personal identity, and all data and related documents being stored in a locked cabinet in the researcher’s office (which is itself locked when the researcher is not present) or on a

locked computer that is only accessible by the researcher. In what follows, names attached to quotes or actions are pseudonyms.



## CHAPTER 5

### OFFICERS' PERCEPTIONS OF OFFENSE SERIOUSNESS

This chapter draws on officers' accounts to answer the question: Why do officers believe that some offenses are more serious than others? The three major perspectives on offense seriousness and their relation to police work are reviewed, leading to three sets of hypotheses. These hypotheses are then related to participants' explanations of what makes offenses the most or least serious in their experience. The chapter concludes by summarizing the findings as relates to prior work.

#### **Offense Seriousness**

More than two centuries ago, Beccaria (1995 [1764]) and Bentham (1988 [1781]) suggested that punishment should fit the crime. In other words, the more serious is an offense then the more severe should be the government sanction.<sup>49</sup> If more serious crimes should be punished more severely, then what makes an offense "serious"? Is seriousness a universal property, a sociocultural construction, or dependent on the characteristics of offenders and victims?

Beccaria and Bentham equate seriousness with harm. In Beccaria's words (1995 [1764], p. 21):

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<sup>49</sup> The assumptions and reasoning behind this premise are (1) some crimes are more harmful to society and individuals than others; (2) more harmful crimes are more important to deter with the threat of punishment; (3) the likelihood of a person committing one or another crime depends on its potential benefits and costs; and thus (4) "[i]f an equal punishment is laid down for two crimes which damage society unequally, men will not have a stronger deterrent against committing the greater crime if they find it more advantageous to do so" (Beccaria 1995 [1764], p. 21). Additionally, Bentham (1988 [1781]) added that it is a waste of resources to punish an offense in a manner more severe than necessary to deter further offenses.

[W]e can make out a scale of wrong actions, of which the highest grade consists in those which spell the immediate destruction of society, and the lowest those which involve the smallest possible injustice to private participants. Between these two extremes are ... gradations from the highest to the lowest, all the actions which are inimical to the public good and which can be called crimes.

Sellin and Wolfgang (1964) specified this view by creating a “seriousness scale.” Rather than rank legally defined categories (e.g., “homicide,” “burglary,” and “underage drinking”), they ranked offenses from most to least serious according to: whether they involve injury, theft, property damage, or threats; who is victimized; and whether adults or only juveniles can be guilty of the crime. They classified offenses into two broad classes, I and II, and ten categories, A through J. Class I offenses are the most serious. In this class, the most serious is that in which a victim is physically injured (Category A), followed by crimes involving property loss through theft (Category B) and property damage (Category C). “Class II” offenses are defined as less serious because they involve no injury, theft, or damage. The most serious Class II type involves physical injury threatened (Category D) followed—from most to least serious—by property loss threatened (Category E), primary victimization (Category F), secondary victimization (Category G), tertiary victimization (Category H), mutual victimization (Category I), and status offenses (Category J).<sup>50</sup>

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<sup>50</sup> Note that for any given offense to fit within a particular category, it cannot involve any of the earlier categories’ defining characteristics. Primary victimization is that against a specific person; secondary victimization is against an organization (e.g., businesses and churches); tertiary victimization is an offense to public order; mutual victimization is a prohibited consensual act; status offenses are those that cannot be committed by anyone other than juveniles.

Another approach defines and measures offense seriousness by the amount of punishment it receives in practice.<sup>51</sup> This position focuses on the *de facto* law, assuming it represents “collective feelings” of disapproval (see Durkheim, 1982 [1895]). Crimes subjected to more law enforcement in practice, therefore, are deemed more serious. Broadly, felonies are more serious than misdemeanors because the former are punished more harshly on average. Or a particular offense is deemed more serious as the average number of days served in prison increases (see e.g., the discussion of De Castro’s work in Sellin & Wolfgang, 1964, p. 47-49).

Nested in the public disapproval perspective is the theory that a crime’s frequency determines its seriousness. Stated differently, the more common is an offense in a community then the less severely it is punished, as the collective disapproval of it is generally less strong (see Durkheim, 1982 [1895]). Cooney and Burt write (2008):

Regardless of its substance [i.e. a deviant act’s nature and harm], prevalence affects the seriousness of deviance, as measured by the severity of the sanctions or punishment it evokes. The more prevalent deviance is, the less severe the punishment it attracts at the case level. Indeed, should the conduct become extremely prevalent, it may even be legislatively decriminalized (p. 493).<sup>52</sup>

A similar, albeit different, approach to defining seriousness is that of Black (1976). He too suggests that an offense’s seriousness equates to the amount of law applied to it. Instead of citing public disapproval, which is the property of a collective, he theorizes that offenses are subject to more governmental social control—i.e., they

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<sup>51</sup> This position essentially flips that of Beccaria and Bentham on its head.

<sup>52</sup> Cooney and Burt (2008) find, for example, that in communities where murder is more common, homicide defendants are less likely to be convicted and, if convicted, the length of the prison sentence is shorter.

become more serious—depending on the social geometry of the case. Specifically, he suggests offenses are more serious when committed by lower status actors (persons or groups), against higher status actors, who are less intimate with each other or less similar culturally.

To summarize, there are three major perspectives on offense seriousness. One defines it by the amount of harm done to victims and society (Beccaria, 1995 [1764]); Bentham, 1988 [1781]; Sellin & Wolfgang, 1964). Another equates offense seriousness with the amount of law enforcement reaction it receives, which reflects public disapproval (Durkheim, 1982 [1895]; Cooney & Burt, 2008). A third proposes that offense seriousness—as measured by subjection to formal control—varies according to the status of persons involved in each case and the social distance between them (Black, 1976). Thus the first, second, and third perspectives view offense seriousness, respectively, as a universal property, a cultural construction, and dependent on the characteristics of offenders and victims.

### **Offense Seriousness and Police Work**

If formal control increases directly with an offense's seriousness, do the police act more vigorously when they view a crime as more serious? Answering that question involves determining what offenses officers view as serious and what guides those assessments. Do officers equate seriousness with harm, public disapproval, commonness, the status of and social distance between offenders and victims, or another factor?

Little research has been conducted on officers' perceptions of offense seriousness. The most notable work in this regard is that of Klinger (1997), who is a former officer himself (Klinger, 2006). In his seminal work on the ecological theory of police response,

Klinger (1997) touches on all three perspectives of offense seriousness. In agreement with Sellin and Wolfgang's (1964) ranking system, for instance, Klinger (1997, p. 295) suggests that murder is the most serious crime and, therefore, always receives the most vigorous police attention. In line with the public disapproval perspective (see Durkheim, 1982 [1895]), Klinger (1997) proposes that "officers increasingly define more serious deviant acts as normal with increasing district-level deviance" and therefore "believe that fewer deviant acts warrant vigorous police intervention than will their peers in lower crime districts" (p. 294).<sup>53</sup> And supporting Black's (1976) assertion that offense seriousness depends on who is involved, Klinger (1997) states that "police officers believe that crimes involving undeserving victims"—referring to deviants and criminals, or who Black would label as persons of low normative status—"deserve less vigorous action than crimes involving deserving individuals as victims" (p. 294). Thus, all three perspectives on offense seriousness may affect officers' perceptions.

Klinger's (1997) work has two interrelated limitations that this chapter addresses. First, he assumes that officers within districts hold fairly similar perceptions of offense seriousness, insofar as to cause differences in police vigor across districts. That may be true, but an open question is whether officers within a district vary significantly in their perceptions of offense seriousness? A second, related, limitation is officers' own perceptions of what makes offenses more or less serious are left unspecified. Although Klinger synthesizes prior studies on police work, he does not present any qualitative data or statistics bearing on the matter. His use of the word "serious" appears to represent

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<sup>53</sup> Klinger (1997) notes that exceptions to this general principle are murder and offenses jeopardizing officer safety, which are handled with equal vigor regardless of the district crime rate. While that may be true, Cooney and Burt (2008) find that in communities where murder is more common, homicide defendants are less likely to be convicted and, if convicted, the length of the prison sentence is shorter.

harm, but this word is never defined. Klinger explains that officers in high crime districts view deviance as relatively normal and generally respond to it less vigorously, but he does not specify whether officers in higher crime districts actually view offenses as less serious *per se*. Similarly, he suggests that officers respond less vigorously to offenses against undeserving victims, but does not examine whether officers view these offenses as less serious.

### **Campus Officers' Most and Least Serious Offense Experiences**

In the current study, participants were asked to describe the most and least serious crimes they had handled on campus generally, and to explain what about these cases creates their reported level of seriousness. They were also asked to describe the most serious and least serious alcohol crimes (DUI, underage drinking, fake ID possession, public drunkenness) they had handled on campus, and to explain why each offense is that level of seriousness. The reason for asking about alcohol crimes specifically is the majority of offenses handled by campus officers are alcohol violations (CSACU, 1994; Sloan, 1994; Wechsler et al., 1994; Wechsler, 1996, 2001).

The three major perspectives on offense seriousness suggest a series of hypotheses about what factors officers should cite in explaining offenses as the most or least serious in their experience. According to the harm perspective, officers should perceive injurious offenses as more serious than ones involving theft or property damage; see those offenses as more serious than ones involving mere threats; and consider those to be more serious than—from most to least harmful—primary, secondary, tertiary, and mutual victimizations; officers should deem status offenses as the least serious (Sellin & Wolfgang, 1964). The public disapproval perspective suggests officers should base an

offense's seriousness on whether it is a felony or misdemeanor and how much punishment it could incur; and, view more common offenses as less serious (Cooney & Burt, 2008; Durkheim, 1982 [1895]). And drawing on Black's (1976) theory of law, perhaps officers should consider offenses to be more serious when committed by a low status person, against a high status victim, and they are far in social distance (i.e., culturally distinct or a stranger).<sup>54</sup>

The remainder of the chapter is organized as follows. First, participants' perceptions of what they believe to be the most serious crime of any type they have handled are examined; then the focus is narrowed to alcohol offenses. This is followed with an examination of the least serious experiences generally and, in turn, those related only to alcohol.

### **Officers' Most Serious Crime Experiences Generally<sup>55</sup>**

Participants most frequently cited violent crimes (n=8), including assault (n=3), robbery (n=3), sexual assault (n=1), and unlawful weapons possession (n=1), as the most serious crime they had personally handled on campus. Property crime and drug/alcohol crime are tied as the second largest category, with four officers citing each. The property crimes include auto theft (n=2), auto break-in (n=1), and petty larceny (n=1). The drug/alcohol crimes are DUI (n=3) and felony possession with intent to distribute, or drug dealing for short (n=1).

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<sup>54</sup> Black's (1976) theory of law does not make predictions about officers' perceptions of offense seriousness, as he focuses purely on what officers do, and not at all on what they believe. Thus, the assertion that police will rank offense seriousness according to the characteristics of offenders and victims is an extension of Black's (1976) theory.

<sup>55</sup> As my focus is on what officers perceive as the most serious crime that they have handled, it is not necessary to know what other—perceptually less serious—crimes they have handled. Nevertheless, such information would be important to know as it would allow for useful comparisons. Not asking officers about any crimes they have handled is arguably an oversight, but one that could be easily remedied in a replication study.

**Violent crimes.** Three officers stated that assault is the most serious crime they handled on campus. Below, each participant describes a memorable incident:

**Officer Vance:** We had an assault and kidnapping. ... It was a female student who was in a same-sex relationship with another student and she, apparently they had broken up and the other one didn't take it so well. So she came into Laconte [a classroom building] one night late [while the victim was working] on a project and kept her in the room. I think the one that she was beating in the room actually ended up pepper spraying her 'cause she had been nervous about her coming back. She called and reported it to us later that night.

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**Officer Dillon:** A guy was attacked, defended himself with a knife. ... I got a call to the dorm saying that an individual was attacked ... by two different people. ... [H]e defended them off with a knife. As we started doing an investigation, it was determined that the two individuals were upset with the victim because of the way he was treating his girlfriend and they came into Columbia with the intent to basically assault him. ... [T]he young lady called him [the victim] and said she wanted to talk to him, basically set him up to be ambushed. These guys jumped him [and] he pulled out his knife and stabbed both subjects. ... one of them actually had to go to the hospital to get surgery done on him. And at that point we ended up charging the two suspects with lynching.

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**Officer Combs:** Domestic violence, I've had two of those. It happened near Claussen's Inn in 5 Points. It was a husband and wife who were out drinking. The



husband assaulted her three times throughout the night. And then she let me know that a week prior, he had kept her hostage, tied up in their room for three days, while their kids were out in the living room. ...The second [incident] was a boyfriend/girlfriend who was attending the girlfriend's daughter's graduation. ... [T]he high school graduations are at the Coliseum; they were attending that. He got upset about something that was going on in the graduation, decided he was going to storm out. He was asked to leave actually, and so she followed him out to make sure that he was okay, and to make sure that he was going to go back to the car and wait on them. And then he got angry and shoved her and somehow—I don't know if he punched her and knocked her to the ground or if it was just a shove—she had a few bruises that were starting to come up on her and so they went ahead [and arrested him]. She didn't want to press charges, but we had another party that witnessed the entire thing.

All three officers cited assault as the most serious crime they had handled, but the circumstances of each incident differed. Three factors were named as to why these are the most serious offenses in their experience. One is that this crime involves physical injury to the victim. As Officer Dillon said of his experience, "It dealt with more of a life or death situation." Officer Combs made a similar evaluation, while also noting that the crime is a felony:

**Officer Combs:** Just because the two [assaults] that I dealt with [involved] hands on violent aggression from one person to another. I mean we've had other felonies happen on campus that I've dealt with, but that was the most personal and the most detrimental at the moment.

Officer Vance suggested that assault was the most serious incident because he had yet to handle a more serious crime. As he explained,

**Officer Vance:** The crime on campus is not as serious as [that in] a city or county. We don't deal with [serious crime]. I've never gotten a sexual assault or that'd probably be the most serious ... since it's so damaging to the victim's psyche.

This participant does not explain what it is about assault *per se* that makes it his most serious experience, but rather alludes to his belief that there are more serious crimes; in doing so, he suggests that sexual assault is especially serious because of the psychological harm it can cause victims.

Three participants classified robbery as the most serious crime they had handled.

Officer O'Hare described his experience:

**Officer O'Hare:** [T]wo females were walking back from the Vista [an area of downtown] and the male jumped them and beat them up pretty bad and stole their purses and fled on foot. But like I said, the females had pretty significant injuries. One girl had a cut to her face, contusions. The other girl was scraped up pretty bad from being thrown to the ground. So that was probably the worst armed robbery I've seen. Of course we've had assaults that were person-on-person type assaults, but I mean I guess from a violent standpoint that's probably the most violent crime I've seen that's serious.

He deemed this incident as the most serious because "to me serious is classified as a person being injured, something like that."

When Officer Wilson was asked what crime was most serious, he initially

recalled an assault:

**Officer Wilson:** Alright, went over to Bates House [a dorm], we had gotten a call about an assault victim over there. When I got on scene, I found this kid whose face had multiple lacerations. He was bleeding fairly heavily, so he got hauled off to the hospital. We investigated for a couple hours at least on scene. Finally figured out that he was the suspect and that he had attempted to assault the victim. The victim that struck him in the face, it was self-defense. And that was pretty much end of story. That was the end of it. He went to the hospital, got stitched up. ... Alcohol was involved, ... the suspect [was drunk].

After describing that assault, he remembered another crime in which he had been peripherally involved:

**Officer Wilson:** Actually ... I need to change it 'cause there was one that I think it was more serious. An armed robbery that I dealt with on Greene Street ... [I]t was probably about 2 o'clock, 3 o'clock in the morning. ... We went out with City of Columbia Police, immediately after it happened. We found a student who was on the side of the street. He had been robbed and [we] found out that he [offender] actually put a gun to his head. ... [T]wo City of Columbia police officers had saw the crime happen, held both suspects at gunpoint. However, both suspects fled the scene. Manhunt ensued and they ended up catching both of them and gettin' the gun. The victim was okay. And, everybody went home.

Both crimes described by Officer Wilson were violent. The assault involved injury, whereas the robbery did not. Yet, the robbery was deemed more serious because it

involved a gun, making the incident potentially more lethal to the victim and suspect alike:

**Officer Wilson:** That was the only thing that I have been on so far where the suspect actually had a gun as well. ... Therefore, that was potentially a deadly force incident. Well, every call is a deadly force scenario; however, that was most likely to end up with someone at gunpoint or potentially lethal force being used.

Another participant, Officer Carter, also mentioned robbery as the most serious incident he had personally handled. Like Officer Wilson, Carter cited this offense type as the most serious due to its potential for an injurious outcome: “Because it had to deal with a firearm ... as far as a threat to get something from somebody. So there’s a potential for somebody to actually, legitimately be hurt.”

One participant, Officer Deen, named sexual assault as the most serious crime he had handled on campus.<sup>56</sup> This officer, however, had responded to several such cases, so no single incident stood out in his mind: “These rapes I get mixed up in my head because it has happened more than once.” When probed to explain why sexual assault was the most serious crime in his experience, he responded:

**Officer Deen:** My most serious crime to me I judge based on the effect to the victim. Kind of like if we had a child molested—like I had brothers and sisters that were molested—that would be a significant problem for me. ... So for me it would probably be a rape. It’s very intrusive, almost victimizes the person again because they have to go through so much in order for them to get ... stick to the suspect charges. And what I mean by that is the person has to have kits done on

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<sup>56</sup> Two other officers mentioned sexual assault as the most serious crime, but only after naming another crime as the most serious. Accounts of these two incidents are described in the section on Property crimes, below.

them by a rape nurse. ... It messes with their psyche. 'Cause them surviving is one thing, but pursuing it further is another because they end up, at least for rape, putting themselves out to the public once it goes to court, "Did she really do it? Did it really happen to her? Was the kid a fine upstanding man in the community?" All that plays a factor, whether it was a bum or a rich kid that's spoiled; it doesn't matter and it shouldn't matter to that victim. They should be able to pursue charges and not feel the pressure of it. It can change the way they act completely. You can go from a high spirited, wonderful, outgoing personality, to very closed off, very difficult person.

In short, Officer Deen viewed sexual assault as the most serious crime he had handled for two reasons. One is sexual assault is in and of itself physically and psychologically traumatic, both during and after the event. Second, and somewhat differently, is victims' pursuit of justice often leads to re-victimization because they have to publicly relive the experience and have their moral fortitude questioned.

The final violent crime mentioned as the most serious handled on campus is unlawful weapons possession. Officer Farr describes this incident below:

**Officer Farr:** A student with a weapon on campus [was the most serious crime I've handled] ... I can't quite remember what the statute is, but I would assume it's like unlawful possession of a firearm, or unlawful possession of a firearm on campus. Basically a RM [Residential Manager] saw a picture this guy posted on Facebook of himself in his dorm room with a shotgun. So she confronted him about it. ... [H]e said it was a BB gun and that he didn't have it anymore. But she didn't buy it, so she called us and we went over there and when we confronted

him he was forthcoming with us about it, said that he didn't know that it was a felony, obviously. He didn't know all the University policies on it. And he did have in his dorm room a [gun] case, but he didn't have any ammunition or anything like that. So we ended up confiscating it. He had recently purchased it. We talked to him for a while and determined that he was a hunter and used it for sporting purposes like shooting clay targets and stuff like that. That's why he had brought it down from out of state, so he could go to the gun range.

When Officer Farr was asked to explain what made this incident the most serious, he responded: "Given the recent events, shootings on campus and what not, now it could go from something innocent to [something more serious] had he had a different motive behind it." In other words, this participant viewed the unlawful firearm possession as a potentially lethal crime. His response echoes that of other officers who cited the risk for bodily injury and death as the major factor in determining an incident's seriousness.

**Property crimes.** Four officers mentioned property crimes, including auto theft, auto break-in, and petty larceny, as the most serious offenses they had handled. Officers Strickland and Way believed auto theft was at the top of their list. Below, each officer describes a notable case:

**Officer Strickland:** I dealt with a stolen car, but there wasn't too much I could do with that. ... [T]he girl said she couldn't find her car in the Bull St. garage. ... [M]ost people just call 'cause they parked their car in a different garage [and forget], but her car was actually stolen—a Toyota Camry. She said, "I know where I parked it and it's not there anymore." I ran her plates and we entered it in NCIC [National Crime Information Center], but that's basically it.

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**Officer Way:** The most serious? Well I did have a stolen vehicle once on a traffic stop. ... [W]hen I ran the tag it came up as a stolen vehicle and it was occupied like three times [meaning three people were in the car]. ... [T]he driver was a Bravo Mike [otherwise known as a Black male]. When I approached the car [...] that's when they [the dispatcher] came over the radio and said it was [a] stolen vehicle. So yeah, it was kind of too late to do a felony traffic stop, 'cause usually if you pull a car over that's a felony, or if it's a stolen car, you're supposed to like stay in the apex of your door. You're supposed to like call them out of the car 'cause you know it's so very dangerous. But I was approaching the car and luckily Officer Barker was there. But like as soon as we got there we noticed like a lot of marijuana in the car. So we got the driver out and he admitted it was his. Like it was a jar like this big [—about a foot tall—] filled with weed. So that was fun. So the story behind the stolen car: it was stolen at one point and the people who were driving it were the ones who reported it but then they had gotten it back. Like which was very shady; apparently they said their friend took it or something but got it back. But it was still in the system as stolen 'cause they didn't call to say they got it back.

Coincidentally, both Officer Strickland and Way added that they had also handled a case of sexual assault and believed it too is one of the most serious crimes they had handled.

Their accounts are as follows:

**Officer Strickland:** We had a sexual assault claim. ... I asked her some questions, tried to make her feel comfortable and asked her what happened.

Within the dorm room [is where the offense took place,] and she said they met at the fair, the state fair. They all went back and played games and stuff. And then the next morning she found her pants undone, like barely hanging off of herself. She said they were drinking. ... We talked to the Victims' Advocate and some other people, and we had a kit done and took her to the hospital and took all the safety precautions that we needed.

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**Officer Way:** I dealt with like a sexual assault where I had to go to the hospital to interview the girl. I think she had met them at a bar and it was her and a couple friends, but then when they went to this house the friends [eventually] left and she ended up not leaving. She was like, "Oh I'm just gonna stay a little bit." I guess she was having fun. But then she, it all got fuzzy like, she would say, "I'm ready to go home" and they wouldn't take her home. And then like she would notice a couple like, like one guy would come up and just start touching her and then another guy would start touching her. ... She was like kind of, not taken hostage, but ... they wouldn't let her go. They wouldn't let her leave, so she claimed she was sexually assaulted. ... She believed that she was drugged 'cause her recollection of the incident was just very [foggy]; she didn't remember a lot. She remembered bits and pieces. Kind of what she was telling us ... sounded almost like a cult, like she was saying stuff like she remembers laying there; she remembers them dancing around and chanting stuff and wearing masks. She ... was like, "I was laying in the middle of the floor and they were walking around chanting" and then she said they would get on top of her and stuff. So it was ...



not the normal ... “[I] was with this guy and he raped me.” And she wasn’t even a 100% sure that she was raped. She just said she remembers laying in the floor and feeling really uncomfortable like they were penetrating, but she didn’t know, she couldn’t say 100% that their penis was inside her or whatever. So it was very, very strange.

Both officers were pressed to explain which offense is more serious—the auto theft or sexual assault—but neither was willing to choose, ultimately citing them as equally serious. Officer Strickland said, “I guess both have victims. I guess both are very serious.” Officer Way leaned toward the sexual assault, but then pulled back and gave equal weight to auto theft:

**Officer Way:** I would think the sexual assault is [more serious]. ... I mean it’s hard to say though. If I had pulled that car over and it was stolen and the people inside had guns, then that would obviously be more serious. I don’t know. I guess they’re just serious in different ways. The sexual assault ... deals with a person and ... someone taking advantage of them, someone hurting them, someone harming their well-being. ... [T]hat’s kind of top priority ’cause our job is to protect people and to keep them safe. So anytime ... they’re put in jeopardy, that’s obviously why it’s top priority. ... [But with the auto theft,] typically those are the most dangerous. Those are the times when police officers get hurt. ’Cause typically if someone’s with a stolen vehicle, they don’t want to go to jail. So if they have a weapon, they’re probably going to come at you nine times out of ten.

In short, Officer Way equally weighted the seriousness of sexual assault and auto theft. For sexual assault, her concern is the physical harming of a citizen she swore to protect.

In the case of auto theft, however, she attributed the seriousness to the offense's *potential* harm to her. Her fear of what *could* happen aligns with the beliefs of Officers Wilson and Farr who noted potential lethality in the most serious cases they cited.

Officer Moore is the only officer who described auto break-ins as the most serious crime he had handled, saying, “[M]ultiple auto break-ins is probably the worst I’ve ever dealt with.” He viewed this as the most serious “‘cause we don’t really have murder on this campus. We don’t really have homicides.” This reasoning echoes Officer Vance’s described in the section on violent offenses. For Officer Moore, auto break-in is not the most serious crime possible, but is the worst he had encountered. His citing of murder as the most serious offense possible suggests he equates seriousness with physical harm to victims, although it cannot be ruled out that this may reflect collective disapproval.

Officer Voight said the most serious crime he responded to is petty larceny (i.e., theft less than \$2,000). Below, he describes a specific incident in which someone was attempting to steal copper from the university’s baseball stadium:

**Officer Voight:** On campus the most serious crime in my mind [is] actually people stealing copper from one our baseball stadiums. It was petty ’cause I stopped it on time, [so] it didn’t escalate to grand larceny. ... [E]very night ... we have buildings and areas we have to check. And while I was checking this area—it’s an open field—I can hear this clanking noise and I stopped for a minute ’cause it’s like the wind wasn’t strong enough to make this clanking noise. So when I looked, you have to keep in mind that it’s a baseball field, the distance, and I can see some shadows way back in the centerfield. So when I shine my light on whoever was there stopped for a minute, and I realized there was somebody

there. So I start walking toward and then the person start running. And then I start running after the person and the person was running with ladders which is funny 'cause they were running with ladders and all cables hanging everywhere. ... I apprehend the subject and come to find out he was deaf mute. That was an experience.

When asked why this is the most serious offense in his experience, Officer Voight responded:

**Officer Voight:** Because there's hundreds of thousands of dollars stolen every year from this campus, which is sooner or later going to be passed down to the students. We deal with marijuana and alcohol, that's [an] everyday thing, [but that's] not ... a financial threat to the University. But when people come to our campus and steal from the University, sooner or later that's going to hit the pockets of the students and we try to prevent.

Officer Voight categorized petty larceny as the most serious crime because of its financial impact to the university. He reasoned that students would eventually incur the crime's costs in the form of increased tuition prices. This reasoning is similar to above accounts that mention harm, although in this case it is financial rather than physical or psychological.

**Drug/alcohol crimes.** Drug/alcohol crimes are the third type of offense participants mentioned as the most serious handled. Three officers cited DUI. One of those officers described the most graphic incident told in the course of the study:

**Officer Miller:** The most serious crime I would probably say it was a drunk driver, felony drunk driver ... where a drunk driver killed a motorcyclist. I

basically witnessed the whole thing. ... [E]verything started in the corner of Wheat and Pickens. I was heading northbound on Pickens over the cross, over the train trussels, and this guy on a motorcycle was headed southbound. There was an SUV coming right behind, but it was at a very accelerated speed, so as the motorcycle driver basically crossed the train trussels, I was going over at the same time. Not soon after the motorcyclist, he cleared the train tracks, I saw the SUV just basically hit the train tracks, went airborne and basically landed on the guy on the motorcycle. Dragged him about 75 feet, and I guess he didn't quite notice that he had hit anybody until he saw the flames coming from underneath his SUV. So I guess out of panic he started backing up, but what he did was drag the guy underneath the truck about 25 feet back. By the time I was able to get out of my car and run to the guy that was on the ground he was pretty much just gasping for air. He was spitting blood. His motorcycle was smashed to pieces. Although he was not declared dead until they had the ambulance ride there from the location to the hospital. The guy that got hit ... was not a student, the one on the motorcycle, the one that died. But the driver, ... he was a student. He was a student in his last year. And needless to say he was not allowed to graduate. ... It's been historical that a lot of fatalities that happen in South Carolina overall and around the US, there's quite a fatality rate on drunk drivers. ... You never know who's on the road and if they've had anything to drink or any medications or anything that impairs their ability to drive. To me that's just a death waiting to happen.

Clearly, the death of an innocent motorcyclist made this DUI very serious in Officer Miller's mind. In legal terms, what made the DUI so terrible is not simply that it involved an intoxicated driver but, rather, that the intoxication facilitated a vehicular homicide.

Another officer who cited DUI as the most serious incident recounted the following story:

**Officer George:** There was a guy who actually Officer Alton and another officer stopped for running a red light. They get out with the guy at Sonic on Assembly and [decided] something's just not right with him. His eyes are glazed over and he's just kind of incoherent. We get out with him and he states that he's just been in a fight with an ex-girlfriend and we call to verify. She says she hadn't seen him in years. So now we worry, we kinda wondering what's really going on. So we run his information and find out he has multiples for multiple cocaine and DUI convictions. It wasn't a student. This was ... a former student I believe. So we just check him out ... [and] he had some crack on him. He failed the field sobriety, tested positive for under the influence.

This officer explained that what made this the most serious offense is the amount of punishment it incurs: "Probably because it has the biggest fine as far as sentence wise and jail time."

A single participant, Officer Wilmington, cited drug dealing as the most serious crime in her experience. When asked why it was the most serious, she answered: "It is a felony charge, because he was charged with a felony. So, for me that is serious because it's harsher penalties for the suspect ... who was caught doing it." Her answer reflects Officer George's presented directly above. Both explained their perception of an

offense's seriousness as reflecting the amount of formal punishment meted out for it and, relatedly, whether it is a felony or misdemeanor offense.

### **Officers' Most Serious Alcohol Crime Experiences**

After each officer described the most serious crime they had handled, they were asked to recount the most serious *alcohol* offense in their experience. Their choices included DUI, underage drinking, fake ID, and public drunkenness. Three-quarters of the participants cited DUI (n=12); a quarter of them stated underage drinking (n=4); no officer named fake ID or public drunkenness.

**DUI.** The majority of officers reported DUI as the most serious alcohol crime they had handled. All mentioned that a drunk driver can harm. As Officer Pfeiffer put it, "I think there is the most potential for loss of life." Their responses differed, however, with respect to the range of persons and things that were or could be harmed.

Four officers focused on the danger drunk drivers pose to other persons' health. In Officer Vance's words:

**Officer Vance:** I've only had one since I've been here. This one wasn't even a student. He was older, he was driving down Blossom St from the Greek Village. Blew that traffic light there then proceeded to almost slam into the back of another vehicle, was swerving in and out of the lanes. After I put the blue lights on it took him like two blocks to finally pull over. Once you get out there with them you can just smell the alcohol coming off of him, and in the car he also had some open beers ... I did the field sobriety [test], which he did not pass. Arrested him and transported him over to the City to the data-master room [to do] the

breath test. After that he was taken to jail. [He] easily could have killed somebody driving around intoxicated. Wouldn't really take much at all.

Two other participants explicitly mentioned how DUI's costs compare to those of other alcohol offenses:

**Officer Deen:** The potential harm and loss of life is tremendous with DUI. The others is more of a public or a society type of crime. It's against the public and such. Fake ID, they're just trying to get their drink on. You've got public drunkenness, which it's college, and once again it goes back to the whole he's acting like a fool but he's doing it to himself sort of thing.

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**Officer Carter:** When you're drunk or impaired, obviously your reaction time is not very good ... [I]f your reaction time is impaired ... I'd rather you be on your feet than in like a 4,000 pound car going 40 miles an hour down the road ... [Y]ou could hit somebody else that is walking across the road drunk, or just not drunk. I just mean you can do a lot more damage with a car than you could just walking around being a public drunk or being impaired with like a fake ID or something.

And another participant, Officer Moore, described a DUI as the most serious alcohol incident he had handled due to the danger it posed to him in particular:

**Officer Moore:** They were driving under the influence. I pulled them over 'cause he almost T-boned me. He was a student, it happened at Pickens and Blossom Street. It was pouring down rain outside and he almost T-boned me. I got him out, he was drunk, but because he lived so close to campus and we have discretion and

it was late at night, I could have taken him to jail for driving under the influence but I was able to get his friend to come pick him up.

When explicitly asked what made that case the most serious in his experience, he responded plainly: “Why? Because he almost killed me—that’s pretty serious.”

Six officers gave a broader reasoning for what makes DUI the most serious alcohol offense they had handled. They dually cited how drunk drivers place *themselves* and others in danger. Officers Way and George succinctly summed up this belief when they said, respectively, “DUI has the most probability or possibility of someone getting hurt or hurting someone else” and “[There’s] the risk of injury not only to yourself but several other people, pretty much operating a 2,000 pound weapon at that point.” Officer O’Hare put it in a few more words: “It’s putting them in danger and its putting the public in danger. Obviously they’re endangering everyone else ’cause of the way they’re driving, being under the influence.” Officer Miller explained,

**Officer Miller:** [DUI is] the most serious because ... we’re talking about ... a matter of life or death. I mean an intoxicated driver behind the wheel is basically a death sentence. ... [U]nfortunately, a lot of times they end in fatality.

Officer Wilson elaborated on this point of view:

**Officer Wilson:** If I catch somebody driving under the influence they are not just a common drunk anymore. They actually are putting themselves and everyone else on the road at risk. There’s a high likelihood they will hurt themselves or someone else. And the way I look at it is if you want to drink that’s fine, but don’t get out there and try to possibly hurt my friends or my family. ... [T]hat’s the way I look at it: that person could potentially harm my family or my friends; or even if



I don't know them that's an innocent person that does not deserve to have that happen to them. That's why I think it's the most serious.

And Officer Voight described a specific DUI that stood out in his mind.

**Officer Voight:** I was patrolling the area of Bull and Greene and was making a right. I was making the right into Greene St. from Bull and I was approaching the intersection between Greene and Pickens and I noticed that we had the red light. ... I saw two set of lights coming from behind and ... [that vehicle] just ran that light about 40 miles per hour. ... I thought it was going to be an accident 'cause that intersection is always busy. I chased the guy, stopped him, did some battery tests and all that, and he was intoxicated and blew 0.18. And come to find out he was a student here. ... Kids can't control it [i.e., their drinking]. ... [Y]ou put a lot of lives in danger [by drinking and driving]. Not only your life, but the lives of the people around you.

To summarize, these six officers perceived DUI as the most serious alcohol crime they had handled because it can be a matter of "life or death" for both the driver and other persons.

A single participant, Officer Wilmington, took this reasoning a step further. She based the seriousness of DUI on how it threatens the public, the driver, *and property*:

**Officer Wilmington:** I think that DUI is the most serious, especially for around here because first of all you have so many people just walking around campus at all hours of the night. So that, and you have a whole bunch of buildings, a bunch of cars parked along the streets, so not only is the person that is driving drunk at risk, they're putting property as well as other people at risk and I think that the

chance is greater for someone to be hit or someone to be injured. That happened earlier this last year. Someone was actually hit by a drunk driver.

**Underage drinking.** While most officers pinpointed DUI as the most serious alcohol crime they had handled, several others reported underage drinking. However, three of these officers—Dillon, Farr, and Combs—explained that underage drinking is the most serious by default as they had yet to handle a DUI, which they believed to be more potentially harmful.

One participant, Officer Strickland, believed underage drinking was the most serious alcohol crime because it provides an excuse for errant behavior. Referring to persons 20 years of age and younger, she said, “They don’t know their limit. It’s against the law for a reason. I don’t think people take it seriously. They’re young, want to have fun, want to do something crazy and blame it on the alcohol.”

### **Officers’ Least Serious Crime Experiences Generally**

Officers named the following crimes as the least serious they had personally handled: petty larceny (n=7), underage drinking (n=5), vandalism (n=2), trespassing (n=1), and public drunkenness (n=1).

**Petty larceny.** Seven officers cited petty larceny as the least serious offense in their experience. Three participants, including Officer Deen, specified “[t]heft of a sandwich. It’s just very petty.” Two others recounted more details:

**Officer O’Hare:** Petty larceny of a cheeseburger. Somebody stole a cheeseburger from the café. Took a report. We never caught the guy. Well that one we caught the guy, but the problem with that is the victim—who would be the café

[manager]—didn't want to press charges 'cause they were a student and it was student owned facility, so we just cut him loose with a student discipline.

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**Officer Combs:** Petty larceny of a hamburger [at Russell House, the student center, is the least serious case]. Nothing was done on it, other than mediation, talk to the business owner. I said, "Hey if he pays for this, would that be a fair thing?" "Yes, that'll be fine." He paid for it, therefore, there was no larceny at that point and then he went and enjoyed his sandwich. This business owner put the money in the cash register.

When asked what made those crimes so unserious, Officers O'Hare and Combs replied:

**Officer O'Hare:** It wasn't a violent crime, it wasn't somebody getting injured. It was more of a monetary value than people itself, so I think that's why it's the least serious. It involved food, not people.

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**Officer Combs:** 'Cause it's just flat out stupid. I understand like people stealing food, and yes that is depriving a business owner of money, but I mean if the guy's that hungry it's kind of like your rationale comes into it. I'm like if the guy's that hungry and he really doesn't have money to pay, could you not basically forgive a debt? But the guy did maliciously intend to take the food without paying. So make him pay, everybody was happy, there you go.

Officer Deen described the incident as petty because the stolen merchandise was of such low value. Officer O'Hare explained his assessment by the fact that no violence or injury

was involved. Officer Combs echoed that sentiment, and added that the theft was not too serious because the offender's motive was to fulfill a basic need, not greed.

Other petty larcenies mentioned by officers included theft of cell phones, student ID cards, and other "stuff":

**Officer Wilson:** Least serious crime would be petty larceny. They [the victim] actually left their cell phone sitting on a table in Russell House and they went to go get some food; came back and it was gone.

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**Officer Wilmington:** The least serious crime that was on campus was probably like petty larcenies, [such as] when students have their Carolina cards stolen [which serve as a debit card]. They drop it, or somebody steals it from their locker while they're working out or something like that.

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**Officer George:** We get a lot of [petty] larceny calls on stuff that we later find out are more—instead of a crime that somebody commits 'cause they're looking for it—they just kind of stumble upon it. More of a "I left my phone on the table, came back and it was gone." ... Most of the time it's usually found out that the student or whoever just didn't take care of their property you know the way they should have. And that's the reason why it ended up missing. A lot of times kids leave their doors wide open and they run down the hall for ten minutes, they come back and "my computer is gone," stuff like that. ... You know it's no serious crime; it's kind of like you didn't really take care of your stuff to begin with, so that's probably why it's gone.

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**Officer Miller:** We talking about the monetary value of what is taken. I mean the larceny can be from a petty to you know thousands of thousands of dollars. A larceny is a larceny. Sometimes larcenies, they occur not by intent, not by malicious intent, but just the opportunity. Somebody sees something laying out that nobody seems to claim responsibility for; they take it with no malice intent. Now there are the crimes where we talk about petty larceny where somebody comes and knows that that belongs to someone else and takes it and walks away. But there's instance where somebody might have left a phone or left something and instead of doing the right thing at the time, then they find it, they feel like finders, keepers so they walk away. Some of them really don't know that it's a larceny no matter how you look at it. You look at it willfully and intentionally to deprive somebody of their own property so that's why I say that a lot of cases of those petty larceny cases are [unserious]—it's the lack of knowledge.

All these officers point to the victims' negligence as a precipitating factor of these petty larcenies and, at the same time, a reason why they are unserious. However, there are other reasons for this perception. Officer Wilmington, like Officer Deen above, said the low seriousness is "just because the value, I correlate it to the value of whatever has been stolen. So to me that's why." Officer Wilson furthered that statement by commenting on physical harm as well: "there was nothing other than a cell phone being gone ... [N]o one was harmed in the incident ... And also there wasn't much potential for anyone else to be hurt in that one." Similar to Officer Combs' sympathy for the sandwich thief, Officer Miller suggested that crimes without malicious intent are less serious than others.

**Underage drinking.** Participants named underage drinking as the second least serious crime. One reason officers viewed this crime as unserious is they perceive it as posing little harm. As Officer Pfeiffer said, “A lot of time it’s kids being in a relatively safe environment, in their dorm room.” Two officers explained that for such a common offense, there were not many alcohol-related crimes (e.g., assault):

**Officer Dillon:** It’s more common [than any other crime on campus], but as far as general safety’s concerned, probably 9 times out of 10 the ones that do go out and drink underage, they don’t get too out of control. So it’s not so much the issue as the ones that get so out of control, they drink so much they can’t take care of themselves.

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**Officer Vance:** It’s pretty much everywhere. Almost every student does it. We see it especially on the weekends. All the time. I mean it’s just one of those things that’s gonna happen ... [Underage persons] try to drink and nothing comes up about it, but it’s when they go out and act stupid that we find out about it.

As reviewed in chapter 2, alcohol does have a strong connection to offending and victimization. This does not mean, however, that any drinking can push someone into a higher risk category. In responding to a noise complaint, for instance, Officer Farr reasoned that the offense was unrelated to the underage perpetrator’s alcohol consumption that night:

**Officer Farr:** [T]he other night ... we got called because they [the suspects] were being loud outside and it was late, ... having a loud altercation. ... It was outside of a dorm. So one of the security guards called it in that they were being loud and

he could hear them. And like he [the suspect] admitted that he had been drinking, so it's kind of like yes he broke the law by underage drinking but he had had 2 beers, wasn't intoxicated and was honest with us. I don't think the underage drinking necessarily had led to the altercation and he wasn't causing any problems.

Tied to the notion that drinking is not always criminogenic is that drinking should not be illegal at all among adults. This was Officer Way's opinion and, therefore, she viewed and treated underage drinking as hardly a crime at all:

**Officer Way:** In my opinion when you're 18 you're an adult. I don't necessarily agree 100% with the drinking age of 21. So even though it is a criminal offense, I do my best not to prosecute it, I try to enforce it. ... [O]bviously beer is not a drug. So I think that's the least [serious], I don't really think it's a big deal.

**Vandalism.** Two officers recalled incidents of vandalism as the least serious offenses they had handled. Officer Moore told a story of someone unlawfully cutting a few branches off a bush outside the University President's house. This officer and others were subsequently forced by their supervisors to scour hours of surveillance video in order to pinpoint the perpetrator. When asked what made this crime the least serious of all in his mind, he pointedly answered, "Because a bush will grow back. The bush was still living. Just somebody cut a few branches off of it." This participant's manner of describing the incident—which cannot simply be captured in words—is more telling of his feelings about the case than anything he said. He thoroughly laughed while recounting this story. By laughing, and also mentioning that the damaged branches will grow back, he implied that the incident's harm was low to nonexistent.

Officer Strickland also described a case of vandalism as the least serious crime in her experience:

**Officer Strickland:** [T]his guy had parked in a reserve spot and there was a little teddy bear hanging from the bottom of his car. He worked here, EUS [Event United Services] or security guard. He basically had parked here for two minutes probably to go relieve somebody. [During that time] someone snatched it off and put it on the trunk and told them [the victim], “Don’t park in my spot anymore.” It was at the track over there near the Roost parking lot [a dorm]. Up top they have reserved parking, like eight parking spots. It’s normally for the athletic directors, but the note was so anonymous that you couldn’t place it on that reserved parking spot. It said something of this nature that “If you were in my reserved parking spot, I would have your car towed.” And the bear was on top with the note on the front. ... [T]hey didn’t steal it; they put it on the car. ... So I’m standing there talking to the guy [who was victimized], I was like, “Does it mean something to you?” He was like, “Yeah, well it’s sentimental.” I said, “Well if it’s that sentimental then why are you dragging him across the world?” And he’s like, “Well, you got a point.” I didn’t see it was very sentimental [given] that his[—the teddy bear’s—]feet were burning [on the pavement].

The participant responded that what made this incident the least serious was:

**Officer Strickland:** He was more hurt [emotionally than financially or physically]. ... He didn’t want to press charges or anything like that. He just wanted his ten dollars back for the teddy bear. And the teddy bear was no bigger than a baby shoe. He just wanted to report that someone had, I don’t know,



vandalized his teddy bear ... I guess it could have been placed in harassment and threatening. ... And nothing was done to the car, it was just the teddy bear. He couldn't hang the teddy bear back up. It was more funny, I guess. I mean it's just something I would have walked away from had I been in there, in his shoes. I'd have been like, "Gosh, somebody just [messed up my teddy bear] ... and that's totally uncalled for." And I'd have took my teddy bear and put him in the car and drove off. I wouldn't have called the police to file a report.

In short, Officer Strickland thought the incident was unserious because the financial loss was low. She also felt it was "funny" for an adult to be emotionally upset by injury to a stuffed animal.

**Trespassing.** Officer Carter is the only participant to name trespassing as the least serious crime handled. He viewed this offense as unserious because it does not necessarily cause financial or physical harm, especially when it involves simply stepping foot onto the university campus. As he put it, "[T]he actual form of trespassing really isn't hurting much. They're just walking through the area you know. But the reason why they're trespassing could be the serious thing. But the actual act of trespass is I'd say the least serious crime." While Officer Carter viewed the act of trespassing as unserious, he noted that trespassers could have ill intent; for example, a trespasser could be on their way to steal property from the university or stalk a student. Nevertheless, he reasoned that trespassing is not the same as these more serious offenses and, as such, labeled it the least serious in his experience.

**Public Drunkenness.** A single participant, Officer Voight, said public drunkenness—i.e., public intoxication—is the least serious crime he had handled. In his

own words, “The least serious crime would be ... drunken kids. ... I don’t want to take the problem, minimize the problem, but compared to everything around here I think that’s just the lesser of all the devils.” The reason for this assessment is “because it’s so common and it’s not such a harm to the university. It’s pretty much personal responsibility.” Officer Voight felt public drunkenness is unserious because it is common yet, in his mind, not a source of significant harm.

### **Officers’ Least Serious Alcohol Crime Experiences**

After each officer described the least serious crime they had ever handled, they were asked to recount the least serious *alcohol* offense in their experience. Their choices include DUI, underage drinking, fake ID, and public drunkenness. Officers’ responses were as follows: fake ID use/possession (n=13), underage drinking (n=2), and public drunkenness (n=1); no officer identified DUI as the least serious.

**Fake ID.** Most officers cited possession of a fake ID as the least serious alcohol crime they had handled. One reason for this evaluation is they reasoned possession does not necessarily entail use. In Officer O’Hare’s words, “I mean it’s just a card and I mean it’s a way to get alcohol. But just ’cause you have one doesn’t mean you’re going to use it to get alcohol.” The other plausible reason to have a fake ID is to gain entry into 21-and-over establishments such as nightclubs (which is not an alcohol crime *per se*); as Officer George explained:

**Officer George:** I just feel like a lot of kids get them. Some people do get them strictly to drink, but I think that a lot of people get them for the nightlife; some of them have older friends that can go and they can’t go so that’s why they get them. ... I definitely think it’s the least serious.

Other participants focused on whether the fake ID had been used shortly prior to the police-citizen encounter. If not, possessing a fake ID was practically no crime at all:

**Officer Wilmington:** The least serious is because a lot of times when you end up finding a fake ID, I know in my case it hasn't been because they had been using it to drink, they just have it to use it. ... That's why I say that it hasn't been that serious: because you might find it while you're conducting a traffic stop or something and they'll hand it to you or otherwise you're up in a dorm room and you might see it laying on the floor or something like that. And then you can do what you need to. If they hand it over to you, you can destroy it.

Yet having a fake ID is in fact a crime:

**Officer Miller:** Although that fake ID is what provides them with the opportunity to get the alcohol, in some cases there are students that are not intoxicated [but] have [a] fake ID and that's of course in violation of state law. You're not supposed to possess two driver's licenses or if you present a driver's license that don't belong to you, that's basically representing yourself in the wrong way. Although it's a crime, it's not that grave of a crime.

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**Officer Deen:** It is a crime that happens, but they have not done anything alcohol-related at that point just by having it. They are just in possession of a tool to get drunk. So to me that's the least serious. All the rest of them [alcohol offenses] had to do with they already have taken part in the indulgement. The other one [fake ID] is that they have the potential to do something, but there is no alcohol harm at that point, just the potential for it.

While these officers recognize that possession of a fake ID is a crime that facilitates other alcohol crimes, they reason it is less serious for that very reason. Stated differently, possession of a fake ID is less serious than actually engaging in other alcohol crimes, even if the former does facilitate the latter.

In some officers' opinions, possession of a fake ID is the least serious crime because it causes no direct harm to individuals. As Officer Carter said, "To me isn't very serious just because it's not hurting anybody and you know that's really my measure of serious crime: if it's hurting somebody or whatever. The act of actually possessing it to me isn't very serious." Officer Way felt so strongly about this offense's lack of seriousness that she questioned whether it is a crime at all:

**Officer Way:** I don't think it's a serious crime. Yeah, it technically is tampering with an official identification but I don't think it's a crime. I mean it obviously is a crime but it's not really hurting anybody is what I'm saying. It's getting them into bars to drink; that's about all it's doing.

Two other participants, Officers Strickland and Voight, said the same thing a little differently. They evaluated possession of a fake ID as unserious because it hurts no one *except* the perpetrator. Officer Strickland put it this way: "You're not hurting no one but yourself. Drunkenness—you can get out there and start fights. DUI you can crash into somebody. Underage drinking makes you do all that." And according to Officer Voight, "[T]hey're not hurting anybody else. It's not a risk involved on getting IDs." Although the officers say that no one else is hurt, they do recognize that offenders put themselves in harm's way.

**Underage drinking.** A few participants cited underage drinking as the least serious alcohol crime they had handled. Two of these officers reasoned it is unserious because it is ubiquitous. Officer Moore, for example, said it is the least serious “[b]ecause it happens so often that ... it’s like fishing in a barrel.” Similarly, Officer Pfeiffer said “probably just because it’s so prevalent ... [W]e have kids do it literally all the time.”

Officer Combs believed underage drinking is the least serious alcohol crime she dealt with because, in her words, it “does no harm” to the offenders or others as long as “they stop before their limits.” She elaborated on this idea in recalling a particular incident:

**Officer Combs:** They’re not out of control of themselves. ... No bodily harm happened to anybody. They were able to take care of themselves and didn’t really have, other than the fact that they had consumed alcohol. There was no other legal ramifications [meaning no other crimes committed] or bodily harm to themselves or anybody else.

A third reason, mentioned by Officer Vance, that underage drinking is the least serious alcohol offense is that the others are more serious:

**Officer Vance:** I mean compared to the other ones it’s just [less serious. ... [W]ith a fake ID you’re actually in possession of a fraudulent document. ... [W]hen I first started here someone was making them and he got charged federally by the Secret Service. That’s your life right there. With that you’re actually going out with the intention of getting into bars underage, purchase liquor underage, as opposed to someone else who might just be at a party and be

drinking alcohol. DUI of course, we see it all the time in the news or newspaper where someone gets killed.

Clearly this officer does not agree with many of his colleagues about the seriousness of fake ID possession. According to him, a fake ID is a more serious offense because it is a federal crime and helps facilitate underage drinking. He reasons that if a person is going to drink underage, it is better to do so without using a fake ID, otherwise two crimes are committed, not one. And compared to DUI, underage drinking is less serious because no one is directly hurt.

**Public drunkenness.** One participant named public drunkenness as the least serious alcohol crime in his experience, because of the lack of harm it poses to others. He relayed, “[T]here have been times I’ve gotten out with someone just because they might have been staggering, but they weren’t causing anyone any trouble. They weren’t doing anything else wrong, they were just drunk.” Officer Farr, then, viewed dealing with public drunkenness as a service to the drunk, rather than as a crime control measure.

### **Discussion & Conclusion**

Participants identified nine unique offenses as the most serious crimes they had handled on campus. These include assault, robbery, sexual assault, unlawful weapon possession, auto break-ins, auto thefts, petty larceny, DUI, and drug dealing. Most officers deemed a violent offense to be the most serious, followed by property and drug/alcohol crimes. Officers collectively identified five different offenses as the least serious crime they had handled on campus (e.g., petty larceny, underage drinking, harassment, vandalism, trespassing). Petty larceny was the most frequently cited response, followed closely by underage drinking. Among the various alcohol offenses,

officers overwhelmingly referred to DUI as the most serious they had experienced, or could experience for that matter, and cited possession of a fake ID as the least serious incident.

However, the purpose of this chapter is not to determine which crime type is the most or least serious. Rather, the goal is to shed light on what factors officers consider when evaluating the seriousness of offenses. What factor(s), in their mind, makes an offense “serious”? This question was addressed by having participants name the most and least serious offenses handled in their experience, and then explain what it is about those incidents that made them that level of seriousness.

Prior work suggests that officers determine incidents’ seriousness according to the amount of harm they cause (Sellin & Wolfgang 1964); whether they are a felony or misdemeanor; their commonness (Cooney & Burt 2008; Durkheim 1982 [1895]); and, the status of offenders and victims as well as the social distance between them (Black 1976). Participants referenced all of those factors, except for the last.

Officers most often explained why any given incident was the most or least serious by referencing the amount of harm it caused. However, different types of harm were cited. Participants mentioned a relatively great or small amount of physical injury, financial loss, damaged property, and psychological stress; in line with Sellin and Wolfgang (1964), physical harm appeared to be their biggest concern. Officers also distinguished between direct and indirect harm as well as between potential and actual harm (i.e., that which had already occurred). For example, several officers explained that DUI is a serious offense because it could result in vehicular homicide. And harm could

occur to not only victims (including officers) but also offenders, such as drunk drivers, and even property.

A less frequent explanation officers provided is that offenses are more serious when they are a felony rather than a misdemeanor or incur more punishment. One participant explained an incident as the most serious because it has the potentially largest fine and longest prison sentence. Another officer referenced an offense's "harsher penalties" and felony classification when explaining what made it the most serious crime in her experience.

The idea that a crime's frequency affects its seriousness gained some credibility, too. Several officers mentioned that a particular offense was the most serious in their experience because more serious crimes rarely, if ever, happen in their district. Although the participants did not say that this makes the crimes they do handle more serious, such a process may have been occurring (see Klinger, 1997). More direct evidence of the commonality thesis is that two officers described underage drinking as the least serious because it is a regular occurrence on campus.<sup>57</sup>

No officer suggested that the social status of and social distance between offenders and victims determine a particular offense's level of seriousness. This does not mean, however, that such factors do not matter in practice, or that no officer anywhere would reference offenders' and victims' status and social distance in explaining offense seriousness (see, e.g., Klinger, 1997).

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<sup>57</sup> These officers also suggested that underage drinking is relatively unserious because, in their estimation, it rarely leads to harm. Yet this is a questionable assertion given the statistical evidence demonstrating that alcohol consumption has an intimate link with other sorts of campus crime (see chapter 2).



Though officers did not reference social status and distance, what was found is that officers have a multi-faceted view of what makes offenses serious and, moreover, their views were not restricted to the three major perspectives reviewed above.

A few officers mentioned that offenders' intent affects an offense's seriousness. One officer, for example, suggested that a petty theft was particularly unserious because the offender's motivation was to satisfy a basic need: hunger. Another officer evaluated a petty larceny as unserious because the "thieves" did not realize they were committing an offense when they took possession of the items, feeling instead that "finders, keepers" should apply. Both of these participants see these offenses as unserious because the offenders did not have malicious intent. This explanation, however, does not fit neatly within the three major perspectives on offense seriousness.

A better match is to see intent as a way of accounting for bad behavior (Scott & Lyman, 1968). In this perspective, offense seriousness depends on how much the police accept excuses or justifications for an incident. "Justifications are accounts in which one accepts responsibility for the act in question, but denies the pejorative quality associated with it" whereas "[e]xcuses are accounts in which one admits that the act in question is bad, wrong, or inappropriate but denies full responsibility" (ibid., p. 47). When the offender who stole the sandwich explained his theft as motivated by hunger, the officer accepted this justification, thus seeing the crime as less serious than it would be otherwise. And when persons unknowingly "stole" other people's unguarded possessions, the officers deemed these incidents as the partial fault of victims—i.e., as excused—and making them relatively unserious.

The accounts perspective also helps explain why victims' deservingness affects evaluations of offense seriousness, which was also mentioned by participants. Four officers suggested that petty larcenies were the least serious crimes they had handled because the victims were careless with their property and thus "asked for it." The notion that "[v]ictims often bring crimes upon themselves" (Klinger, 1997, p. 290) suggests that crimes against such persons are justifiable or excusable. Justifiable in the sense that doing something to someone "bad" might be considered good, or at least less bad. For instance, officers who believe the legal drinking age is too high may feel as though underage consumption is not bad; this is exactly how one participant explained her assessment of underage drinking as the least serious crime in her experience. And offenses against "undeserving victims" may be excusable if prompted by the victim's behavior. Driving into someone with a motor vehicle may be excused, for example, if the struck individual is carelessly jaywalking or drunkenly stumbles into the road. In sum, the accounts perspective suggests that offenses are evaluated as less serious to the extent the evaluator—be it an officer or anyone else—accepts excuses or justifications for the crime.

## CHAPTER 6

### TRAFFIC ENCOUNTERS

This chapter examines campus officers' handling of traffic stops and explanations of their actions in their own words. Prior research is reviewed on traffic stops and policing sanctioning, including the costs and causes of traffic accidents. Then descriptive information is provided for traffic encounters in this study as well as officers' explanations of how and why they sanctioned drivers. The chapter concludes by addressing the full range of theoretical factors that may explain participants' sanctioning in traffic stops, both those mentioned and those left unsaid.

#### **Traffic Stops & Police Sanctioning**

Motor vehicle crashes are one of the leading causes of death in the United States (CDC, 2013). In 2009, for example, more than 2.3 million adults were treated for injuries sustained from these incidents. The estimated economic costs of crash-related deaths and injuries topped \$70 billion in 2005; the state of South Carolina alone accounted for \$2.73 billion. In 2012, 228 persons in South Carolina were killed in traffic fatalities (SCDPS, 2013). The most common reasons for such fatalities and injuries are driving too fast for conditions; disregarding signs and signals; distracted/inattentive driving; failure to yield right-of-way; following too closely; driving under the influence; improper lane usage/change; wrong way driving; and improper turn (SCDPS, 2009).

The police are responsible for preventing, responding to, and controlling motor vehicle crashes and traffic infractions generally. Police sanction drivers to deter and

punish these incidents. But not all drivers are sanctioned in the same way, as traffic enforcement is highly discretionary (Wilson, 1968). For one, the police tend to under-enforce the law generally (Schafer & Mastrofski, 2005; see also, Engel et al., 2000; Klockars, 1985; Lundman, 1994; Wilson, 1968); in effect, officers frequently handle incidents with leniency by issuing suspects “some form of warning device or nonlegal mechanism” (Schafer & Mastrofski, 2005, p. 226). Second, most states do not require officers to initiate traffic stops or issue formal sanctions for infractions (e.g., citation, arrest) (Schafer & Mastrofski, 2005). And third, most traffic enforcement is not conducted under direct surveillance of supervisors and administrators, therefore, officers are able to sanction suspects less severely than the law dictates or permits (Brown, 1981).

Yet for incidents in which officers do sanction drivers, what explains their decision making? The majority of studies on traffic stops focus on various legal and extralegal factors—most notably the driver’s race—that affect the odds a driver is cited or arrested once a stop has been made (see e.g., Engel & Calnon, 2004; Lundman & Kaufman, 2003; Novak, 2004; Smith & Petrocelli, 2001). Another factor that might matter, but that is rarely explored, is the reason officers initiate traffic stops in the first place. For example, a study by Engel and Calnon (2004) reported the following reasons officers conducted traffic stops: 49.2% speeding, 22.2% traffic offense other than speeding, 10.7% problem or defect with the vehicle, 8.7% license or registration check, 5.0% some other or unknown offense, 2.2% suspicious driver, and 2.1% DUI check. A recent study by Tillyer and Engel (2013) finds that speeding was the most common reason for officer-initiated encounters.

Another limitation of prior research on traffic stops is few studies consider the full spectrum of ways officers sanction drivers (e.g., no sanction, warning, citation, arrest). One study that does so is that of Engel and Calnon (2004); they find the officers' reason for conducting a traffic stop significantly affected the severity of the sanction; compared to speeding, non-speeding traffic offenses were the least likely to be ticketed, and the ones most likely to result in arrest were non-speeding traffic offenses, vehicle defects, and suspicious driver. Another study by Tillyer and Engel (2013) examined the odds of drivers being warned, cited, or arrested for six traffic stop reasons; compared to speeding, officers were more likely to (1) warn drivers for moving violations, equipment violations, preexisting information, registration violations, and special traffic enforcement; (2) ticket drivers for all of those reasons as well as a license violation; and (3) arrest drivers for moving violations, preexisting information, and special traffic enforcement. While the aforementioned studies highlight how officers sanction traffic offenders based on the reason for the stop, these quantitatively driven studies do not explore officers' perceptions of why these reasons affect their decisions.

A notable exception is the study by Schafer and Mastrofski (2005). They used observational and interview data on 151 traffic stop encounters to examine why officers initiated stops and sanctioned drivers as they did. The most common reason for a stop was speeding (61.4%), followed by faulty head/tail lights (18.4%) and failure to obey traffic control devices (8.2%). Suspects were most frequently sanctioned with a verbal warning (55.9%), followed by citation (31.8%), written warning (5.1%), and no sanction (5.1%). Officers justified their sanctioning decisions according to their own routine traffic enforcement rules (39.0%); a sense of justice (14.4%); the suspect should have

known better (11.8%); legal evidence (3.6%); doing a favor for the citizen (2.1%); and other priorities required premature termination of stop (1.5%).<sup>58</sup> They do not, however, present the officers' explanations for their actions in their own words.

### **Campus Traffic Encounters**

While prior studies have generated understanding of officers' sanctioning in traffic stops, findings are largely based on encounters with municipal police.<sup>59</sup> Given the contextual differences between university campuses and the general public as well as the organizational pressures placed on campus officers over municipal officers, it is important to explore how and why campus officers handle traffic encounters. This is all the more true given this study's field observations indicate traffic stops are the most frequent reason officers interacted with citizens (59.22%); descriptive information for these incidents appears in Table 6.1.<sup>60</sup>

The high number of traffic stops (n=61) compared to pedestrian stops (n=22) or calls for service (n=20) is the outcome, perhaps, of the command staff continually communicating the importance of initiating these types of encounters. For example, on several occasions one of the commanding officers conveyed the following to linemen: "If we get out there and stop people, criminals or would-be criminals will see the blue lights and at least stay away from the area." In other words, traffic stops help deter crime. On

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<sup>58</sup> Total is not equal to 100% because in 27.7% of cases no reason was given by the officers or observer.

<sup>59</sup> An exception is Moon and Corley's (2007) study, which examines campus officers' handling of more than 10,000 traffic encounters on campus. The focus of their study, however, was how drivers' race and gender affected the odds of sanction. The findings indicate that drivers' race, gender, and age; the time of the stop; the reason for the stop; and officers' level of activity increase the likelihood of being sanctioned more severely. However, the authors do not explore in-depth why officers sanctioned drivers as they did, which this chapter does.

<sup>60</sup> Although traffic stops were the most common reason officers engaged in encounters with citizens, no officer ever mentioned these incidents when they were asked to name the most common crime you have handled on campus. There are two plausible explanations for the discrepancy. One is officers believed traffic stops to be so unserious that it did not even cross their minds in the course of the interview. Or two, because traffic violations were not specifically mentioned by the researcher (as were all the other offenses) during the interview, the officers were less likely to think of them.

one occasion, a supervisor scolded the patrolmen for a declining number of traffic stops, saying:

**Officer Brigham:** I got my ass chewed because command staff is wondering why our team's traffic stop numbers are dropping. They're like, "You're going to need to pick it up. We want you to be stopping people, checking for suspicious activity and also to help deter crime in the area."

Although traffic enforcement was encouraged, it was not directed. This allowed officers to proactively enforce the whole of campus, so long as they answered calls for service in their assigned beats.

Officers initiated traffic stops for two broad reasons: moving violations (e.g., broken taillight, failure to signal, no tag light, no headlights) and disregarding a traffic control device, or DTCD for short (e.g., no right on red, no left turn, running a red light). An almost equal number of stops were made for these two reasons: moving violations (n=31) and DTCD (n=30). No traffic stop was initiated for speeding because, according to the participants, the department is not equipped with radar guns to detect speed.

As for characteristics of traffic stops, in only three incidents were bystanders present.<sup>61</sup> Typically for traffic stops, two officers were on scene (47.5%); 39.3% had one officer, 9.8% had three officers, and 3.3% had four officers. It was common for more than one officer to respond as backup to a traffic stop in order to provide extra safety and security.

About 80% of traffic suspects appeared to be under the age of 30. Drivers were white in 74% of cases and minority in 26%. Slightly more than half the drivers were male, and about 72% were students. Drivers appeared to be intoxicated in 6.6% of

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<sup>61</sup> Bystanders only include persons not inside the vehicle at the time of the stop.

encounters; these incidents will be explored in the chapters on alcohol encounters.

Drivers exhibited a positive demeanor in 95% of cases.

The following types of sanctions, listed from least to most severe, were meted out to traffic offenders: 8.2% no sanction; 67.2% written warning; 18.0% citation; 6.6% custodial arrest. No traffic offender was given a verbal warning, information/trespass, or student disciplinary. The remainder of the chapter explores campus traffic encounters by the type of sanction officers issued drivers and the reasons they sanctioned as they did. Note that all traffic cases in which drivers were not sanctioned, were issued a citation, or were arrested are described below as there were so few of them. However, because of the high frequency of incidents where offenders were given a written warning, cases that represent officers' average responses are presented.

### **No sanction**

Drivers were not sanctioned in five cases; two of these incidents involved alcohol and thus are discussed in chapter 8. In one case, Officer Rodriguez spotted two black males leave the Russell House [student center] on mopeds that were parked out front. Based on what they were wearing, the officer believed the mopeds might have been stolen. He followed them until he observed them run a red light and initiated a stop. Officer O'Hare, who was in the immediate area, saw the blue lights and responded to the scene as backup. Rodriguez approached the two suspects and explained that he stopped them because they ran a red light, but he also wanted to check the status of their mopeds because several had been stolen from across campus.<sup>62</sup> Rodriguez asked for their IDs and

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<sup>62</sup> For USC officers, a status check occurs in several steps. First the Officer provides dispatch with the suspect's information, such as name, date of birth, sometimes social security number, and vehicle information (e.g., license plate). Next, the dispatcher runs that information through the National Crime Information Center (NCIC), which is an "electronic clearinghouse of crime data that can be tapped into by



they handed them over. He then radioed their information to dispatch for a status check. The suspects stood calmly and casually conversed with the officers about where they were going and what they were up to. At that point, Officers Travis and Miller arrived to the scene and stood back so as to create a perimeter.

The status checks on the drivers and their mopeds came back clear. Officer Rodriguez told the men they were free to go and to have a good night. When asked why he did not sanction the suspects, Officer Rodriguez cited:

**Officer Rodriguez:** I used the running the red light as probable cause to stop the drivers, but I was more concerned with seeing if the mopeds were stolen. Since they were clear, there was no need for me to warn them or tell them not to be up to no good.

Officer Rodriguez used the traffic violation as a pretextual stop so he could check whether the mopeds were stolen. Since the mopeds were not stolen, Officer Rodriguez did not care to sanction the actual traffic offense. It seems that Rodriguez was in pursuit of greater offenses rather than traffic infractions.

In two other cases, officers conducted a traffic stop because the parked cars appeared suspicious, but neither officer sanctioned the suspects. Officer O'Hare explained that he did not sanction the suspect because "[t]he guy was just waiting to pick

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virtually every criminal justice agency nationwide, 24 hours a day, 365 days a year. ... The NCIC database currently consists of 21 files. There are seven property files containing records of stolen articles, boats, guns, license plates, parts, securities, and vehicles. There are 14 person files, including: Supervised Release; National Sex Offender Registry; Foreign Fugitive; Immigration Violator; Missing Person; Protection Order; Unidentified Person; U.S. Secret Service Protective; Gang; Known or Appropriately Suspected Terrorist; Wanted Person; Identity Theft; Violent Person; and National Instant Criminal Background Check System (NICS) Denied Transaction. The system also contains images that can be associated with NCIC records to help agencies identify people and property items. The Interstate Identification Index, which contains automated criminal history record information, is accessible through the same network as NCIC" (FBI, 2013). Note, some law enforcement officers are able to access information from NCIC themselves, when they have computers equipped with the program in their patrol cars.

someone up, so there wasn't anything going on." Similarly, Officer Moore said about his incident: "I suspected there was drug shit going on, and maybe there is, but right now he's not doing anything so there's not much I can do." For these two officers, sanctions were not given to the suspects because the officers failed to observe any crime that would justify punishment (see also Schafer & Mastrofski, 2005).

In short, officers justified not sanctioning a traffic offender because (1) the motivation of the stop was to discover more serious offenses that were shown to in fact not be occurring, and (2) there was insufficient legal evidence to warrant a sanction.

### **Written Warning**

The most frequently issued sanction for traffic offenses was a written warning, but officers cited different reasons for its application. One reason is officers felt the infractions were not serious enough to warrant a more severe sanction. Officer Combs, for example, gave a written warning to a suspect for driving without headlights because "[i]t's not that serious and can be handled in a different way other than needing a ticket." Officer Dillon also wrote a written warning for no headlights, saying: "No headlights is just not necessarily a serious charge." And when Officer Carter was asked how he was going to sanction a case of driving without headlights he said, "I'm giving her a written warning because ... it wasn't a serious offense in the first place."

Officers also issued written warnings when evidence of additional infractions did not turn up during pretextual stops. These officers used traffic stops to check the driver's status and look for any suspicious activity or other offenses.<sup>63</sup> Officer Wilson described pretext stops as his favorite part of the job: "[Y]ou've got every excuse in the world to

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<sup>63</sup> Paoline and Terrill (2005) note that "[f]or officers who have internalized the attitudes of the traditional culture, traffic stops are great opportunity to aggressively fight crime and 'check people out'" (p. 456).

find out everything about that person [the driver] and I love that.” Officer Voight explained this goal clearly:

**Officer Voight:** Usually when people break minor little infractions like these, I like to check for alcohol or try to get a whiff of marijuana or something. If everything is fine, you get a warning. Otherwise, if you are not paying attention to me, I give you a citation.

After issuing a driver a written warning for no headlights, Officer Yates claimed, “I could have issued a ticket, but didn’t. ... We basically use these types of stops to make contact with people, check their status and [look] for other suspicious stuff.” And Officer Moore, too, issued a written warning to a driver for having a brake light out saying, “I didn’t want to write her [a ticket], and I have the discretion to make that decision. You know often I use these moving violations as a reason to stop people and run their information.” In short, these officers used traffic stops as pretexts for potentially more serious infractions. As long as drivers’ status was clear and no other offenses were observed, suspects escaped with a written warning.

A third reason officers issued written warnings in traffic stops is they believed the infraction was the driver’s honest mistake. For example, after stopping a car with no headlights, Officer Wilmington determined that the driver was not the owner of the vehicle but, instead, driving his pledge brother’s car. Because the car was unfamiliar to the suspect and, thus, he did not know how to operate the lights, Wilmington wrote him a warning, explaining, “It was an honest mistake. He is out here having to drive around his fraternity brothers, so it’s no surprise he doesn’t know how to work the car.” Officer Carter issued a driver a written warning for “no turn on red” because “the no turn on red

happens a lot of times at night because it's hard to see the signs posted in the dark." And when a driver failed to stop at a stop sign, Officer Strickland issued a written warning due to giving the driver the benefit of the doubt: "[H]e already knew what he did wrong. It's not his car. He's getting ready to go pick up some friends from Greek Village." Officer George wrote a written warning when a suspect ran a red light at a busy intersection; as he explained:

**Officer George:** So usually with disregarding traffic control devices, if I can sometime ascertain that it's accidental at all I usually just give them a warning. Like if ... I could tell that he had been on the phone texting ... then I would be more inclined to give him a citation.

After Officer Dillon stopped a car without headlights in Greek Village, he issued the female student a written warning saying, "[S]he's not driving her own car so she's going to get a warning." Dillon reasoned that had it been her own car, she would have realized she did not turn her lights on, but such was not the case.

In sum, officers issued traffic offenders written warnings when (1) they deemed the infraction not serious enough to deserve a more severe sanction, (2) the stop was a pretextual stop that failed to uncover evidence of another offense, and (3) the traffic infraction was a mistake.

### **Citation**

The second most frequent sanction for traffic offenses was the citation. Officers gave three different reasons for sanctioning suspects in this way. One is that the officers believed there was no justifiable excuse for the violations (see also Schafer & Mastrofski, 2005). Officer Carter, for instance, spotted a small Mazda Miata driving extremely fast

for the rainy road conditions. He turned the patrol car around in the middle of the street and sped to catch up to the speeder. When the suspect reached Greene Street he made a sharp right turn that caused the back end of his car to fish-tail. The car then proceeded to fly up the street, but quickly slowed once the blue lights flickered. Carter approached the driver side window. The driver appeared over the age of 30, was not a student, and looked really upset. Carter asked why he was driving so fast and the guy responded, "I was just trying to make it home. I was at the hookah bar and this guy told me he was going to beat my ass." Carter asked the suspect if he had been drinking, who responded, "No. Guy was threatening me. I am [an] extremely nonviolent person." After speaking with the suspect and having his status cleared, Officer Carter issued him a citation for travelling too fast for conditions. Carter explained his sanction by saying, "I hate writing tickets to these guys [servicemen] but it was just stupid. I just think he needs something more than a written warning." Officer Carter did not want to write the serviceman a ticket, especially because he himself was in the military prior to becoming a USC campus police officer, but felt it was necessary because there was no valid excuse for the offense that he deemed serious due to the potential harm it posed.

Officer Voight issued three tickets for no left turn at the intersection of Greene Street and Bull Street. He explained:

**Officer Voight:** [A]t this turn right here we have three traffic control devices to tell you not to make a left turn there. ... [T]hey [drivers] want to make a short cut ... [a]nd it's really dangerous for them to make a left right there because there's a blind spot coming from this road right here [Bull Street] onto the gates.

For Voight, drivers who make the left turn deserve a citation because there are ample warnings that it is illegal, not to mention dangerous.

Another reason for issuing a citation was mentioned by Officer Dillon. It was an unusual case because it was the most severe sanction he could legally mete out for this particular traffic offense—the reason for which is explained below (see also Schafer & Mastrofski, 2005). Dillon spotted two black males driving erratically on mopeds in Greek Village without headlights. As they turned onto Blossom Street, they headed up and quickly turned left on Lincoln Street. Dillon blue lighted them. Instead of stopping the suspects took off, increasing speed and blowing through several stop signs. Dillon hit the gas and called out on the radio, “We got two not stopping.” He tailed the two drivers up the hill of Lincoln Street. One suspect swerved left into the oncoming traffic lanes, while the other continued in the proper lane, blowing through all the stop signs. When one of the suspects reached the top of the hill he drove the moped onto the sidewalk in front of a strip of bars; he escaped. The other driver, who was in the lane of oncoming traffic, approached the top of the hill. He attempted to cut across a small concrete turn-around and escape onto the sidewalk, as did his co-offender, because the patrol car would be unable to follow him. But when Dillon started approaching the turn-around he calmly said to me, “Hold on”, and made a sharp left around the median, thereby cutting off the suspect who then dropped the moped in the median and started to run. Dillon threw his seatbelt off, jolted the door open, jumped out, and yelled “Put your hands up!” as he placed his hand on his weapon. The suspect threw his hands above his head and threw himself face down onto the ground. Dillon cuffed him immediately as backup arrived.

The supervising officers, Haynie and Johnson, immediately began questioning the

suspect about what he and his buddy were up to. While the suspect never admitted to stealing the mopeds, it was obvious from his story that he and the other suspect had hotwired the mopeds from Greek Village. The encounter drug on for five hours as Dillon and the other officers tried to identify the suspect, as he had no ID on his person. Identifying the perpetrator was especially important because he kept saying he was only 16 years old and, as such, could not by law be taken to jail and, instead, would have to be released to a parent. By the end of the evening, the officers got into contact with the suspect's mother who confirmed he was in fact only 16. She came to the department and picked up her son, who was given a ticket for reckless driving. Officer Dillon explained why he issued this sanction rather than a more severe one:

**Officer Dillon:** In this case there wasn't much else I could do. Until we can prove that he stole that moped, the most I can do right now is ticket him for reckless driving. And the fact that he's only 16 limits what I can do 'til we can give him a more serious charge.

Although Dillon wanted to more severely sanction the suspect because he strongly believed he had stolen the moped, he recognized his own hands were tied by the law. Because of the suspect's age and lack of evidence, the most Dillon could do was issue a citation.

While the above officers wrote citations out of perceived necessity, two officers gave suspects citations with the intention of later reducing the charge. This is a third reason for citing a driving infraction. When a driver ran a stop light, Officer Wilmington wrote her a citation, stating, "[I]t was a blatant violation and also a dangerous intersection where there's a lot of foot and vehicle traffic." But she then told the driver:

**Officer Wilmington:** I'm going to try something new. I'm going to give you a few options here. You can pay the ticket before you come to court and be done with it. You can show up to court and try to contest it and possibly have to pay it. Or you can write me a two page paper on traffic safety and bring it here to the department. If you write the paper, I'll drop the ticket at court.

Officer Carter made a similar proposition to a driver who had an expired tag and decal: "If you clear it up before court, I'll drop the ticket." These two officers, then, issued citations to impel the suspects to think seriously about and fix the violation, respectively.

In short, officers issued drivers citations when (1) the offense was too serious to sanction less severely, (2) the law did not allow a more severe sanction, and (3) the officer had the intention of later reducing the charge.

### **Arrest**

Finally, three traffic offenders were arrested for driving under suspension. By law, this violation automatically results in arrest.

After stopping a car with no tag light, Officer Luke discovered the driver's license had been suspended. He placed her in handcuffs and took her to jail, explaining:

**Officer Luke:** Driving under suspension is an automatic ride to jail. The court suspended the license for a reason, whether you think it's a good one or not. So that's something that we take serious but we have no choice in the matter. I mean she tried to get out of it. She had over \$400 cash in her wallet and told me and [Officer] Johnson she would do *anything* to get out being arrested. She even wanted to know if she could just pay us now instead of takin' her to jail. I don't know if she's a stripper or not, but who has that kind of cash on them?



Officer Way also arrested a driver for driving under suspension. The stop was initiated after the perpetrator failed to yield at a stop sign, which almost resulted in a crash with the patrol car. After placing the suspect in handcuffs, Way clearly explained to him why he was going to jail:

**Officer Way:** So it's not in my hands. It's just part of the job. If your license is suspended, then you know I can't do anything about. You're driving on these streets and you're not supposed to be driving. ... It doesn't matter. If I'm driving around and I don't have a license to be driving, then it doesn't matter if the ten other people in the car can drive, 'cause you're the one driving. Let me just tell you, if you were to run a red light, or say anything, say you were to get into an accident and you were to kill somebody and you're not allowed to be driving, that's all going to come back on you, 'cause you're not supposed to be driving. ... And you know what, you said yourself you knew you had to go and get a new license issued, so that's got to be your first priority. If you know you haven't paid tickets, if you know it's suspended, you got to make it your priority to go up to the DMV and say, "You know tell me the status of my license. I got a job, I'm driving, I got a baby and you know I got to do all this stuff. I can't afford to not be able to drive." ... And they would have told you straight up, pay your reinstatement fees, get you a new license and you'll be done. You'll be good to go. ... We got to tow the car because we're only allowed to release the car if the owner says "I will release it to this person." ... It's going to fall back on me ... I'm going to give you a scenario. It's going to fall back on me. Say for instance, I let your friend take the car and say he got in a wreck. And then all of a sudden,

your mom says, “Well why is he driving that car?” And then you say, “Oh well I let him have it.” Well she’s the owner, she could say, “You know what, I’m the owner and I would not have released it to him.” ... Nine times out of 10, nothing would happen, but that 1 time. You know what I mean?

After Way explained to the driver why he was being arrested, she gave him some good news:

**Officer Way:** I’m going to cut you a break. I’m just going to write you a warning for failure to yield. ... I got to write you a citation for the driving under suspension, ok? It’s probably going to be around like \$400, but you got to show up and you got to tell the judge, “I’m working, but I can’t pay this off upfront. Will you please let me do a payment plan?” Nine times out ten, they’ll say yes. And then you just pay a little bit at a time, until you get it taken care of. I know it’s a pain in the ass ... I hope you learned your lesson this time.

Way’s decision to arrest was purely guided by the legal mandate. She even told the offender in detail the implications of allowing him to go free. Although she arrested him, she chose to be more lenient for the failure to yield infraction by just giving him a written warning.

The third arrest incident began one evening when Officer Luke initiated a traffic stop after spotting a car driving without headlights on. Officer Wilson was in the immediate vicinity and stopped for backup after seeing the blue lights. In speaking with the driver, Luke learned that the suspect was not the owner of the vehicle, as the owner was in the passenger seat and drunk.

Luke asked the two individuals for some form of identification. The driver was 18 years old, white, and a student. The intoxicated passenger was 20 years old, white, and a student too. Officer Luke transmitted their information to dispatch for a status check. The dispatcher informed Luke that the driver was not issued a driver's license, which means he was driving illegally. Officer Luke informed the driver that this is a mandatory arrest offense, and informed the passenger that he would receive a student disciplinary for underage drinking. Then Luke called for a tow truck to retrieve the vehicle, as the owner was intoxicated and unable to drive the car away.

When asked why he sanctioned the suspects as he did, Officer Luke explained:

**Officer Luke:** Had the passenger been able to drive away from here, I wouldn't have arrested the driver, I would've let him go. But since he was drunk and the driver had no license, I had to have the Jeep towed away. The passenger's getting a student disciplinary since he was drinking underage, but I'm not going to bother with anything like a ticket 'cause it's not that serious.

In short, Officer Luke arrested the driver because he was required to do so by law and, additionally, no one else was available to drive him away from the scene. The passenger was issued a student disciplinary for underage drinking, which Luke felt was an appropriate sanction given that, in his mind, this particular offense is "not that serious."

### **Why Sanction Leniently?**

The most common kind of police-citizen encounter observed on campus was traffic stops. The technical reason for these stops were moving violations (e.g., no tag light, no headlights) or disregarding traffic control devices (e.g., running a stop sign or red light), although sometimes stops were purposed as pretextual.

Two-thirds of driving infractions were sanctioned with a written warning. Officers justified their use of this sanction noting the incident was not serious enough to deserve a more severe sanction (Brown, 1981); the stop was purposed with uncovering something more serious (i.e., pretextual) but did not (see Smith & Petrocelli, 2001; also Brown, 1981); or the driver made an honest mistake.

Citation was the second most frequent sanction given to drivers. While a more lenient sanction than arrest, several officers cited drivers due to feeling as though they deserved a more severe punishment than a written warning because the offense was inexcusable (see also Schafer & Mastrofski, 2005), and also because it was a way to incentivize drivers to acknowledge a problem (e.g., dangers of running a red light) or take corrective action (e.g., renew tag and decal). In one case, namely that involving the supposed stolen mopeds and car chase, the officer cited the suspect because the law did not allow him to issue a more severe sanction.

The third most common way that officers handled traffic offenders was by issuing no sanction. In these cases, officers decided they had no legal basis for giving a sanction (see also Schafer & Mastrofski, 2005), or the nature of the stop was pretextual and failed to uncover evidence of a more serious offense. Though research points to officers issuing drivers warnings in pretext stops (Smith & Petrocelli, 2001), Officer Rodriguez's inclination was to not sanction the suspects at all. Nevertheless, his sanctioning decision follows the common trajectory in which officers sanction less severely when pretexts do not produce additional offenses.

Arrest—the most severe form of sanction—was the most infrequent sanction applied to traffic offenders. When arrests did occur, it was only because officers were

legally mandated to do so. It is interesting that the only traffic violations to result in arrest are those in which the officers' discretionary decision making was reduced to zero, and yet, paradoxically, the single time an officer wanted to arrest and thereby jail the offender—who was suspected of stealing a moped and undoubtedly guilty of fleeing from the police—was precluded by the law.

### **Officers' Theories of Sanction Severity: Deterrence, Seriousness, and Legal Factors**

Officers' explanations for why they sanctioned suspects more or less severely, which ranged from nothing to arrest, are relevant to three broad perspectives on crime and punishment: deterrence, punishment should fit the crime; legal factors. In the paragraph directly above the effect of legal factors on officers' sanctioning is explained.

Deterrence is the prevention of offenses through the threat and execution of punishment (Bentham, 1988 [1781]). Traditional criminological thought has been that for punishment to effectively deter it must be swift, severe, and certain (*ibid.*). However, deterrence research has shown that “the perceived certainty of sanctions is more important in deterring crime than the celerity or severity of sanctions” (Pogarsky, 2002, p. 431). The reason traffic stops are a generally prominent feature of campus policing is they are viewed as a means of deterrence; recall that the commanding officers impelled patrolmen to make these stops because “criminals or would-be criminals will see the blue lights and at least stay away from the area.” And two officers sought to deter future offenses through the threat of fines. Officer Wilmington gave a suspect the choice between writing a paper on traffic safety—intended to teach her a lesson—and paying a fine. Officer Carter told a suspect he would “drop the ticket” if the offender renewed his

tag. Thus for these two suspects, more severe sanction was most certain if they did not take the officers' deal.

As examined in chapter 5, a long held idea is that punishment should fit the crime (Beccaria, 1995 [1764]; Bentham, 1988 [1781]), meaning more serious offenses should receive more severe sanctions. This played out in three ways. One is that officers sanctioned suspects less severely than they could have because they felt the offense was too unserious to sanction more severely. For this very reason, Officer Combs, Dillon, and Carter gave written warnings rather than citations. The flipside of this is officers sanctioned suspects more severely because they felt the offense was too serious to sanction less severely; Officers Voight and Carter explained their citing of traffic violations as such. Third, offense seriousness depends not only on the nature of the crime but also on the suspect's intent; recall that officers deem offenses to be less serious when they accept excuses or justifications (see Scott & Lyman, 1968). This chapter finds that suspects' intent does in fact affect officers' sanctioning decisions, as they explained giving written warning rather than citations as the product of the suspects' honest mistakes and accidents (see also Schafer & Mastrofski, 2005).

### **Alternative Theories of Sanction Severity**

The fact that officers did not allude to other theories of their sanctioning decisions does not mean other factors have no effect. On the whole, officers tended to leniently sanction traffic offenders. This finding parallels prior research indicating municipal officers frequently show leniency when sanctioning drivers (see, e.g., Brown, 1981; Engel & Calnon, 2004; Schafer & Mastrofski, 2005; Schellenberg, 2000). But, in addition to officers' theories of sanction severity, why is there a general tendency to

sanction traffic violations leniently when they are potentially serious events? They are, after all, responsible for one of the leading causes of death in the United States. Prior research has proposed several explanations of lenient law enforcement. These are reviewed below and their applicability to the study's findings is discussed.

**Organizational factors.** Officers may have handled traffic incidents less severely because of organizational controls, as they can exert a strong influence on police behavior (Crank, 1990; Mastrofski, 1981; Mastrofski, Ritti, & Hoffmaster, 1987; Terrill & Paoline, 2007; Worden, 1989). It has long been recognized that university and campus police administrators jointly constrain police action on campus (Bordner & Petersen, 1983; Sloan & Fisher, 2011). This idea has not been extended, however, to sanctioning decisions in particular.

While the effect of organizational factors on officer decision making in encounters was not the primary focus of this study, a couple of officers mentioned during the ride-alongs that the department, and its administrators, restrict officers' actions. For example, Officer Wilmington described the administrative sanctioning policy generally:

**Officer Wilmington:** The [unwritten] university policy states that we as officers are supposed to exhaust *all* possibilities before we take someone to jail. So if we can issue a warning, or a student disciplinary, or even a citation we should do that first. Jail is supposed to be a last resort.

Officer Wilson also noted, "We have to write [at least] a warning ticket for every car we stop." Officer Combs echoed the same sentiment one evening after stopping a car with one headlight. The driver politely told her that he had just been stopped by Officer Harrison for the headlight infraction. She told the driver, "Listen, I still got to have some

form of documentation for this interaction we're having, so just hold tight while I write you up a warning.”

Given the department's policies on sanctioning, perhaps it should be expected that written warnings were the most frequent sanction issued to traffic offenders. But as Schafer and Mastrofski (2005) note:

Organizational pressures might ... increase the likelihood that an officer would invoke formal sanctions in reaching a disposition, ... [but] such organizational influences ... [are] often found to influence general conduct, rather than decision making in specific encounters with the public (p. 235; see also Lundman, 1979; Mastrofski et al., 1987).

For example, while many officers were partial to writing warnings for most traffic offenses, several resorted to writing citations when they deemed a particular incident deserved a more severe sanction due to its seriousness. On the other hand, officers frequently issued no sanction despite the fact that the department's rule is to issue at least a warning for each stop.

While organizational effects are a likely explanation for sanctioning in traffic encounters, officers never mentioned, with the exception of Combs, that they gave a particular sanction because it is the department's policy. Nonetheless, the department arguably had a great impact on the rate at which officers conducted traffic stops in the first place given administrators emphasized the importance of initiating these types of encounters.

**Community context.** The campus community—students, faculty, and staff—may also influence the extent to which officers leniently sanction offenses. This effect,



however, is not necessarily the result of what Wilson (1968) called deliberate community choices, as these “choices rarely have more than a limited effect on police behavior, though they may often have a great effect on police personnel, budgets, pay levels, and organization” (p. 227). Rather, officers operating in the campus context may leniently sanction because their personnel, budgets, and school-wide university funds could be negatively affected by more zealous sanctioning. This could happen if substantial numbers of students chose to attend another college due to perceiving a particular campus police force as too aggressive. No officer, however, mentioned that they factored the community’s choices about police behavior into their situational decision making.

**Extralegal factors.** A substantial portion of research with municipal police suggests that certain characteristics—namely suspect race—increases the likelihood of being stopped and more severely sanctioned (Engel, Tillyer, Cherkaskas, & Frank, 2007; Lundman & Kaufman, 2003; Smith, Tomaskovic-Devey, Zingraff, Mason, Warren, & Wright, 2003; for exceptions see Alpert et al., 2006; Tillyer & Engel, 2013). While predictive analyses are precluded due to the small sample of traffic encounters (n=61), correlations between extralegal factors (e.g., age, sex, race, student status, number of officers, number of bystanders, intoxication, and demeanor) and the different levels of sanction severity issued to drivers (e.g., no sanction, written warning, citation, arrest) were examined (see table 6.2).<sup>64</sup>

Results indicate that suspect sex is significantly associated with receiving no sanction at all. Suspect age is positively associated with a written warning and negatively with receiving a citation. Student status, too, is positively associated with a written

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<sup>64</sup> Because no verbal warnings, information/trespass, or student disciplinaries were issued to drivers in traffic offenses, dummies for these sanctions are not included. Each of the independent variables are dichotomous, except for bystanders, number of officers, and demeanor.

warning. Demeanor and intoxication are negatively related to a written warning. The number of officers present at the police-citizen encounter is significantly associated with arrest. There are no other significant relationships between extralegal variables and sanction type.<sup>65,66</sup>

### **Conclusion**

Officers expressed seven reasons for sanctioning traffic offenders. How best their actions and motives are explained by factors like organizational pressures, the community context, and extralegal characteristics is unclear. Future research, however, should be directed toward disentangling these arguments.

Aside from these potential influences, it may be important to consider how the role of campus police at the university affects their actions; be it to enforce the law or act *in loco parentis* (i.e., “in the place of the parent”) (see Sloan & Fisher, 2011) . As described in chapter 3, the role of campus police has evolved over time. In the past, officers were primarily viewed as “watchmen” or security guards. Today, however, many campus police departments are law enforcement oriented, much like their municipal counterparts. At the very least, the USC campus police commanding staff is law enforcement oriented, as evidenced by their remarks, regarding proactivity and controlling and preventing crime, during roll call as well as in casual conversation.

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<sup>65</sup> One exception is the first case described in this chapter where Officer Rodriguez did not sanction the two black suspects on the mopeds who ran the red light. Recall, Officer Rodriguez believed the suspects appeared suspicious and may have stolen the mopeds based on how they were dressed. However, it is also plausible that he was suspicious because of their race. Alpert et al. (2005) found that race is an important factor in the formation of suspicion, though it is not predictive of police behavior. Nevertheless, blacks are more likely to be stopped—a phenomenon known as “driving while black” (Harris, 2002; Meeks, 2000; see also Lundman & Kaufman, 2003).

<sup>66</sup> Another kind of extralegal variable that could have affected the way officers enforced and sanctioned traffic offenses is officer’s philosophy of enforcement and sanctioning, or their working rules. The researcher, however, did not collect such information, so conclusions cannot be drawn as to whether certain officers were more likely to sanction more/less severely than others due to their working rules. At least for traffic enforcement, officer characteristics and beliefs did not appear to affect their level of enforcement or sanctioning.

However, the extent to which the patrolmen assumed the same role and beliefs is unknown. At least in the context of traffic enforcement, officers appeared to fulfill a legitimate function of the organization, as defined by its administration, and sanctioned in accordance with its mandates.

Table 6.1: Descriptive Statistics for Traffic Encounters (n=61)

Variables	%	SD	M	Range
SANCTION SEVERITY		1.41	3.31	6
No sanction	8.20%			
Written warning	67.20%			
Citation	18.00%			
Arrest	6.60%			
<i>Legal Factors</i>				
REASON FOR STOP				
Moving violation	50.82%			
DTCD	49.18%			
<i>Structural Factors</i>				
MOBILIZATION		0.00		
Proactive	100.00%			
Reactive	0.00%			
NUMBER OF OFFICERS		0.76	1.77	3
OFFICERS				
More than 1 officer	60.70%			
1 officer	39.30%			
NUMBER OF BYSTANDERS		0.58	0.11	4
BYSTANDERS		0.22		
Yes	4.90%			
No	95.10%			
<i>Suspect Characteristics</i>				
NUMBER OF SUSPECTS		0.25	1.07	1
AGE		0.40		
30 and over	19.70%			
Under 30	80.30%			
RACE		0.44		
Minority	26.20%			
White	73.80%			
SEX		0.50		
Male	57.40%			
Female	42.60%			

STUDENT STATUS		0.72
Student	72.10%	
Non-student	27.90%	
DEMEANOR		0.22
Negative demeanor	4.90%	
Positive demeanor	95.10%	
INTOXICATION		0.25
Not visibly intoxicated	93.40%	
Visibly intoxicated	6.60%	
FIRST RESPONDER		0.00
Yes	0.00%	
No	100.00%	
HOSPITALIZED		0.00
Yes	0.00%	
No	100.00%	

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Table 6.2: Traffic Encounters: Correlations

Variables	1	2	3	4	5	6	7	8	9	10	11	12
1. Number of bystanders		0.193	0.113	0.042	-0.106	-0.197	-0.052	-0.06	-0.068	-0.164	-0.107	0.552**
2. Number of officers	0.193		-0.064	0.059	0.246	-0.116	0.191	0.184	0.162	-0.248	-0.001	0.293*
3. Age	0.113	-0.064		0.140	-0.176	0.796**	0.113	-0.036	-0.153	0.269*	-0.304*	0.131
4. Race	0.042	0.059	0.014		-0.089	-0.128	0.037	-0.158	0.094	-0.060	0.011	-0.007
5. Sex	-0.106	0.246	-0.176	-		-0.166	0.043	0.094	0.258*	-0.249	0.059	0.094
6. Student status	-0.197	-0.116	0.796**	-	-0.166		-0.028	0.017	-0.214	0.345**	-0.184	-0.131
7. Demeanor	-0.052	0.191	0.113	0.037	0.043	-0.028		0.552**	0.208	-0.326	0.091	0.246
8. Intoxication	-0.060	0.184	-0.036	-	0.094	0.017	0.552**		0.162	-	0.22	0.197
9. No sanction	-0.068	0.162	-0.153	0.094	0.258*	-0.214	0.208	0.162		-	-0.140	-0.079
10. Written warning	-0.164	-0.248	0.269*	-	-0.249	0.345**	-0.326*	-	-	0.379**	-	-
11. Citation	-0.107	-0.001	-0.304*	0.011	0.059	-0.184	0.091	0.22	-0.140	-	0.672**	0.379**
12. Arrest	0.552**	0.293*	0.131	-	0.094	-0.131	0.246	0.197	-0.079	-	-0.124	-
				0.007						0.379**		

Results based on Spearman's Rho

\* $p < 0.05$ . \*\* $p < 0.01$ .

## CHAPTER 7

### ALCOHOL ENCOUNTERS & ARREST

Prior research on police-citizen encounters involving alcohol largely focuses on how intoxicated suspects and municipal officers behave toward one another. These studies find suspects under the influence are more likely to disrespect, resist, and attack the police (Alpert & Dunham, 1999, 2004; Crawford & Burns, 2002; Dunham et al., 2005; Engel, 2003; Engel et al., 2000; Reisig et al., 2004) and, as a result, are more likely to be arrested and have force used against them (Black, 1971; Dunham et al., 2005; Engel, Sobol, & Worden, 2000; Lundman, 1974, 1994, 1996, 1998; Mastrofski, Worden, & Snipes, 1995; Reisig et al., 2004; Terrill, 2005; Terrill, Paoline, & Manning, 2003; Worden, 1989; Worden & Pollitz, 1984). Yet the effect of intoxication on demeanor is just one way alcohol affects police-citizen encounters. Alcohol also plays a central part in “alcohol crimes” like DUI, underage drinking, fake ID, and public drunkenness. Moreover, intoxication increases the odds of persons committing “alcohol-related crimes,” such as a drunken assault, theft, or vandalism.

This chapter examines how officers handle encounters with citizens involving alcohol crime, alcohol-related crime, or both among campus police.<sup>67</sup> The focus is on cases in which officers sanctioned suspects in the most severe way (i.e., arrest).<sup>68</sup> First, descriptive information is provided for all alcohol encounters observed in this study. Then, how and why officers sanctioned suspects with arrest is examined, with descriptive

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<sup>67</sup> See chapter 2 for definitions of each of the broad alcohol offenses.

<sup>68</sup> In the following chapter alcohol-involved incidents receiving less severe sanctioning are analyzed.

statistics for these specific cases. The chapter concludes by discussing plausible explanations for officers' behavior.

### **Campus Alcohol Encounters**

Nearly one in three encounters in the study involved alcohol (n=31). To give a sense of scale, descriptive information for these events appears in Table 7.1.<sup>69</sup> About 67% of the alcohol incidents were discovered through proactive mobilization. Two-thirds occurred on a street/sidewalk, with the rest in a campus building (mainly dorms). The number of officers at the scene of alcohol incidents ranged from one to seven; 67.8% of encounters involved one or two officers; 19.4% of encounters had three officers, 9.7% had four, and 3.2% had seven officers present. Seventy-one percent of these encounters had no bystanders present. When bystanders were present there tended to be several; 28.6% had four or more bystanders.

Only suspects were present at the scene in 83.9% of the cases; only victims were present in 9.7% of the encounters; both suspects and victims were present at 6.4% of the incidents. The number of suspects involved in any one encounter ranged from zero (meaning not present at the scene) to five; most cases involved one offender (64.5%). As for suspect characteristics, about 90% appeared to be under the age of 30, 75.0% were students, 100% were white, and 71.4% were male. More than three-fourths of suspects exhibited a positive demeanor.<sup>70</sup> About 79% of suspects appeared intoxicated. First responders were dispatched in 8.4% of cases, and 3.2% of suspects were hospitalized as a result of their intoxication. Regarding victim characteristics, 80% were male, 80% under

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<sup>69</sup> This rate is similar to what McClelland and Teplin (2001) observed in their study (e.g., 34%), which to date is the only empirical examination of the nature and extent of police-citizen encounters involving alcohol.

<sup>70</sup> See chapter 4 for a description of how demeanor is measured.



the age of 30, and 80% white. About 79% of victims exhibited a positive demeanor. Sixty percent of victims were students. In 60% of cases the victims and offenders were strangers; the rest were acquainted. And 40% of victims appeared intoxicated; first responders were never called to the scene to aid a victim.

Most of the alcohol encounters involved only an alcohol crime (64.5%); they least often involved only an alcohol-related crime (16.1%); 19.4% of the cases involved alcohol crime and alcohol-related crime. The alcohol crime-only incidents were most often underage drinking (55.0%) followed by public drunkenness (30.0%), DUI (10.0%), and fake ID (5.0%).<sup>71</sup> The encounters involving alcohol crime and alcohol-related crime were cases of underage drinking and public disorder (66.7%), underage drinking and fraud (16.7%), and underage drinking and vandalism (16.7%). The strictly alcohol-related crime encounters—meaning those with an intoxicated suspect who had not committed an alcohol crime *per se*—were most often cases of disorder (60.0%), assault (20.0%), and vandalism (20.0%).

### **Sanctioning in Alcohol Encounters**

When campus police handled alcohol encounters, how did they sanction suspects? Although each of the alcohol crimes (e.g., public drunkenness, underage drinking, fake ID, DUI) and the crimes associated with drinking (e.g., assault, fraud, destruction, public disorderly conduct) are all arrestable offenses in the state of South Carolina, officers frequently treated offenders leniently. Suspects received the following sanctions, from least to most serious, according to the type of crime related to alcohol they committed: *alcohol crime*—no sanction (20%), verbal warning (20%), written warning (5%), student

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<sup>71</sup> Note that these figures reflect the percentage of specific crime types within kinds of alcohol offenses. These figures were generated through crosstabulations.

disciplinary (25%), citation (25%), arrest (5%); *alcohol-related crime*—no sanction (20%), verbal warning (20 %), arrest (20%); *both*—student disciplinary (16.7%), citation (16.7%), arrest (50%).<sup>72,73</sup> As for alcohol crimes, suspects were given a range of sanctions, but most received a citation. Suspects who committed alcohol-related crimes, however, were most likely to not be sanctioned at all. And suspects who committed both an alcohol and an alcohol-related crime were most frequently arrested.

To understand more fully the distribution of sanctions, whether a suspect received a university-specific sanction (e.g., student disciplinary, written warning, suspect info/trespass, verbal warning, no sanction) or criminal justice system sanction (e.g., citation, arrest) is examined. Criminal justice sanctions are arguably more severe since they are handled by the local government and may carry a fine or require incarceration, whereas university sanctions are handled in-house and thus do not carry the same penalties.<sup>74</sup> Alcohol crime and alcohol-related crime offenders, respectively, were given a university-specific sanction 65.0% and 80.0% of the time, whereas suspects who committed both an alcohol and alcohol-related crime were more often given a criminal justice sanction (66.7%). Thus, officers relied more heavily on university-specific sanctions for alcohol crimes and alcohol-related crimes, but issued more criminal justice sanctions for perpetrators of both alcohol and alcohol-related crimes.

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<sup>72</sup> Recall, that some suspects were given more than one sanction. Therefore, only the most severe is counted.

<sup>73</sup> Note that these figures reflect the percentage of sanctions within kinds of alcohol offenses. These figures were generated through crosstabulations.

<sup>74</sup> Note that a violation of a trespass issuance may result in arrest. Arguably, however, this particular sanction type is still less severe than the criminal justice sanctions because the first issuance serves as a warning with no fines or time served in jail/prison; only subsequent violations of a trespass can lead to criminal justice sanctions.

### **Alcohol & Police-Citizen Encounters: Cases of Arrest**

While the majority of police-citizen alcohol encounters were handled less severely than the law permits (see next chapter), officers sanctioned suspects in the most severe way—arrest—in five cases.

About 80% of the alcohol incidents that ended in arrest were officer-initiated stops (i.e., traffic stops or street stops). Sixty percent of alcohol arrests occurred on a street/sidewalk, with the rest in a campus building (mainly dorms). The number of officers at the scene ranged from one to four; 80% involved two or more officers. Sixty percent of these encounters had no bystanders present; 20% had four bystanders present, while an outlier had 18 bystanders at the scene.

Only suspects were present at the scene in 80% of the cases; both suspects and victims were present at 20% of the incidents. As for suspect characteristics, about 80% appeared to be under the age of 30, 60% were students, 100% were white, and 100% were male. Sixty percent of the suspects exhibited a negative demeanor. All of the suspects appeared intoxicated. First responders were dispatched in 40% of cases, though no suspects were hospitalized as a result of their intoxication. One case involved victims; three to be exact. Only the main victim's information, however, was entered into the dataset for quantitative analyses. The descriptive findings for victim characteristics indicate that 100% were male, 100% under the age of 30, 100% white, and 100% were students. In 100% of cases the victims and offenders were strangers. And none of the victims appeared intoxicated; first responders were never called to the scene to aid a victim.

Most of the alcohol encounters ending in arrest involved both an alcohol crime and an alcohol-related crime (60%); the other 40% involved strictly an alcohol-related crime. All the cases of both an alcohol crime and alcohol-related crime were instances of underage drinking and public disorder. And all the cases of alcohol-related crime were instances of disorder.

Below, alcohol incidents that ended in arrest are presented, including officers' reasons for their sanctioning decisions.

### **Poor Demeanor Leading to Arrest**

In three instances, officers arrested intoxicated suspects because they exhibited a negative demeanor—disrespect, noncompliance, or resistance—during the interaction.<sup>75</sup> The suspects in case 1 and case 2 committed an alcohol crime, specifically underage drinking, and an alcohol-related crime; the suspect in case 3 solely committed an alcohol-related crime.

**Case 1.** At 9:30pm Friday evening, Officer Vance responded to Patterson [a dorm] in regards to a nonresponsive female. As he parked the car outside the dorm he noticed a white male, who we later learned was a USC student under 21 years of age, dressed in a light grey tuxedo, white dress shirt, black cummerbund, and black bowtie sitting slumped over on the edge of a concrete planter box. He appeared to be passed out.

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<sup>75</sup> The moment officers engaged a suspect, that suspect's demeanor—the cumulative of disrespect, noncompliance, and resistance—was recorded. *Disrespect* is rolling eyes or turning away while being spoken to without clearly disobeying the officer's orders (Dunham & Alpert, 2009); using a sarcastic tone, arguing, or cursing is also disrespect. *Noncompliance* is refusing to answer questions or cooperate (Engel et al., 2000). *Resistance* is pulling away from an officer or attempting to flee. Note that suspects' demeanor varied insofar as they may have exhibited one or more of the behaviors; or even none at all. Demeanor is captured by three dummies: *disrespect*, *noncompliance*, and *resistance*; for each sort of demeanor, if present it is measured as 1 and if not present then as 0. An index of scores for the three variables measures suspects' demeanor ranging from 0 at the low end and 3 at the high end. However because of the few number of cases in which suspects scored a 1 or higher, the index is collapsed so that positive demeanor equals a score of 0 and negative demeanor equals a score of 1-3.

Officer Vance did not stop to talk to the individual, but commented that we would check on him after first checking on the nonresponsive female.

After handling the call for service, Officer Vance and I proceeded back to the patrol vehicle and spotted the male still passed out on the stoop. Officer Vance walked over and nudged the guy on the shoulder to wake him. He awoke mumbling. He appeared heavily intoxicated; his pupils were extremely dilated. Officer Vance asked him, “Where you coming from?” Based on the way the guy was dressed, Officer Vance expected he had been to a fraternity or sorority formal event. Instead, the suspect answered “Rock Hill, SC” which turned out to be his hometown. To determine the guy’s state of mind, Officer Vance asked, “What have you been doing?” The suspect answered, “You.” Despite the suspect’s sarcastic, sexual response, Officer Vance proceeded with further questioning (e.g., day’s date, the year, who is the President of the United States), without making a big deal out of the suspect’s disrespectful remark. Officer Vance then noticed a bump on the suspect’s lip and asked if he had been hit. The suspect said, “No.” Officer Vance then asked for his name in order to try to identify him, as he had no ID on his person. The suspect responded with his last name. When Officer Vance asked the suspect his birthdate, he again answered with his last name. Officer Vance repeated this cycle of questioning about three times. Each time the suspect answered the same way—with his last name. So Officer Vance tried asking if he had been partying downtown; the suspect said that he had, but with whom he could not recall. At that point, because the suspect was unable to answer the questions, Officer Vance radioed for a first responder to come to the scene to determine if hospitalization was needed.

When the first responder arrived on scene, he first tried checking the suspect's pulse. But when the first responder tried placing the blood pressure monitor around the suspect's arm he rudely said, "Just chill, *sir*." Paying no mind to the suspect's rudeness, the first responder asked, "So how much have you had to drink tonight?" The suspect replied, "Not enough, *sir*." At that point, Officer Vance intervened in the interaction, asking, "Where do you go to school?" The suspect appeared to become increasingly agitated by all the questioning and answered, "Enough, *sir*." The first responder completed his assessment of the suspect and advised Officer Vance that he would need to dispatch local EMS to the scene because the suspect needed more medical attention than he could provide. As everyone waited for EMS to arrive, the suspect sat quietly.

Two EMTs, a male and a female, arrived on scene shortly thereafter. They checked the first responder's notes on the suspect's vitals and proceeded with their own assessment. They checked his eyes, noting how dilated they were. While one EMT tried taking the suspect's blood pressure, he tried to pull away from them. At the same time, the female EMT asked, "What is your name? What is your birthdate? What is your social security number?" The suspect, very lucidly, stated that his birthday was September 1, 1992 but then began what became an angry string of responses: "G-L-S-E-R, G-L-S-E-R, G-L-S-E-R, G-L-S-E-R." The suspect kept repeating the group of letters over and over as if he was spelling something, each time becoming louder and louder, exhibiting more and more agitation. Because the suspect was unable to respond to their questions, EMS asked him if wanted to go to the hospital; the suspect said that he did. The two EMTs unloaded a gurney from the ambulance, told the suspect to sit on it and relax, and strapped him down at the waist. He was wheeled over and lifted into the back of the ambulance;

therein the EMTs tried taking his blood, but again the suspect was noncompliant and kept trying to pull away. As the suspect sat having his blood drawn, he, out of nowhere, shot Officer Vance the middle finger. Immediately, Officer Vance turned to the EMTs and asked, "Is he ok enough to go to jail?" The EMTs said that he was. Officer Vance told them to drop the gurney back to the ground and undo the waist belt.

While the suspect was still seated on the gurney, Vance told him, "I'm going to put handcuffs on you" and reached around to do so. But when Vance reached over to place one of the handcuffs around the suspect's wrist he pulled away. Vance tightened his grip on the suspect's wrist, managing to get one of the cuffs around it. Vance then tried placing the other cuff around the suspect's other wrist but he again pulled away. Vance boldly stated, "You're going to the ground if you pull away from me." The suspect then yelled, "You're a piece of shit!" Vance started walking the suspect to the patrol car; again the suspect tried to pull away. Standing at the back of the patrol car, Vance began searching the suspect, who repeatedly tried to turn around. Officer Vance managed to open the car door with his left hand while gripping the suspect's wrists with his other hand. As Vance tried to place him in the back of the car, the suspect pushed his weight back to curtail being placed in the vehicle. Officer Vance, in turn, tried using pressure points to get him in the car, but to no avail, as the suspect continued to resist. Finally, Officer Vance lurched the suspect into the back of the patrol car by holding the suspect's wrists and pushing his head down. The suspect, however, planted himself on the edge of the seat and would not fully move into the car. Vance tried to gently push the suspect further into the car so he could shut the door. When this attempt failed, the suspect looked Vance square in the eyes and said, "Pussy. You're a nobody!" He then tried to pull away

harder. Vance grabbed the suspect's wrists with his right hand, put his left forearm behind the suspect's head, and forced him out of the patrol car and onto his stomach on the ground. Officer Vance straddled the back of the suspect and rather calmly demanded, "You're gonna stop pulling away from me" and radioed for backup. Vance sat like that for a few more seconds before he got up, picked the suspect up, and finally pushed him into the back of the patrol car; all the while, the suspect yelled, "Punch me! Punch me!" He continued a verbal tirade, saying, "Pussy! Punch me! You're a nobody!" During the entire altercation, EMS and the first responder stood by watching. Backup finally arrived, but only after Officer Vance had managed to put the suspect in the back of the car.

The suspect was then arrested and cited for public disorderly conduct (PDC) and given a student discipline for minor in possession of alcohol. After dropping the suspect off at jail, Officer Vance explained why he handled the situation as he did.

**Officer Vance:** He's getting public disorderly and minor in possession [because] ... [t]he law stipulates that you can charge them with possession of beer or liquor, if they're drunk. ... If he was going to be cooperative and try to get in the ambulance that was fine with me and be done with it—figure out his name and write him a ticket. But then he decided to be combative toward EMS, ... [he] was trying to pull away from ... [them] when they were trying to get his blood, ... [a]nd just his demeanor towards EMS the whole time we were out there. We had people walking by and you could see everybody stopping and looking to see what was going on with him. He needed a little more than just a trip to the hospital. I wanted to take him to jail the whole time, but I figured you know how short we were on the road and all that. ... He knew [what was going on]. ... He was



coherent enough to answer questions, just he didn't want to. And the way he was answering them [was rude]. [The middle finger] was the last straw. ... I'm used to being treated like that, but when you have other people around, there's that whole perception thing. ... [I]t's not like we have to look good and tough in front of everybody, but it gets to that point with him treating you like that, and EMS like that, you know he'd get to the hospital and be a problem for everyone there.

In short, Officer Vance mentioned three factors that played into his sanctioning decision. Initially, he wanted to simply ticket the offender because the number of officers on duty was in short supply. After the suspect exhibited a negative demeanor, however, Vance decided that an arrest was in order, in part because many bystanders were watching what was happening. While Vance did not fully elaborate on why it is problematic for bystanders to witness suspects behaving negatively toward the police, it can be inferred that he was concerned about his legitimacy being compromised, as he mentioned "there's that whole perception thing." It is essential for officers to maintain their legitimacy, otherwise they risk losing their authority and power, which are critical for enforcing the law (Bittner, 1990; Dunham & Alpert, 2001; Reiss, 1971). All in all, Vance seemed more concerned about the suspect's behavior in front of the bystanders rather than the first responder and the EMTs; perhaps this is because they too are public servants with some authority. Moreover, Vance's decision to arrest was also preventive as he anticipated the suspect posing further problems for EMS and the hospital workers had he been hospitalized.

**Case 2.** Around 10:30pm on Friday, Officer Parker was patrolling the parking lot of Granby Mills apartment complex, located on the fringes of campus, because there had

been many reports of underage drinking there. Officer Parker observed an SUV with the hatchback open surrounded by a white male and several white females. On closer examination, Parker realized they were drinking alcohol out of red plastic solo cups. He walked up, identified himself, and asked them what they were up to and how old they were. The females identified themselves as being underage, but the male said he was 21 and insisted that their drinks were nonalcoholic. They were all USC students. As Parker continued to casually converse with them, the male suddenly put down his cup, turned and took off running through the parking lot, heading toward a fence at the perimeter of the complex. Officer Parker took off behind him on foot. The females stood there, shocked at what just happened.

The suspect made it to the fence and started to climb up it, but Parker grabbed him by the back of his jacket and pulled him backwards. Both the officer and the suspect fell to the ground. Parker rolled the suspect over on his stomach, cuffed him, picked him up off the ground, and started walking him back to the SUV where the females were still standing. Back at the SUV, Parker told the suspect to sit down while he got his and the females' information. Two city officers arrived at the scene, as they had been driving by and saw the blue lights. They asked the females to step away from the immediate area in order to question them about what they were up to, who were eventually cited for underage drinking. In the meantime, Parker asked the male suspect for his name, date of birth, and whether he was a student. But the suspect refused to answer any of the questions and said he wanted a lawyer. The suspect was extremely intoxicated and reeked of booze. Parker searched the suspect for his wallet, pulling it out of his pants. Inside, Parker found a North Carolina ID, which appeared to be a forgery. Since the suspect had

no other form of identification on him, Parker repeatedly asked the suspect for his information, but received no response. Parker then called out on the radio that he needed to verify a student's status, stating the name on the ID. Officer Dillon overheard the name called out on the radio, recognized it, and told Parker he was coming to the scene.

Upon arrival, Dillon tried asking the suspect for his information but got no answer. Parker, who was busy writing citations, instructed Dillon to pat down the suspect because he was going to be arrested. Dillon then escorted the suspect to his patrol car. Since Parker's vehicle did not have a partition inside Dillon was tasked with taking the suspect to the jail. Dillon placed the suspect in the back of the car but left the door open. The suspect started banging his head against the partition. Parker came over to the car to try once again to obtain the suspect's name from him but was unsuccessful, and thus went back to finish writing up the citations. Dillon tried to reason with the suspect, telling him, "The best thing you can do is give up your identity." Again, there was no answer. Dillon turned the suspect so that his hands faced out of the car and tightened the cuffs. The suspect then banged his head against the partition, but this time he had seemed to pass out. Dillon sat the suspect back in the seat and told him to wake up while he rubbed vigorously on the suspect's chest. When the suspect did not respond, Dillon started slapping him in the face with short semi-hard slaps to wake him. He did this about ten times, but the suspect was out. Despite the suspect's seemingly unconscious state, Dillon asked if the perpetrator if he wanted to go to the hospital before going to jail, adding that he would incur a \$500 medical bill in addition to the fines he was facing for running from and lying to the police. That seemed to wake the suspect. Parker came over to the car for the last time and asked the suspect to at least give up his birthday, but nothing came of

this. Once Parker completed the paperwork, he handed it over to Dillon. Dillon tried once more to reason with the suspect: “If you don’t want to give up your name, it’s not going to change what I eat for dinner tonight. You’re only making it harder on yourself.” Dillon explained to the suspect that if he did not identify himself, he would remain in jail longer than normal because he would be booked as a “John Doe.” But the suspect refused to talk, so he was taken to jail.

Officer Parker arrested the suspect for public disorderly conduct (PDC) and giving false information to law enforcement, and also issued him a student disciplinary for underage drinking and possession of a fake ID. When asked why he sanctioned the suspect in that way he said:

**Officer Parker:** I was just going to stop him and talk to him about the alcohol he had on him. I was probably just going to give him a student discipline until he started lying and then ran from me. I don’t want to run, and I sure as hell don’t want to chase someone over a fence. Now I got a rip in my pants and grass stains.

The decision to arrest came on the heels of the suspect lying to the officer, or noncompliance, and the suspect’s escape attempt, a form of active resistance. While Parker had intended to issue a student disciplinary at the outset of the interaction, the suspect’s negative demeanor, which are also criminal actions (e.g., lying to law enforcement, running from the police) led Parker to believe that the suspect needed a more severe sanction than a student disciplinary. Whether the offenses or the offender was more deserving of severe punishment is unknown; perhaps both. Nevertheless, by arresting the suspect Officer Parker demonstrated who was in charge of the situation. Had Officer Parker chosen to issue the sanction he had originally intended to then it would

have likely come at the cost of compromising his legitimacy. Given the seriousness of some of the suspect's actions, it was important for Officer Parker to respond with greater fervor (see e.g., Alpert & Dunham, 2004).

**Case 3.** Around 9 o'clock one night, Officer Haynie was patrolling inside the Colonial Life Arena during a concert. Some concertgoers alerted him to a man smoking marijuana in the stands. Officer Haynie went to check the situation out when he spotted the suspect and yelled to him, "Hey, come here!" As soon as the suspect realized an officer was speaking to him, he bolted through the stands and a foot chase ensued. Officer Haynie radioed for backup. Officer Gosling, who was in the immediate vicinity, heard the call for backup, saw the suspect running, and began chasing him too. Haynie caught up to the suspect first, making contact on the outer promenade and quickly cuffing him. Officers Haynie and Gosling immediately escorted the suspect outside the arena. They sat the suspect down on the curb and radioed for additional backup. Shortly thereafter, Officers Vance and Travis arrived at the scene and stood by.

Officer Haynie, extremely aggravated with the suspect, told him "You know you shouldn't have run. What'd you run for?" The suspect said, "I didn't run." Haynie rebutted, "Yea you did. Those girls told me you were smoking marijuana. When I came down there, you ran." The suspect argued, "It was only two puffs." Haynie replied, "I don't care how much it is, it's against the law. You got some ID on you?" The suspect directed Haynie to his back pocket, while continuing to debate the amount of marijuana he had been smoking. Haynie helped him off the ground to retrieve his license. The suspect was a white, male, nonstudent who appeared over the age of 30. Not only was he high from marijuana but he was also intoxicated on alcohol. Officer Haynie radioed the

suspect's information to dispatch for a status check. The suspect kept mumbling how little marijuana he had possessed. Haynie then told the suspect to stand up so he could be patted down. When the suspect's status came back clear, Officer Haynie advised him, "You're taking a ride to jail tonight. You're gonna get a ticket for the SPMJ [simple possession of marijuana] and PDC [Public Disorderly]. Next time don't run." Officer Haynie told the suspect to stand up and walked him to Officer Vance's patrol car. The suspect got into the back of the patrol car; Vance shut the door and drove off.

When asked why he sanctioned the suspect as he did, Officer Haynie replied: "Well, for one, he had dope on him and, two, he made me run. And he was lying to me, trying to tell me he wasn't smoking dope." Thus, Officer Haynie's decision to arrest the suspect was based on the legal seriousness of the offense and the fact that he was noncompliant and resistant. Although the suspect's demeanor was otherwise positive, Officer Haynie ultimately sanctioned the suspect for his precipitating actions.

#### **Other Factors Leading to Arrest**

Not all arrested suspects, however, exhibited a negative demeanor toward officers. As such, this is not the only factor that explained arrest.

**Case 4.** One Saturday night around 10:40, a call came out from Roost dorm. A white male was threatening to harm himself and others, and was attempting to flee the area. Officer Yates, who I was with, responded immediately to the scene. When we arrived three other officers—Harris, Luke, and Deen—were already on scene. They had surrounded the suspect in the corner of the brick building. The suspect was an 18 year old, white male, student who was intoxicated and crying hysterically. Officer Yates ran down the hill to join the other officers. About 18 bystanders were huddled in small

groups standing around watching the incident unfold.

Officer Luke sternly told him, “Stay right here while we figure this out.” Officers Luke and Harris went to question bystanders about what happened, leaving Deen and Yates to watch over the suspect. One of the bystanders, a male, spoke up and said that he and three other guys had observed the suspect urinating in the bushes by the dorm and confronted him about it. The suspect, feeling affronted, followed the guys inside the dorm, got in one of their faces and said, “Fuck you.” When the three other guys pushed the suspect away, he swung at them and yelled, “Stay away from me! I’ll cut your damn throat! I’ve done it before.” At that point, one of the three guys called the police because of the nature of the threat and due to believing the suspect did not live in the dorm and thus should be removed. As all this was being explained, three other officers arrived to the scene, although Officer Combs had to immediately leave to answer another call; the other two officers Dallas and Johnson stood at the top of the hill overlooking the situation.

A couple of minutes went by before Officer Luke came back and told Yates to handcuff the suspect because he was being arrested for public disorderly conduct. Officer Yates directed the suspect to turn around so he could cuff and pat him down; the suspect was compliant and did not try to resist. Officers Deen and Yates then escorted the suspect up the hill to the patrol car. The crying suspect yelled out, “I’ve lost my college experience!”

At the back of Yates’ car, Luke opened the door and told the suspect, “Watch your head”, pushed him into the car, and shut the door. The suspect started crying hysterically saying, “I don’t understand. What did I do, sir? I didn’t do anything! Please,

sir, somebody help me. What did I do? What did I do?" All the other officers stood around talking and joking while Luke filled out paperwork. Hearing the suspect's verbal tirade, Luke opened up the door and snapped, "Stop your crying. I'm not going to debate this charge with you. That's what court's for" and slammed the door closed. The suspect continued to sob in the backseat. Luke finished the paperwork and handed it to Yates who was assigned to take the suspect to jail.

In the debriefing, Officer Luke was asked why he arrested the suspect for PDC and also gave him a student disciplinary for underage drinking. Luke explained:

**Officer Luke:** You know he's out here threatening to cut people's throats. He's extremely intoxicated. There's all these students around and he's trying to fight these dudes. We just don't have time to deal with this and negotiate. He's going to take a ride to jail.

Officer Luke arrested the suspect because of the serious harm he posed to the victims; after all, he threatened to severely hurt them. For that very reason, Luke implied arrest was the most logical and quick solution to the problem. In all this, it is important to note that while the suspect appeared intoxicated and, for that reason perhaps, acted hysterically and disorderly, he never exhibited a negative demeanor toward the officers. Despite the fact that the suspect exhibited a neutral demeanor toward the police, however, did not help his case. Being that the police-citizen encounter unfolded in the presence of 18 bystanders, it was important for Officer Luke to preserve his authority and that of the other responding officers. Otherwise, the bystanders, who were also students, would have likely questioned the legitimacy and effectiveness of the campus police as a whole, which



could risk damaging the reputation of campus police as officers of the law, instead portraying them as little more than security guards.

### **Case 5**

The final alcohol encounter that resulted in arrest involved the commission of an alcohol-related crime. It was about 10pm on a Friday when Officer Earls observed what appeared to be an intoxicated man stumbling in the road. He fell once, got up. He fell again, and stood backup. Earls watched the man fall a third time before she finally initiated contact with him.

Officer Earls directed the suspect out of the road. She could tell he was extremely intoxicated. She told him, “Why don’t you have a seat on the grass.” He complied. She asked, “Where you coming from?” He slurred, “Down the street [Five Points, the downtown area].” Not long after, Officer Haynie arrived at the scene for backup. After answering Earls’ question, the suspect could no longer hold himself up and fell back on the grass. Officer Haynie interjected, “You got any ID on you?” He mumbled, “Yes”, and handed over his wallet. The suspect was a 27 year old, white male. “You from out of town?” asked Haynie. The suspect said that he was. Officer Haynie went on, “Where you heading?” The suspect answered, “A hotel—the Marriott.” “Well do you know which direction that is?” The suspect pointed, but not in the direction of that particular hotel. “You got some friends you can call?” He mumbled an inaudible response. Haynie then said with a smile, so as to diffuse a possible situation and not antagonize the suspect, “Listen, cooperation is key here my friend, so let’s cooperate. Do you know where your friends are?” The suspect said he did not know the location of his friends. Haynie asked, “You got a phone on you?” The suspect muttered, “No.” Haynie replied, “All right bud,

we're gonna have someone come check you out." Earls radioed in for a first responder to come to the scene.

The first responder arrived to assess the suspect's health. Another officer, Voight, showed up at the scene as well. When the first responder asked the suspect to sit up, as he was lying down on the grass, he fell backwards and rolled over into a stop sign's post. Every onlooker gave out an "Ohhh" or "Ewww" response. The first responder instructed the suspect to sit up against the post for added balance. She took his blood pressure, got his personal information, checked his eyes, and told the officers that they should call EMS to have him checked out further. Haynie radioed EMS to respond. While we all waited, the officers joked with one another and even the suspect.

EMS arrived and assessed the suspect's status. The EMT supervisor determined that the suspect did not have to go to the hospital if he did not want to. Officer Haynie asked the suspect, "You want to go to the hospital?" He said, "No." Officer Haynie then said, "Well look, you don't have a cell phone, you don't know where your friends are, and we're not sure you know where your hotel is. So I'm gonna give you an option. You can either go to the hospital or go to jail." The suspect slurred, "Hmm, jail." Officer Haynie said, "Ok. Well stand up for me so I can put these cuffs on you. All right, I'm placing you under arrest for intoxicated pedestrian in the roadway." With the help of EMS, the suspect stood up and Officer Haynie placed the cuffs on him. Officer Earls put the suspect in the back of her car for transport to jail.

When asked why he handled the situation as he did, Officer Haynie explained:

**Officer Haynie:** I gave him the option to go to the hospital or jail because he was compliant and wasn't really causing a problem. I couldn't just release him. He

needed to go somewhere for his own good. The thing about the hospital is that ride in the ambulance alone can cost you a couple thousand dollars. Jail will cost you but not that much. The fact of the matter is he didn't know where his people were and had no way of getting in touch with them. I couldn't just let him leave the scene because he was a danger to himself. He was falling in the roadway and he could wind up getting hit by a car. He could have potentially put himself in danger here or somewhere else. We don't need any liabilities.

Though Officer Haynie was responsible for sanctioning, he ultimately left that decision up to the suspect, in part because this person displayed a good demeanor. Because the suspect chose not to go to the hospital, Officer Haynie arrested him for his own protection, as he was a danger to himself and others. Had the suspect been allowed to go free and he hurt himself or was subsequently victimized, Officer Haynie would have been held liable. Thus, by having the suspect hospitalized or jailed, Officer Haynie ensured he was free from responsibility once the suspect left his custody.

### **Why Sanction With Arrest?**

Suspects were most often arrested because they exhibited a negative demeanor or the offense was deemed serious. And one suspect was arrested because he was too intoxicated to be left alone but refused hospitalization. Noteworthy, however, is that not all the arrested suspects exhibited a poor demeanor nor were their offenses equal in seriousness.

As discussed in chapter 3, intoxicated suspects who are disrespectful, noncompliant, and resistant are more likely to be arrested (Brown, 1981; Dunham et al., 2005; Engel et al., 2000; Lundman, 1994, 1996, 1998; Rubinstein, 1973; Westley, 1970);

this effect is demonstrated in cases 1, 2, and 3. Officers used more coercive force and increased the severity of sanction to gain control over the situation and reestablish their authority (Alpert & Dunham, 2004).

In case 1 the suspect was disrespectful when he responded to questioning by the officer, first responders, and EMTs; flicked off the officer; and called the officer derogatory names like “pussy” and “nobody”. The suspect passively resisted when Officer Vance tried to handcuff and place him in the back of the patrol car, which resulted in being taken down to the ground. The suspect in case 2 lied to Officer Parker about his underage status and illicit possession of alcohol, which are noncompliant acts, and then tried to escape on foot, which is active resistance. Once caught, he refused to answer Officers Parker’s and Dillon’s questions, a form of noncompliance. And the suspect in case 3 actively resisted by trying to run away from Officer Haynie, but otherwise was respectful and fairly compliant. It is clear that the suspects in these cases did not accept the situation’s asymmetrical status norms given that they behaved negatively (Sykes & Clark, 1975). So for every nonconforming action by a suspect, officers had to respond with coercion, verbal or physical, in order to maintain their authority (Alpert & Dunham, 2004). To do otherwise, officers risked comprising their legitimacy in the eyes of suspects and onlookers.

While the suspect in case 4 was also intoxicated, he did not exhibit a negative demeanor but rather threatened a very serious offense: to cut the complainants’ throats. In explaining his sanctioning decision, the officer made no mention to the intoxication but rather explained that the seriousness of the offense warranted an arrest. Perhaps, however, there was an interaction effect, with the level of the suspect’s intoxication and

the seriousness of the offense leading to arrest. Research is yet to examine such an interaction effect, even though both suspects' intoxication and offense seriousness may independently affect the probability of arrest (Bittner, 1967; Black, 1980; Crawford & Burns, 2002; Engel, 2003; Engel et al., 2000; Lundman, 1974; Mastrofski et al., 1995).

Case 5 is unique because the intoxicated suspect literally chose to be arrested and go to jail over the hospital. Nevertheless, the officer's intent behind sending the suspect to either place was to protect him from hurting himself or, perhaps, from being victimized. Ethnographic police studies have shown that officers sometimes arrest suspects for their own safety when no alternatives are available (Bittner, 1967; Brown, 1981; Muir, 1977; Wilson, 1968). The difference in this case and those described in prior ethnographies, however, is that hospitalization was an option.

While each of the five cases reviewed in this chapter involved alcohol, this substance played a variable role in the encounters. The suspects in cases 1, 2, and 4 committed both an alcohol and alcohol-related crime (i.e., underage drinking and public disorderly conduct), but suspects in cases 3 and 5 committed only an alcohol-related crime (i.e., public disorderly conduct), as they were old enough to legally consume alcohol. Clearly, alcohol is tied to a variety of offense types, differentially impacts suspects' demeanor, and leads police to sanction intoxicated suspects for diverse reasons—sometimes to protect the suspect, sometimes to protect others, and at times to assert police authority.

Table 7.1: Descriptive Statistics for Alcohol Encounters (n=31)

Variables	%	SD	M	Range
SANCTION SEVERITY		2.36	2.97	6
No sanction	25.80%			
Verbal warning	16.10%			
Written warning	3.20%			
Student disciplinary	19.40%			
Citation	19.40%			
Arrest	16.10%			
CJ VS. UNIVERSITY SANCTION		0.486	0.65	
Criminal justice sanction	35.50%			
University sanction	64.50%			
<i>Legal Factors</i>				
ALCOHOL CRIME		0.49	0.65	
Yes	64.50%			
No	35.50%			
ALCOHOL-RELATED CRIME		0.37	0.16	
Yes	16.10%			
No	83.90%			
BOTH		0.40	0.19	
Yes	19.40%			
No	80.60%			
ALCOHOL CRIME TYPE*		0.95	1.58	
Underage drinking/possession	65.40%			
Fake ID	3.80%			
Public drunkenness	23.10%			
DUI	7.70%			
ALCOHOL-RELATED CRIME TYPE*		2.16	4.55	
Assault	9.10%			
Fraud	9.10%			
Destruction	18.20%			

Public disorder	63.60%			
<i>Structural Factors</i>				
LOCATION		0.49	0.64	
Street/Sidewalk	35.70%			
Campus Building	64.30%			
MOBILIZATION		0.48	0.68	
Proactive	67.70%			
Reactive	32.30%			
NUMBER OF OFFICERS		1.33	2.19	6
OFFICERS		0.49	0.65	
More than 1 officer	64.50%			
1 officer	35.50%			
NUMBER OF BYSTANDERS		3.71	1.71	18
BYSTANDERS				
Yes	38.70%			
No	61.30%			
<i>Suspect Characteristics</i>				
SUSPECT ON SCENE		0.301	0.90	
Yes	90.30%			
No	9.70%			
NUMBER OF SUSPECTS		1.68	1.57	4
AGE		0.32	0.89	
30 and over	10.70%			
Under 30	89.30%			
RACE		0.00	0.00	
Minority	0.00%			
White	100.00%			
SEX		0.46	0.71	
Male	71.40%			
Female	28.60%			
STUDENT STATUS		0.44	0.75	
Student	75.00%			
Non-student	25.00%			
DEMEANOR		0.42	0.21	
Negative demeanor	21.40%			
Positive demeanor	78.60%			
INTOXICATION		0.42	0.79	
Not visibly intoxicated	21.40%			
Visibly intoxicated	78.60%			
FIRST RESPONDER		0.46	0.29	
Yes	28.60%			
No	71.40%			
HOSPITALIZED		0.32	0.11	

Yes	10.70%			
No	89.30%			
<i>Victim Characteristics</i>				
VICTIM ON SCENE		0.37	0.16	
Yes	16.10%			
No	83.90%			
NUMBER OF VICTIMS		0.45	0.16	2
RELATIONSHIP TO SUSPECT		0.55	0.40	1
Stranger	60.00%			
Acquaintance	40.00%			
AGE		0.89	1.60	
30 and over	20.00%			
Under 30	80.00%			
RACE				
Minority	20.00%	0.89	1.60	
White	80.00%			
SEX				
Male	80.00%	0.89	1.60	
Female	20.00%			
STUDENT STATUS		1.10	1.20	
Student	60.00%			
Non-student	40.00%			
DEMEANOR		0.45	0.20	
Negative demeanor	20.00%			
Positive demeanor	80.00%			
INTOXICATION		0.55	0.40	
Not visibly intoxicated	60.00%			
Visibly intoxicated	40.00%			

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\* Note: these figures represent the total % of crime types committed; thus, they do not reflect the % within the 3 types of alcohol offenses



## CHAPTER 8

### ALCOHOL ENCOUNTERS & LENIENT SANCTIONS

Prior research on police-citizen encounters indicates that intoxicated offenders are more likely to be arrested (Black, 1971; Dunham et al., 2005; Engel et al., 2000; Ericson, 1982; Lundman, 1974, 1994, 1996, 1998; Mastrofski et al., 1995; Reisig et al., 2004; Terrill, Paoline, & Manning, 2003; Worden, 1989). Arrests are often made because intoxicated suspects exhibit a negative demeanor, such as disrespect, noncompliance, and hostility, or they become violent (Brown, 1981; Engel et al., 2000; Lundman, 1994, 1996, 1998; Rubinstein, 1973; Westley, 1970). Intoxicated suspects are especially likely to be arrested when they behave in these ways in the presence of bystanders (Engel et al., 2000). The reason for this is because the police have to exercise control over the situation and dissuade others from intervening or comprising an officer's power.

A limitation of this line of research, however, is few studies examine the many ways alcohol may be involved in police-citizen encounters (e.g., drunkenness, DUI, alcohol-related), and how situational and extralegal factors influence officers' sanctioning of suspects, namely arrest, in alcohol-involved incidents.<sup>76</sup> For example, in a study of drunkenness encounters, Lundman (1974) discovered that arrest was more likely when the police initiated contact with the suspect; the encounter occurred in a downtown location rather than a non-downtown area; the encounter occurred in closed-public places

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<sup>76</sup> McClelland and Teplin (2001) examine the effect of intoxicated suspects' characteristics on the type of crime committed (e.g., nonviolent, violent, public order) in police-citizen encounters, but do not explore whether and how suspects were sanctioned.

as compared to open-public and private places; the suspect was Native American as compared to white or black; the suspect's class status was "declassified," meaning the suspect was a chronic drunk or "on the fringes of the dominant culture," as compared to white-collar or blue-collar; and the suspect was disrespectful toward the police (see also Lundman, 1994). And in 1996 Lundman examined drunk driving encounters using 1970 Midwest City data and found that blacks and suspects exhibiting an impolite demeanor were more likely to be arrested (see also Lundman, 1998).

Yet public drunkenness and drunk driving are just two ways alcohol is related to police-citizen encounters. And not all suspects in encounters involving alcohol are sanctioned with arrest. In this study, the majority of suspects in alcohol encounters were sanctioned less severely. Officers' tendency to leniently sanction alcohol offenders is surprising because these encounters could have been, and sometimes arguably should have been, dealt with more severely under the law.

Therefore, this chapter asks: What guided officers' decisions to leniently sanction suspects in alcohol-involved encounters? This chapter addresses this question through the in-depth analysis of observational and debriefing data. First, descriptive information is provided for alcohol incidents in which suspects were leniently sanctioned. The three broad kinds of alcohol incidents are alcohol crimes (e.g., DUI, underage drinking, public drunkenness, fake ID), alcohol-related crimes (i.e., crimes following the consumption of alcohol), and both alcohol and alcohol-related crimes (when a suspect commits both an alcohol crime and an alcohol-related crime). Then the findings are presented. To conclude, the implications of the findings are considered in light of prior research on and existing theories of police work.

## Lenient Sanctioning in Alcohol Encounters

Nearly one in three encounters in the study involved alcohol (n=31).<sup>77</sup> About 84% (n=26) of alcohol incidents were sanctioned leniently, meaning the suspect was not arrested.

About 65% of incidents involving alcohol were officer-initiated stops (i.e., traffic stops or street stops). Two-thirds of alcohol incidents occurred on a street/sidewalk, with the rest in a campus building (mainly dorms). The number of officers at the scene of alcohol incidents ranged from one to seven; 69.6% of encounters involved one or two officers; 21.7% of encounters had three officers, 4.3% had four, and 4.3% had seven officers present. Seventy-four percent of alcohol encounters had no bystanders present, while 17.4% had four bystanders and 8.7% had five bystanders.

Only suspects were present at the scene in 84.6% of the cases; only victims were present in 11.5% of the encounters; both suspects and victims were present at 3.8% of the incidents. The number of suspects involved in any one encounter ranged from zero (meaning not present at the scene) to five; most cases involved one offender (57.7%). As for suspect characteristics, 91.3% appeared to be under the age of 30, 78.3% were students, 100% were white, and 65.2% were male. Suspects exhibited a positive demeanor in 87% of cases.<sup>78</sup> About 73.9% of suspects appeared intoxicated. First

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<sup>77</sup> This rate is similar to what McClelland and Teplin (2001) observed in their study (e.g., 34%), which to date is the only empirical examination of the nature and extent of police-citizen encounters involving alcohol.

<sup>78</sup> The moment officers engaged a suspect, that person's demeanor—the cumulative of disrespect, noncompliance, and resistance—was recorded. *Disrespect* is rolling eyes or turning away while being spoken to without clearly disobeying the officer's orders (Dunham & Alpert, 2009); using a sarcastic tone, arguing, or cursing is also disrespect. *Noncompliance* is refusing to answer questions or cooperate (Engel et al., 2000). *Resistance* is pulling away from an officer or attempting to flee. Note that suspects' demeanor varied insofar as they may have exhibited one or more of the behaviors; or even none at all. Demeanor is captured by three dummies: *disrespect*, *noncompliance*, and *resistance*; for each sort of demeanor, if present it is measured as 1 and if not present then as 0. An index of scores for the three

responders were dispatched in 26.1% of cases, and 13% of suspects were hospitalized as a result of their intoxication. Regarding victim characteristics, 75% were male, 100% under the age of 30, and 75% white. Fifty percent of victims were students. In 50% of cases the victims and offenders were strangers; the rest were acquainted. Victims exhibited a positive demeanor in 75% of cases. And 50% of victims appeared intoxicated; first responders were never called to the scene to aid a victim, and no victim was hospitalized.

Most of the alcohol encounters sanctioned less severely than arrest were alcohol crimes (73.1%); less often were alcohol-related (15.4%) and both alcohol and alcohol-related crimes (11.5%). The alcohol crime-only incidents were most often underage drinking (57.9%) followed by public drunkenness (26.3%), DUI (10.5%), and fake ID (5.3%). The encounters involving alcohol crime and alcohol-related crime were cases of underage drinking and public disorder (33.3%), underage drinking and fraud (33.3%), and underage drinking and vandalism (33.3%). The strictly alcohol-related crime encounters—meaning those with an intoxicated suspect who had not committed an alcohol crime *per se*—were most often cases of disorder (50%), assault (25%), and vandalism (25%).

The percentages of sanctions given according to the type of alcohol offense committed are as follows: *alcohol crime*—no sanction (21.1%), verbal warning (21.1%), written warning (5.3%), student disciplinary (26.3%), citation (26.3%); *alcohol-related crime*—no sanction (75%), verbal warning (25%); *both*—no sanction (33.3%); student

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variables measures suspects' demeanor ranging from 0 at the low end and 3 at the high end. However because of the few number of cases in which suspects scored a 1 or higher the index is collapsed so that positive demeanor equals a score of 0 and negative demeanor equals a score of 1-3.

disciplinary (33.3%), citation (33.3%).<sup>79</sup> As for alcohol crimes, suspects were given a range of sanctions but most received a student disciplinary or citation. Suspects who committed alcohol-related crimes, however, were most likely to not be sanctioned. And suspects who committed both an alcohol and an alcohol-related crime were equally given no sanction, a student disciplinary, or a citation.

Moreover, alcohol crime and alcohol-related crime offenders, respectively, were given a university-specific sanction 73.7% and 100% of the time, whereas suspects who committed both an alcohol and alcohol-related crime received a university sanction 66.7% of the time. On the whole, officers relied more heavily on university-specific sanctions, but used criminal justice system sanctions for perpetrators of alcohol crimes (26.3%) and both alcohol and alcohol-related crimes (33.3%).

A variety of explanatory factors became apparent in the course of observing these encounters and debriefing officers about them. Below, alcohol incidents are described in which suspects were sanctioned leniently.<sup>80</sup>

### **Lack of Resources**

One reason officers leniently sanctioned suspects is a lack of police resources (see Klinger, 1997). Although Klinger does not explicitly define resources, he implies that this refers to the number of officers and patrol cars in service at any one time. It is important to consider how police resources affect officers' actions, given that the amount of

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<sup>79</sup> Recall, that some suspects were given more than one sanction. Therefore, only the most severe is counted. Also, these percentages represent the % of sanction within type of alcohol offense.

<sup>80</sup> There are, however, several cases that are not included (n=6). Three cases are not discussed because only victims were present at the scene. Being that there were no identifiable suspects at the scene and, therefore, suspects were not sanctioned, these cases are irrelevant for the current chapter. One case is discussed in chapter 6 because the precipitating factor behind a suspect receiving a student disciplinary for underage drinking was a traffic stop in which the driver was arrested for driving without a state issued license. Finally, two cases are excluded because officers were not asked about the alcohol sanctioning decision specifically, which is an oversight.

available resources affects how vigorously officers respond across encounters (ibid.). As resources become scarce, officers must “develop rules that allocate officer time, that is, they must develop prioritization regimes” (p. 293). In such circumstances, the police, for example, may not arrest, take reports, or conduct thorough investigations when perhaps they want to or should.

**Case 1.** At about 11:30 Friday evening, Officer Rodriguez observed two males and two females walking on the sidewalk, when one of the males illegally crossed the street. A driver rolled down the window and yelled, “Get out of the fucking road” to which the suspect responded, “Fuck you” and shot the driver the finger. Officer Rodriguez yelled to the suspect, “Come here!” When the guy heard Officer Rodriguez’s command, he reached around and moved his wallet from his back pocket to his front, which Rodriguez perceived as suspicious. Officer Rodriguez again yelled, “Come here! What are you doing?” The suspect, who was visibly intoxicated, immediately took a disrespectful and hostile tone toward the officer replying, “Nothing. What’s it matter?” Officer Rodriguez then asked what was in his pocket. The suspect started acting aggressively so Rodriguez decided to handcuff him while he continued the interaction. At that point, Officer O’Hare arrived as backup. Rodriguez explained to O’Hare, “All I was gonna do was warn him to not be in the roadway, yelling at cars. He’s trying to be a badass. But then I see him move his wallet around and so I’m thinking he’s got a fake on him somewhere.”

Rodriguez redirected his attention to the suspect and asked for his ID. The suspect stated that his wallet was in his pocket. The Officer retrieved the wallet from his pocket and then sat the suspect down on a brick stoop. Rodriguez found two IDs in the wallet.

The suspect's friend, who was standing nearby, spoke up and said that the ID was his, which prompted Rodriguez to ask, "Why are you holding onto his ID?" The suspect became very irritated and snapped back, "This is fucking ridiculous. You guys are just tryin' to ruin people's fun. You know other police wouldn't have anything to do with this at all." Aggravated with the suspect's tone, Rodriguez snapped back, "Well, sorry that we do our job!" Rodriguez then radioed the suspect's information for a status check and the suspect started ranting, "What did I do? All I did was cross the street." The suspect's friend started telling the suspect that if he had to go to jail, they would go together. Officer Rodriguez asked, "You want to get involved too?" The friend responded, "You want to get me involved?" Rodriguez assertively responded, "If you don't stop interfering, I'm gonna put you in handcuffs too."

While Rodriguez waited on the suspect's status check, the individual became more and more agitated, saying, "This is so fucking stupid." Rodriguez bent down and got in his face and said, "My own kids don't talk to me like this, and neither are you. I don't care if your mommy and daddy let you talk to them like this, but I'm not mommy and daddy. You will show me respect." The suspect replied, "You got in me handcuffs like I'm about to do shit."

Finally, the dispatcher radioed that the suspect's status was clear. Rodriguez told the suspect that he was being cited for possession of a fake ID. While he wrote the ticket, the suspect kept repeating "oh my god, oh my god, oh my god." Throughout the interaction, O'Hare had stood by casually conversing with the two female friends who were at the scene.

Officer Rodriguez directed the suspect to stand up to uncuff him, handed the suspect the ticket, explained that he was being cited for possession of a falsified ID, and told him, "Have a good night." Rodriguez waited for the suspect and his friends to walk away and then told O'Hare:

**Officer Rodriguez:** I could have charged him for public disorderly, underage drinking, all this stuff. I didn't want to arrest the kid and have to have somebody [an officer] take him to jail because I know you're already short [on the number of officers]. Well he's [the suspect] gonna get [his license] suspended and pay a lot of money, like a \$1,000 fine.

Rodriguez seemed pleased with his action, as he laughed while explaining his sanctioning decision to O'Hare.

**Case 2.** At 10:00 o'clock one Saturday night, Officer Combs spotted a suspicious person directing traffic in the roadway. Combs turned on the blue lights, pulled over, and got out to investigate. She commanded the suspect to get on the sidewalk. Officer Yates was quickly there to back her up. As Yates walked up, the suspect politely said, "Hello, how you doing, sir?" Yates responded, "Fine, thanks" and stood by quietly while Officer Combs began questioning the suspect. She asked him what he was doing and he replied, "I'm just helping out traffic." She smelled the alcohol on him and could tell he was intoxicated. She asked how old he was and if he was a student at the university. The suspect was a 19 year-old, white, student. She then asked, "You been to the football game?" The suspect confirmed. She went on to ask him what the date was and if he knew who the President is, which was done to determine the suspect's level of intoxication and whether he needed to be seen by a first responder. He complied and politely answered the



questions correctly. Combs then told him, “There’s at least three different charges I could jail you for right now. But I’m going to have you call a friend to come pick you up. You got someone to come pick you up?” The suspect said, “Yeah, I got a friend who can come.” She directed him to call the friend and asked Yates to stand by while she wrote the suspect a ticket and student discipline. The suspect started asking Yates what it took to become a police officer, saying he wanted to become a cop.

When Combs finished writing up the sanctions, she came back and told the suspect he was being cited for intoxicated pedestrian in the roadway and receiving a student discipline for underage drinking. Then she warned:

**Officer Combs:** I don’t want to see you out tonight. I don’t want to see you in Five Points [downtown area]. If you need something to eat, you order in. I don’t want to see you out at all or I’ll take you to jail. ... Now you’ve learned your lesson about directing traffic and standing in the road.

The friend arrived and Officer Combs released the suspect. Combs warned the friend that the suspect was not allowed to go out again that night. The friend said, “I understand officer, thanks.” About to leave the scene, the suspect shook both Officer Combs’ and Yates’ hands and said, “Thank you. Have a good night.” When asked why she sanctioned the suspect with a citation and student discipline, Combs responded:

**Officer Combs:** I could have taken him to jail since he was intoxicated and in the roadway, and also drunk underage. But I’m not going to tie up a patrol car. If I take him to jail, it will be at least 2 hours. I know the jail is busy tonight since there was a football game. So if I take him to jail it will leave a patrol car off the

road for 2 hours. I don't want to do that to my team. I don't want to let them down.

Officer Combs decided not to arrest the suspect because it would tie up one of the patrol cars for an extended period of time. Instead, she wanted to keep herself and her car available for responding to other, perhaps more serious, crimes. One way Officer Combs thought, perhaps, to prevent the suspect from becoming a further problem for her or other campus officers was to threaten more severe sanction if she encountered him again that evening. Whether her threat was a scare tactic or a promise is unknown. Nevertheless, she likely reasoned that her warning was enough of a deterrent given that the suspect was overall cooperative.

**Case 3.** At 12:15am, officers were dispatched to a fraternity house in Greek Village for reported vandalism. Seven officers responded to the scene, but only four went inside the house.

Inside, the house mom greeted the officers.<sup>81</sup> Officer Dallas asked, "So where is the vandalism?" The house mom said, "There's no vandalism. There's a lot of kids upstairs drinking underage and they won't listen to me." Two officers proceeded upstairs, while the other two left the house to head back out on the road.

Upstairs, Officers Dallas and Dillon encountered five suspects—two females and three males—who all had beers in their hands. One girl saw the officers and quickly tried to hide the beer behind her leg. Officer Dillon observed her concealment attempt and said, "Hey let me see what you got in your in your hand" so she showed him the beer. "Ok, you all got some IDs on you?" The girls said they did in their purses, which were in

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<sup>81</sup> The Greek system on campus requires that an adult, typically over the age of 50, lives in the home and serves as a house "mom" or "dad" who monitors the tenants and deals with administrative business.

one of the male's bedrooms. The males said their IDs were in their respective bedrooms. Officer Dallas yelled down to the house mom, "Ma'am, can you come up here?" Once upstairs, she was asked by Dallas, "Do you know these guys?" She said, "Yes, they live here." "And they're under 21 correct?" The house mom replied, "Yes, they are. These girls are too. I don't know them personally but I know they're underage too." While Dallas questioned the mom about the guys' and girls' ages, the suspects stood quietly. "So ma'am, what's been going on here?" "Well they were all drinking and causing a ruckus and I told them to cut it out, but they wouldn't listen, so I called you all. We have had too many problems over here in the Village and I'm not trying to let us get shut down." Dillon turned and said to the suspects, "Why are you all not following her instructions? You know you can't be drinking and you know you aren't allowed in the house drinking if you're underage?" None of the students had much to say. They hung their heads and looked terrified about the trouble they were in.

Dillon asked, "Where's the beer? We're going to pour it out. Take the ones you got now and bring them." Two of the males escorted Dillon to their room where they had a cooler with beers in it. "All right grab those [the beers] and go pour them down the drain in the bathroom." The two guys emptied about 8 beers. Dallas stayed with the other suspects and the house mom. When the two guys were finished, Dillon escorted them back into the hallway with the others. "Ok, here's what we're gonna do. Who's taking ownership of the beer?" No one answered. "Ok, I'm not gonna keep asking. Who brought the beer?" One of the males finally claimed ownership and stated that his friend bought it for him. Dillon said, "Ok. You're getting a ticket for bringing the alcohol in here. All of you are getting student disciplines for drinking underage. Next time you may think a little

harder about drinking and not listening to your house mom.” Officer Dillon jotted down their names and dates of birth so that he could later fill out the student disciplinarys. He then went out to his patrol car to retrieve his ticket book. He came back to write the one suspect a citation for minor in possession. As he filled out the ticket, Officer Dallas added, “I don’t want to have to come back over here, tonight or any other night. You hear me.” Officer Dillon interjected, “If need be, we can shut this whole place down. You all behave the rest of the evening and have a good night.” The house mom thanked them. Dallas said, “No problem. If you have any more problems, call us. Have a good night.” The officers proceeded downstairs and left.

Outside the fraternity house, Dillon was asked why he cited the one student and gave them all student disciplinarys. He explained:

**Officer Dillon:** I could have given them all tickets and I surely could have taken them all to jail, but they didn’t cause me any problems. Even if I wanted to arrest them, we don’t have enough cars for all that.

Officer Dillon sanctioned the suspects less severely than he could have under the law because he recognized that there was not enough man power, or patrol cars, to escort all five suspects to jail, but also because they had, at the very least, a neutral demeanor. Moreover, Officer Dillon, like Officer Combs, threatened more severe action if the suspects caused further problems. Whether Dillon would actually try to have the fraternity shut down is unknown. At some point during the observational period, Dillon did mention that several fraternity houses were forced to temporarily close because of alcohol and hazing violations. He was, as he put it, an active participant in the temporary closing because he was one of two officers assigned by campus police to the Greek

Village as a liaison through the department's community policing initiative. Thus, Officer Dillon's threat may have been a promise.

### **Sympathy**

Several alcohol cases were handled with a lenient sanction because the officers felt sympathy for the suspects.

**Case 1.** It was 2am when Officer Way was pulling into the police department's parking lot to write a report and spotted a Jeep parked in the street with the driver-side door open. A female was sitting on the ground with no shoes on and her head in her hands. Another female was standing beside her. Officer Way commented, "I'm guessing she is drunk and throwing up", as she pulled behind the vehicle. Way got out of the patrol vehicle and walked over to the girls. The female sitting on the curb was crying. Officer Way asked her what was going on and why she was upset. She said, "We were at Tin Roof [a local bar]. I had one margarita and two shots. I didn't drink that much, but I just don't feel like myself. I have never had this out of control feeling before." As the girl recounted her evening, she cried and even hyperventilated. She kept repeating, "I feel so out of control" as she rocked back and forth on the curb. At that point, Officer Way dispatched a first responder to the scene.

While they waited on the first responder to arrive, Officer Way asked the suspect for her name and date of birth. She was 24 years of age, white, and a nonstudent, although she was a graduate of USC. Shortly thereafter, the first responder arrived. And a City officer who happened to be driving by stopped at the scene to assist Officer Way.

The first responder began her assessment of the suspect by asking for her personal information. She then checked her blood pressure, pulse, and pupils. About that time, two

other friends of the suspect arrived at the scene. This seemed to upset the suspect because she began crying harder saying, "I just feel so out of control. I think someone put something in my drink." One of the friends commented to Officer Way, "I have really never seen her like this." The suspect kept hyperventilating, crying, and shaking her hands as if they felt numb, so the first responder suggested that EMS be dispatched to the scene to further evaluate her.

Not long thereafter, EMS arrived. The EMTs tried talking with the suspect and calming her down while they checked her out, but she was inconsolable. She rocked back and forth, and rubbed her chest as if she could not catch her breath. It did not take long for EMS to decide that the suspect needed to go to the hospital for further evaluation. So the EMTs loaded the suspect onto the gurney and moved her into the ambulance. Officer Way said to the suspect, "Ok, you take care." When the ambulance doors shut, Way advised the suspect's friends where and when they could pick her up once she was cleared by medical staff. The friends thanked Officer Way and one added, "I'm sorry. I really have never seen her like this." Officer Way told the friends to have a nice night. Everyone departed the scene.

Although the suspect was guilty of public drunkenness, Officer Way did not sanction her. When asked why she handled the situation as she did, Officer Way explained:

**Officer Way:** I just feel bad for her. She thinks she got roofied, but she's not sure. I mean I believe her and her friends that this seems like unusual behavior because she is acting kind of erratic like anxious.

The reason Officer Way did not sanction the suspect is she felt sympathetic towards her and even believed that she might have been victimized.

**Case 2.** At 1:50am, Officer Haynie was driving past Columbia Hall [a dorm] when he spotted a female sitting on the ground out front. She was crying, appeared intoxicated, and was surrounded by four males. Officer Haynie stopped the patrol car to check out the situation.

One of the males stated that they had all been drinking in Five Points [the downtown area]. They [the four males] had met the female at one of the bars and were all hanging out. She decided she wanted to go home, so they started walking back to campus. She told them that she lived in Columbia Hall. However, when they arrived at the dorm, she plopped down on the ground and said she did not know where she lived. It was at that point Officer Haynie spotted them.

Officer Haynie asked the males for their IDs, which verified that they were all of the legal drinking age. He then asked, “Well where were you taking her?” One of the males said, “I don’t know. We were just taking her wherever she said she wanted to go.” Officer Haynie said, “Ok, well she’s not going anywhere with you guys. Y’all just go on home now.” Officer Haynie then tried to gather information from the girl. He determined she was a student and had been drinking underage down at the bars in Five Points. He asked, “You got a friend you could call to come and pick you up?” She said she could call her roommate. Officer Haynie directed the suspect to call her roommate to pick her up. While they waited on the roommate, the suspect sat crying while Officer Haynie stood by silently.

When the roommate arrived at the scene, Officer Haynie briefly explained the situation to her and then released the suspect into her custody. When asked why he handled the incident as he did, Officer Haynie answered: “It’s late. I have no idea why she is so upset. She’s really drunk and needed to go home. I didn’t want to make her cry more by giving her a ticket or student discipline for the underage drinking.” So for fear of further upsetting the suspect, Officer Haynie let her go without sanction for underage drinking and, arguably, public drunkenness.

**Case 3.** Around 1am, Officer Carter was dispatched to McBryde dorm. Two RAs (residential advisors) called the police department stating that a drunk male was in the dorm common area vomiting all over himself. On arrival to the scene, we walked down the stairs outside McBryde and entered the building on the bottom floor. The common area had dirty carpeted floors, a television, old couch, and wood panel walls. Two RAs were standing by documenting the incident. The suspect was laid on his side on the floor in front of the couch. He was barely coherent, wearing one shoe, and had dirt and vomit all over his shirt.

There were also three bystanders at the scene: one remained unidentified, though the other two stated they met the suspect outside Sharky’s [a bar] in Five Points [downtown area]. The suspect had asked the two males if they would take him back to his fraternity house. They did not know the suspect, so they brought him to the dorm and immediately found the RAs for assistance. After answering Officer Carter’s questions, one of the males asked if they could leave. Carter said they were free to go, and then radioed for a first responder. Officer Carter asked the suspect if he had an ID. The suspect



managed to comply, but handed over a fake ID; he had no real ID on him. While we waited for the first responder to arrive, Carter examined the fake.

When the first responder arrived she began assessing the suspect's health. Without waiting for her assessment, however, Carter radioed for EMS to respond because he was certain the suspect would need to be hospitalized as he was extremely intoxicated. In the meantime, the first responder asked the suspect questions to gauge his level of intoxication. When asked the date, the suspect mumbled, "September 27, 2008"; the year was 2011. Since the suspect was lying down against the couch, the first responder instructed him to try to sit up and lay back. As he tried to sit up, he doubled-over and his head wound up between his legs. Because he was extremely intoxicated, he had little to no ability to control his body. The first responder then decided to lay him on his side while she took his vitals. She repeatedly asked him if he was going to be sick. She examined his body and noticed several scrapes on his head. She asked if he had fallen, but he said no. She asked if he had taken anything in addition to drinking. He said that he had. He said that he had gotten prescription drugs from someone else, but did not know what they were. He stated he took the drugs at midnight, an hour before the encounter.

At that point Carter left the scene to go locate EMS who was having a hard time finding the dorm. While he was gone, the first responder asked the suspect for his social security number. He rambled off a string of numbers; so many that she could not decipher whether it was a telephone number or a social security number. The first responder continued to monitor the suspect's vitals while she talked to him and wrote down any information he could give her. Then, suddenly, he got really quiet and still. He was passing out. The first responder nudged him and told him to stay awake and keep his eyes

open. She then advised him that he was going to the emergency room. He tried to sit up, but she laid him back down on his side.

She again asked what he took; he responded, “R7.” She tried to figure out what R7 was, but could not get a coherent or logical response. She then asked, “When was the last time you ate something?” He said lunchtime. She asked where he lived; he stated Columbia Hall. About 30 minutes after the encounter began, Officer Carter arrived back to the scene with EMS in tow. The suspect muttered to them that R7 is a street drug he took at a party earlier that night. He tried again to sit up, but lost control, fell on his side, and hit his face on a metal chair near him and started throwing up on himself. The EMTs sat him up with his feet stretched out in front. They held him steady as he dropped his head and continued throwing up and drooling on himself. Once he stopped vomiting, the EMTs picked him up and placed him in a restraint chair. They wheeled him outside, up the stairs, loaded him in the back of the ambulance, and left for the hospital.

During the debriefing, Carter stated he was going to issue the suspect a student disciplinary for the fake ID because:

**Officer Carter:** [H]e’s so drunk and needs to go to the hospital. At this point he’s a victim more than an offender. Granted he committed offenses, but I don’t want to punish him further. I think this [intoxication] and a student discipline is punishment enough.

In short, Officer Carter felt sympathy for the offender and did not want to add much punishment beyond the negative effects of extreme intoxication, not to mention the ambulance and hospital bills. As a result, the suspect was only sanctioned for the fake ID, not underage drinking.

**Case 4.** Around 10:30 one Friday night, Officer Vance was walking to his patrol car from the East Quad dorm when he spotted two females and one male sitting on the ground in the parking lot. One of the females was crying and screaming. The guy was shirtless and in gym shorts. He appeared to be trying to console the upset girl who was sitting hunched over on the ground wearing a t-shirt, presumably the male's, coupled with a long evening dress coming up to her waist, styled like a pair of unfastened overalls. The other female was also wearing a long evening dress, albeit in a more conventional manner.

Officer Vance approached the group and asked what was going on. The female who was not crying stated her friend was drunk and upset because their sorority formal had been cancelled. She said they were both dressed and on their way to the formal when they found out it was cancelled because of a power outage at the facility. Vance tried talking to the intoxicated girl and asking for her information, but she was nonresponsive; she just cried and rocked back and forth. Officer Vance asked the other two people for her information. They stated she was 20 years old and a student at the university. Thus, she had been drinking underage. Officer Vance asked the male and other female for their information. Both were 21 years of age and university students. Vance then asked, "So how much has she had to drink?" The male stated the suspect had consumed five shots, but the female said four to five beers back-to-back within the last hour. Throughout the questioning, the suspect cried uncontrollably and failed to respond. Vance radioed for a first responder to come to the scene. Before the first responder arrived, another friend of the suspect, a sorority sister, showed up.

When the first responder arrived he began assessing the suspect's health. He tried asking the suspect if the male was her boyfriend to which she replied, "He's not my boyfriend. I don't have a boyfriend. But he can be whatever he wants to be." He then tried checking her eyes, but she said she could not hold her head up nor look into his flashlight. A few minutes into the assessment, the suspect leaned forward and started throwing up. She drooled and had snot running out of her nose. The male reached over and wiped her nose with his hand. Vance said, "Now that's love." The female friend responded, "If you think that's love, you should see his truck"; she explained that he had picked them up from the cancelled event and that the suspect had thanked him by throwing up inside his vehicle. At that point, the first responder concluded his health check and decided that EMS needed to respond. A short time later, EMS arrived on scene. The EMTs assessed her health and determined she needed to be hospitalized. They loaded her in the ambulance and advised her friends that they could pick her up an hour later from the local hospital.

Once the suspect was taken away, Officer Vance stated she was receiving a student discipline for underage drinking. He explained his sanctioning decision by saying:

**Officer Vance:** I'm going to give her a student judicial for the underage drinking.

I could write her a ticket for it, but I'm not going to. I feel bad enough for her. She was pretty messed up. I'm sure she won't be drinking like that for a while.

Like the other Officers, Vance did not feel the need to more severely sanction the suspect because in a sense she was already being punished by the severe intoxication and sickness.

## **Out of Town**

A third reason why officers leniently sanctioned suspects is they were from out of town.

**Case 1.** Around 12:20am in the Thornwell Annex parking lot, Officer Strickland was checking property when she overheard loud arguing. She walked to where she heard the disturbance and saw a male and female standing between cars yelling at each other. Strickland approached them and asked what the problem is. The male stated he was visiting from East Carolina University, and he was tired and wanted to go up to her dorm room to sleep. She, however, wanted to go out to the bars. He stated that his girlfriend became angry over this disagreement, and thus he left her room and went down to his car to sleep. She followed him down and an argument ensued. The girl appeared intoxicated, so Officer Strickland asked if she had been drinking. She said that she had. Officer Strickland then asked for their IDs. The male handed it over, although the female stated she did not have her ID on hand. Strickland then asked for her name and birthdate, and radioed their information to dispatch for a status check.

Shortly thereafter, the dispatcher informed Strickland that their statuses were both clear. So Officer Strickland decided:

**Officer Strickland:** Both of you need to go upstairs and get a good night rest. You don't need to go out. You need to stay in and you'll both be over it tomorrow. Don't come out again. I don't want to have to come back.

With those cautionary words, Strickland told them they were free to leave. Once the suspects left, Officer Strickland explained why she handled the situation as she did:

**Officer Strickland:** He's out of town visiting her and she's acting all wild. I

didn't want to make the situation worse for him. You saw him, he just wanted to sleep. ... I didn't want to give her a student discipline and possibly make his night worse.

In short, Officer Strickland only gave the suspects a verbal warning for loudly arguing in public—a public order offense. She did not want to sanction the suspects for being boisterous in public nor the female for drinking underage for fear of adding more stress to their situation. She gave them a reprieve because the guy was visiting from out of town and, in line with the previous section on sympathy, expressed sympathy for the boyfriend's situation, mentioning that she "didn't want to make the situation worse for him."

**Case 2.** At 11:00pm, Officer Way was driving down College Street when a driver flagged her down. She stopped the patrol car next to his and rolled down the window. He told her he had seen a guy hit the emergency callbox several times and then stumble toward Assembly Street. Officer Way thanked the driver for the information, made a U-turn, and went looking for the guy in question.

About two blocks up the street, Way spotted a male stumbling from one side of the sidewalk to the other. She exited her vehicle and told the male to stand up against the fence. She asked, "Where you coming from?" He said that he had been down at Five Points [downtown area] drinking. "You got some ID on you?" He handed over his ID. She radioed the information to dispatch for a status check and asked for a first responder to come to the scene. The suspect was a 21 year old, white student from Clemson University. She probed further, "Where are you heading?" He replied, "I'm visiting a friend. I'm just trying to get back to his place because I need to leave in the morning."

After asking the standard questions to determine whether someone is very intoxicated (i.e., date and President's name), which the suspect correctly answered, Officers Singleton and Hill arrived to the scene for backup. Both stood quietly on the street. While waiting for the first responder, the suspect held onto the fence swaying back and forth; he could barely hold himself up. He then told Officer Way, "I understand what's going on here. I can call my friend or family. I know where I am. I been to Columbia [before]. I'm good to go here. I don't know who you're waiting on." Officer Way replied, "We're waiting on the first responder to come and check you out and make sure you're all right." The suspect insisted:

**Suspect:** I don't know where my friends are and I lost my cellphone. I pushed the callbox to try to call my friend. He didn't answer me. I mean I know my friend wasn't going to answer, but I thought someone would answer.

Officer Way clarified, "Well that callbox, you know it calls the police department? It won't call your friend." The suspect seemed confused.

The first responder arrived and checked the suspect's vitals. Once finished, the first responder told Officer Way that he did not need to be evaluated further or hospitalized. So Officer Way asked the suspect, "So do you know where your friend lives? You know where you're staying?" The suspect named the apartment complex where his friend lived. She went on, "Ok, do you have money for a cab? I just can't let you walk away, especially since you don't have a cellphone and have no way of getting into contact with your friend." The suspect pulled out his wallet and showed her he had plenty of money for a short cab ride. Way told him, "I'm going to call you a cab and they're going to take you to your friend's apartment, ok?"

Way called a local cab company to pick up the suspect. The Officers waited until the cab arrived a short time later. Officer Way helped get the suspect into the backseat, advised the cab driver of the situation, and told the suspect, “Go straight to your friend’s house and stay there. Don’t be walking around on the street anymore. That can be dangerous. Have a good night.” With that, Officer Way released the suspect with a verbal warning for public drunkenness. When asked why she handled the situation as she did, she answered:

**Officer Way:** You know he was from out of town and he was cleared by the first responder, so I just thought I’d send him in a cab to his friend’s place. Although he was lost out here, at least he knows where he’s supposed to be going and he had money in his pocket for a cab. So I just thought I’d let him go.

Ultimately, Officer Way minimally sanctioned the suspect because he was from out of town, but also because he knew where he was heading, and had the money to get there.

**Case 3.** Around 1am it was pouring down rain when Officer Way spotted two intoxicated pedestrians stumbling from side to side on the Greene Street sidewalk. She sighed and told me, “I really don’t want to deal with this right now [because it is storming], but I guess I have to.” She turned on the blue lights and pulled the car to the side of the road. She already had her rain jacket on because it had been storming earlier in the evening.

Officer Way got out of the car and directed the two males, who were drenched, to stand underneath a nearby tree. She asked them, “Where are you guys heading?” They said, “Up the street to our friend’s dorm. We’re staying with him.” Both were wearing University of Florida t-shirts and stated they were UF students visiting a friend at USC.



“You guys got some ID on you?” They presented their IDs and she radioed their information for a status check. Both were white, one was 19 years old, the other 20 years old. “Listen”, she said, “I’m going to call a first responder out here to make sure you both are ok and good to go.” At that time, Officers Johnson and Hill arrived on scene for backup. After standing in the rain for a few minutes, however, they both got back in their cars and watched the encounter unfold from there.

The first responder arrived and assessed their health while rain poured down on them. The first responder deemed they were fine and did not need further evaluation. Officer Way quickly concluded the encounter with a word of warning: “Since you guys are only going right up the street and you know where you’re headed, I’m just gonna let you go. Go straight there. Have a good night.”

Although the two suspects were publicly intoxicated and underage, Officer Way let them leave without sanction. When asked why she did so, she explained:

**Officer Way:** Oh man. It was pouring down rain so hard. I’m soaked! Look, they were from out of town and they knew where they were going, which is right up the street, to their friend’s dorm. I wanted that to be over so fast. The responder said they were fine so I just told them to go.

Officer Way let the suspects go without sanction because they were from out of town and knew exactly where they were heading.

### **Not That Serious**

Three alcohol incidents were sanctioned less severely than the law allows because officers viewed the offenses as not serious enough to warrant a more severe sanction.

**Case 1.** At 12:20am, Officer Wilmington observed a male and female walking on

Greene Street. The female was holding an open liquor bottle. When they spotted Wilmington in her patrol car, the female put the bottle down behind a trash can. Officer Wilmington viewed the girl's actions as suspicious and thus conducted a stop.

The first thing Officer Wilmington did was ask for their IDs. The female was a 19 year old, white student of the university. The male was 21 years old and white, although he attended another university. Wilmington asked, "So who's alcohol is it?" The male spoke up and said it was his. "So if you are 21 and the alcohol is yours then why is she carrying the liquor bottle?" They did not have an answer. Wilmington radioed the suspects' information to dispatch for a status check. While they waited, Officer Barker arrived on scene as backup, but only stood by his patrol car.

The suspects' information came back clear. Wilmington told them, "I want you to throw the liquor bottle in the trash can right here and walk away from it. Next time you need to let him hold the alcohol because you're not of age." They both nodded. "I'm gonna let you go this time. Be careful from now on."

When the suspects departed the scene, Wilmington explained why she sanctioned the suspects in this manner:

**Officer Wilmington:** I let them go with just a verbal warning because he is legally allowed to drink or possess the alcohol, and she, even though she's only 19, was with her boyfriend who wasn't breaking any law. I didn't want to give her a student discipline or anything for MIP since it was his and they were cooperative and they weren't drunk. Overall, it just wasn't a serious incident, not a serious thing.

In this case, Officer Wilmington sanctioned the female verbally rather than more severely

because she did not view the incident as very serious. What helped the suspect's case, it seems, is she and her boyfriend were cooperative and did not appear intoxicated.

**Case 2.** Around 10pm, Officer Vance was dispatched to Patterson dorm in regards to a nonresponsive female. On arrival to the dorm common area, Officer Vance met four RMs [residential managers] who were standing around documenting information in binders. The suspect was lying on the floor. Officer Vance asked the RMs to explain what had happened. The RM who placed the call to the police department stated that another student's parents, who were visiting, found the female in the hallway bathroom hanging over the toilet. Because she appeared to be extremely intoxicated, the parents alerted the RMs for help.

When one of the RMs went to check out the situation, she found the girl on the bathroom floor nonresponsive. Officer Vance asked the suspect, "So how are you feeling?" She responded, "I'm so sorry. I didn't eat dinner. That's why I feel like this. I'm so, so sorry. I just feel so bad that the police and all these people had to come check on me." Officer Vance asked for her ID. One of the RMs who was holding her ID handed it over to him. The suspect was a 20 year old, white student of the university. Vance radioed her information to dispatch for a status check, and then asked her, "So what were you drinking tonight?" She slurred, "A little bit of beer, some Captain Morgan. I'm not trying to lie to you." She started apologizing profusely, while she squirmed around on the floor. The suspect's status came back clear. Officer Vance radioed for a first responder to come evaluate her health. While waiting for the first responder, everyone stood quietly except for the suspect who continued apologizing.

The first responder arrived and checked the suspect's vitals, ultimately deciding

she did not need hospitalization. But the first responder informed the RMs that they would need to periodically check on her throughout the night. The RMs told the first responder that whoever was working the night shift would be sure to check on her. Officer Vance then told the suspect, "I'm going to give you a student discipline for underage drinking, but that's all. I want you stay in your room the rest of the night, ok? The RMs are gonna check on you every now and again." The suspect nodded and said, "I'm so sorry, so sorry." Vance then asked if the RMs were comfortable taking over; they agreed and Officer Vance left the scene.

During the debriefing Officer Vance explained why he sanctioned the suspect as he did: "I'm giving her a student discipline because she was so drunk that we had to respond. But she was fine, really. It wasn't that serious. I mean she was polite and compliant so the student discipline is enough." Though Officer Vance sanctioned the suspect, it was not as severe as it could have been. The reason he gave the suspect a less severe sanction is because he did not think the situation was serious enough to warrant a perhaps more severe sanction, and because the suspect displayed a proper demeanor.

**Case 3.** At 11:30pm, Officer Haynie was driving along Greene Street. He spotted a couple walking on the sidewalk and observed the man unnecessarily press the button on the university's emergency callbox. Officer Haynie stopped the patrol car, got out, and yelled at the man, "Hey you, come here!" The suspect and the female stopped. Haynie asked, "Where you coming from?" The suspect pointed to the downtown area and said, "From there", to which Haynie replied, "You guys got ID on you?" They handed him their IDs. Both the male and female were in their late 20s and were not students of the university. Haynie asked, "Why'd you push the callbox button? Are you in distress?" The

suspect replied, “No. I’m just a dumbass.” “Ok, well you realize that I could write you a ticket and take you to jail for falsely using the emergency callbox?” “No sir, I didn’t.” Officer Haynie then asked them where they were heading. The female said they were heading back to their hotel room, but not before she performed a dance. “Hey officer, you like my seductive siren move?” She started rolling her hips while she mimicked the noise of a police siren. Officer Haynie laughed and told them, “Look, you two get out of here. Go back to your room and do what you do. Don’t hit anymore callboxes or you’ll be in trouble.” The suspects and Officer Haynie left the scene.

Officer Haynie let the suspects go with a verbal warning, although both were publicly intoxicated and the male had illegally used the emergency callbox. Officer Haynie explained why he sanctioned the suspect as he did:

**Officer Haynie:** We got way more serious business to handle out here potentially than that. I warned him that he could get a ticket or go to jail, but I’m not going to do that. I mean it’s stupid but it’s just not that serious.

In short, Officer Haynie failed to sanction the suspect with more than a verbal warning because he believed the offense was not serious enough to warrant a citation or arrest. Additionally, a lack of police resources may have also weighed on the officer’s decision, as he mentioned that he and his colleagues have more important crimes to handle.

**Case 4.** Officer Deen was dispatched to Bates West [a dorm] at 9:45pm in response to the smell of marijuana coming from someone’s room. Officer Carter also responded to the scene to serve as backup. The officers met outside the dorm and went in. They rode the elevator up several floors, got off, and walked to the door of the room in question. Deen knocked three times with no response. Standing close by were an RM

[residential manager] and an RM trainee who stated they had placed the call.

While standing outside the suspected dorm room, Deen spotted an individual come out of another dorm room and throw away a beer can in the hallway trashcan. Because the dorm housed mostly freshmen and some sophomores who are generally not 21 years of age or older, Deen immediately suspected that the individual was illegally possessing alcohol. Deen followed the student around the corner to see which room he came from. Deen then went and knocked on that door. Carter came over to join Deen. A male student answered the door. Deen asked if they could come inside and the male obliged.

Four males were inside the living room playing video games. All were white and students of the university. A cooler was open on the floor with a bunch of beer cans in it. Deen asked, "You all live here?" All the males stated they lived in that particular dorm, although not all in that particular room. Deen said, "Well, the fact that this dorm is pretty much a freshmen dorm leads me to believe you guys are all underage, which means you shouldn't be drinking. Is that correct?" They nodded and said yes in tandem. Carter stood by quietly as Deen conducted the questioning. Deen directed the students, "All right, here's what we're going to do: you're going to take all these beers, pour them out in the tub, and then throw the cans in the trash. You got anymore beers in here, anywhere?" One of the guys spoke up and said there was some more in the refrigerator. "Ok well grab those too, just pour them out in the sink right here [in the kitchen]." The guys complied and grabbed all the beer up and started pouring it out. One of the students asked Deen, "Are we going to get a student discipline for this? If so, how will that affect my football status?" Deen said, "No, I'm not going to give you a student discipline, but even if I did it

shouldn't affect your football status.”

The guys finished pouring out the beers. Deen told one of the guys to take the trash bag with the empty cans and bottles down the hall to the bigger trashcan. While waiting on the student to return, Deen started joking with the group and talking to them about videogames. When the student returned the officers started heading out, at which point Deen said, “All right, y'all have a good night. Party on guys!” The officers left the scene, and nothing ever came of the call about the marijuana.

Outside the dorm, Officer Deen explained his sanctioning decision as “They [the suspects] were compliant and nice, and it really wasn't that serious.” He further stated, “They were in their dorm room playing videos, not causing a ruckus. They were drinking but they weren't heavily intoxicated or anything like that. They weren't causing harm to anyone.” In the end, Officer Deen did not sanction the suspects for underage drinking/possession because he felt that the incident was not serious.

**Case 5.** Officer George responded to a call for service placed from Bates House [a dorm on campus] around 9 Thursday evening. The caller, an RM [residential manager], stated that she and several other RMs were in possession of a student's fake ID and wanted to turn it in to the police. On arrival to the scene, five RMs (two females and three males) were standing around in the front lobby waiting to talk to Officer George. One RM immediately spoke up saying, “I'm the one that found the ID.” Officer George asked, “Do you know whose it is?” They all nodded, while the same RM spoke up and said, “Yea, we know whose it is because it's got their real picture and name on it. The only thing that's different is the birthdate.” Officer George then asked, “Do you know where this person is at the moment?” And they in unison stated that the suspect was not

at the dorm. A male RM offered to call the suspect and tell him that he needed to come back to the dorm to “talk to someone”; that someone being Officer George. The RM telephoned the suspect, who answered. After the RM delivered his predetermined message, the student abruptly hung up without saying a word. Officer George then directed the same RM to call back one last time and tell him “come back to the dorm because the police want to talk to you.” The second phone call seemed to have struck a chord with the suspect as he said that he would be at the dorm in a few minutes to talk to the police.

A few minutes passed until the suspect walked into the dorm lobby. Without speaking, Officer George motioned to the suspect for him to follow him into a side room off the lobby so they could speak in private. In the room, Officer George said, “Look we found your fake ID and we know it’s yours ’cause it’s got your picture on it. How old are you?” The suspect, a white male student, answered, “19” and then immediately rebutted, “I’m not going to lie ... I use it for movies, stuff like that, novelties.” The suspect seemed very nervous answering Officer George’s questions. George asked, “So you don’t use it for drinking?” “No.” While holding the false ID card in his hand, Officer George then told the suspect:

**Officer George:** I can offer it back to you. I can’t keep it. But if you give it to me, I’ll take it and leave it at that. If you keep it, I will know that you are in possession of a fake ID and I can write a ticket for a fake ID, if I give the ID back to you. You got any other IDs?

The suspect said that he did not. “Ok, well I’m gonna have them check your information to make sure there’s no problems with your license or whatever.” Officer George then



radioed the suspect's information to the dispatchers for a status check. While waiting for the status check, the suspect continued denying that he uses the fake ID for drinking.

"I'm not lying to you sir, I really use the ID for movies and stuff. I don't drink. I mean I have one time here, but I don't go out and use this to drink." Officer George did not try to deny the plausibility of the suspect's story. Instead, George stood intently listening to the suspect's tale as if he may have believed him.

The suspect's status came back clear, so Officer George explained to him, "I may have to do a student judicial [student disciplinary] on you, but if I do I will tell my supervisors that you were compliant." Once more George asked if he had used the fake ID to drink alcohol, but the suspect affirmatively said no. Officer George proceeded,

**Officer George:** The interaction we're having is positive, but you can go to jail if you go to Five Points [downtown area] and are caught by CPD or someone else with this [the fake ID]. So are you going to keep it or are you going to let me hold onto it?

The suspect thought for a second and decided, "I'm going to give it to you." Officer George said, "All right, well do you have any other questions for me?" The suspect answered, "Yea I do have a question. It's about registering a moped I just bought." The suspect proceeded to ask questions about the process of registering his new moped. Officer George politely answered the suspect's questions to which the suspect said, "Thank you Officer" and shook George's hand. Officer George and I then left the scene.

Back in the patrol car, Officer George was asked how he was going to sanction the suspect and why in that way. He responded:

**Officer George:** Well since he's not using it in the commission of a crime, then I can't take it from him. That's like me going up to you and you have one in your wallet and me taking it from you. You haven't used it in any kind of [crime], from the way I understand now. ... [S]ome people use it to sign into dorms and stuff, which is stupid. So in a situation like that where they're not really using it in the commission of a crime, then you know I can't just really take it from them. [However] [i]f he [the suspect] used it to buy alcohol then of course it's evidence for a crime, so I could take it then. They [fake ID possessors] always have a choice. I can suggest that they give it to me. ... I mean that's [their] choice. [In this situation] [i]f he [the suspect] didn't want to give it to me, I'd have come to the car, got a ticket and wrote him out a citation for possession of a fake/altereD DL which is like a two or 300 something dollar penalty, then took it from him. ... [But] he's going to get a student judicial. I just didn't have one [student disciplinary] on me that's why I told him that [he might not get one, depending on what the supervisor says]. He's getting one. I'll be emailing him tonight with that. Either way I already knew he was using it for alcohol. I'm like it's really not that serious [of an offense] dude just tell me you use it to drink. ... Movies? I'm like dude all you got to do is be like what 17 or 18. ... What kind of shit are you watching?

Though not explicitly stated, one reason Officer George decided to issue the suspect a student disciplinary over a citation was because the suspect complied and handed over the ID. Although the suspect arguably lied about how he used his fake ID, he nevertheless was polite and physically compliant. It is likely that Officer George

threatened to issue the suspect a citation for the fake ID in order to get the suspect to comply and not further challenge his authority. A second reason Officer George perhaps handled the situation as he did is because overall he did not believe the offense was that serious. What exactly made the offense unserious, however, is purely speculative as Officer George did not fully elaborate on his answer.

### **Don't Feel Like It**

One officer leniently sanctioned suspects because he “didn’t feel like” handling the incident in a more severe manner.

**Case 1.** Around 2am it was pouring down rain when Officer Voight spotted a truck make an illegal turn, as a posted sign stated “No Right on Red.” Voight caught up to the vehicle and initiated a traffic stop. The truck pulled over into a parking lot off Gervais Street. As the officer got out of his car he appeared nervous because the truck had not been put in park. He proceeded to the driver side window. A young female was driving. A male was in the passenger seat who reeked of alcohol and had vomit all over his shirt. As Officer Voight asked her, “Do you know why I pulled you over?” the truck lurched forward and he jumped backwards. The suspect’s foot had slipped off the brake causing it to move forward. Voight said, “Hey, why don’t you put that thing in park?” and asked “Ok, you know why I pulled you over?” She nodded no. She appeared intoxicated; her eyes were droopy, cheeks flushed red, and she looked like she was about to start crying. Voight asked for her ID. She said she did not have one so he wrote down her name and date of birth on a notepad and stuffed it in his rain jacket pocket. Voight also got the male’s information before heading to the patrol car to have their statuses checked.

Voight radioed their information to dispatch. Immediately, the male's status came back clear. He was a white student of the university and 18 years of age, which meant he had been drinking underage. The female's information, however, was not pulling up in the system. Voight got out of the patrol car and went back to the suspects' vehicle to have the driver spell her whole name. He came back to the car and radioed dispatch with the updated information. Again, the dispatcher could not locate her in the system. Once more, Voight went back to have her verify her name and its spelling. He gave dispatch the updated information which got a hit in the system. While he waited to hear her status, he commented:

**Officer Voight:** She is driving his truck 'cause he is tore up [drunk]. And I can smell the alcohol on her. I'm pretty sure she is DUI, but I'm not messing with a DUI. She might be drunk, but I'm going to have someone come pick them up. Then the dispatcher notified Voight that the female suspect had either an ID only or a license, but it would take a few more minutes to figure out which one. Aggravated at how long it was taking for the status check, Voight got out of the patrol car and went back to speak with the suspects:

**Officer Voight:** Listen, I want you to call a friend to come pick you both up. You're gonna park the car here and you can come get it tomorrow. Now, I'm gonna write both of you student disciplines for minor in possession of the alcohol. And you [the female suspect] are getting a ticket for driving without a driver's license. You know you could go to jail for driving without a license. You need to be sure to get that figured out.

The female called a friend. About ten minutes later, two friends arrived to the

scene. The female parked the truck in a nearby space and the suspects exited the vehicle. The female had mascara smeared down her face from crying. The suspects walked to their friends' car and got inside. One of the friends came over, shook Voight's hand, and said, "Thanks." Then the suspects and their friends left the scene.

The officer's sanctioning decisions were far more lenient than might be expected. This is not only because the driver was likely driving under the influence, but was doing so without a license; both of these offenses come with mandatory arrest. Because, however, the officer did not charge the driver with these crimes, nor fully investigate them, he was technically not required by law to arrest the suspect. When asked why he sanctioned the suspects as he did, he explained:

**Officer Voight:** She was drunk, and he was definitely tore up, but I was just not messing with a DUI. This is an example of when officers have discretion. Usually you would go to jail for driving without a [state issued] license, but in this case I had someone come pick them up so I didn't have to deal with the alcohol. It's raining, I don't have a working camera in the car, and it would take a while to process the DUI. I just didn't feel like dealing with this right now.

### **Acceptance of Justifications/Excuses**

One case was handled leniently because the officer accepted the suspect's justification/excuse for the offense.

**Case 1.** Around 10:30 one Friday night, Officer Dillon was parked in one of the Greek Village lots when he observed a car run a stop sign. The car happened to pull into the very lot in which were parked and headed toward a parking spot. Officer Dillon flipped the blue lights on and pulled the car forward in an attempt to stop the vehicle

from moving any further. The car, however, continued to pull forward. Dillon threw his hand out the window and pointed, while yelling to the driver to pull over. The car again lurched forward, so Dillon quickly got out of the vehicle and yelled, "Stop! Pull over!"

Dillon approached the driver's side of the vehicle. The suspect rolled the window down and Officer Dillon asked, "Where are you coming from?" The suspect responded, "I just dropped a friend off. We had been at Five Points [downtown area]." At that moment, Officer Vance, who had been in the immediate area, arrived at the scene as backup. Vance exited his vehicle and approached the car on the passenger side. He shined his flashlight through the windows looking for anything suspicious. The suspect seemed very nervous. Dillon then asked the suspect, "Are you alright man? You ever been stopped before?" The suspect responded that he had not. Then Dillon asked, "You got some ID on you?" The suspect handed over his license. The suspect was an underage white male student, who did not appear to be under the influence. Dillon walked to his car while he radioed the information to dispatch for a status check as well as the vehicle information, because the tag appeared to be expired. While waiting for the status check, two Columbia PD officers, who had been driving by, stopped at the scene. The two officers got out of their cars and walked around the vehicle looking for anything suspicious. The two city officers and Officer Vance conferred with one another that because they could not see what was stored in the hatch, they wanted to take a closer look. Vance then walked over to Dillon, who was standing by his patrol car, and said that they wanted to search the suspect's vehicle. Officer Dillon told Vance to ask the driver if he could search his car.

Officer Vance approached the driver's window and asked the suspect if they could look inside his car. The suspect gave them permission, so then Vance asked that he step out of the car. The suspect complied, got out of the vehicle, and walked over to stand on the sidewalk. Officer Vance and the two city officers proceeded to search the car. When they opened the hatchback, they discovered a large cooler with a bag on top of it. One of the city officers pulled the bag off the top in order to peer inside the cooler. The cooler, however, was empty. Because the bag felt heavy, one of the officers opened it to reveal several unopened beer cans. Vance yelled over to Dillon, "We got a few beers here." Because of the suspect's underage status, Vance questioned him about the alcohol, "Are these your beers?" The suspect replied, "No. The cooler is mine. But that bag with the beers in it is not. I didn't even know that was in here. That bag's not mine and neither are those beers." "Well whose bag is it?" "I think it's one of my fraternity brother's."

At that point, Officer Dillon received the status check. The suspect's status was clear, but his tag was expired. He walked back over toward the suspect's vehicle to speak with him. Dillon asked, "So these aren't your beers?" "No sir." "Then why are you riding around with them?" "I didn't even know they were in here sir." Dillon then said,

**Officer Dillon:** Here's the deal: your registration is expired. I'm going to give you a warning on that but you need to take care of it and get it updated. As for running the stop sign, I'm going to cut you a break on that too and just give you a warning. You need stop at the stop signs because it's unsafe if you don't. There's heavy traffic here in Greek Village and with the number of people drinking, you never know who you may run into. Or you could get run into by not stopping at the stop signs. Now the beers: you need to be more careful. You're not of age and

so legally you can't have alcohol at all. The fact that they were in the back and they were unopened, I'm going to give you the benefit of the doubt that you didn't know they were there. I want you to take the four beers over there on the grass and pour them out.

While Officer Dillon wrote out the two warnings, the suspect took the beers from Officer Vance and walked them over to the grass. He popped each can open and poured them out. Dillon directed, "All right now throw those cans away in the trash over there." Dillon then handed the suspect the warnings and said, "Ok, have a good night and be careful." The suspect got back into his car and left the scene. After talking for a few minutes, Officer Vance and the two city officers also departed.

In the patrol car Officer Dillon was asked why he handled the situation as he did. He explained,

**Officer Dillon:** I didn't do anything about the beers because he says they're not his and likely knew whose they were. Whether or not that's the truth, I don't know, but I mean I'm kind of inclined to believe that what he said is true. As for the other offenses, I just gave him warnings since he was pretty compliant and I really just wanted to warn him to fix the decal and not to run stop signs 'cause it's dangerous.

Officer Dillon sanctioned as he did for several reasons. As for the alcohol, Dillon did not sanction the suspect because he bought his excuse for the underage possession. In effect, Dillon felt that a lenient sanction was appropriate, perhaps because he perceived the offense as not that serious; see chapter 5 for a discussion about how officers' acceptance of suspects' justifications/excuses may affect officers' perceptions of an offense's



seriousness. Moreover, Officer Dillon also reduced the severity of sanction because the suspect exhibited a good demeanor and, therefore, he felt more motivated to warn the suspect about his offenses rather than punish him.

### **Legal Limitations**

A few officers handled alcohols incident in a lenient manner because their actions were limited by the rule of law.

**Case 1.** At 9:35 one Saturday night, Officer Dillon was dispatched to Greek Village to meet up with a cab driver. Officer Dillon recounted the cab driver's complaint:

**Officer Dillon:** What the taxi cab driver told me was he had picked up two guys [USC students] from the Kershaw County Jail. He [the taxi driver] had gotten into an agreement to drive them down here [Columbia, SC] with this group [several passengers in the taxi van] that are going down to the College of Charleston. [There are] [a]bout 6, 5 or 6 kids ... plus these two guys. Now they [USC students] told the guy [taxi driver] that they'd pay him \$60 for the two of them to ... [ride] down. He [taxi driver] says, "That's fine I'll take you." And basically when they got here [Greek Village], they told him they didn't have enough money. ... [O]ne guy ran into the house. The other guy ran over here to Gadsden Street and got into a black Audi with North Carolina tags and left the scene. Now speaking with the kids in the back of the van, they said they're both SAEs [members in a particular fraternity]. I mean they already knew the fraternity that they were with and they knew that they were both freshmen. So that narrows my list down a little bit.

The taxi driver added that the two suspects were white males. He also said, "I was very nice to them. I stopped at McDonalds to let them eat food." While Dillon gathered information from the victim and the other passengers, Officer Way drove around Greek Village looking for the suspect's vehicle. Dillon then explained what the victim's options were:

**Officer Dillon:** Well his options [are] to of course file charges, or just write it off, which he will probably do, from what I understand ... [I understand the complaint, as] it's just him in this [taxi company]. That's how he makes ends-meat. He can't afford to lose \$60 on a fair.

The victim did not intend to press charges. He just wanted the money because he had three kids at home to feed. Officer Dillon took down the taxi driver's information and a telephone number. The officer said he was going to do everything possible to find out who the two suspects were and to obtain the cab fare. Officer Dillon suggested that the victim go ahead and take the rest of the passengers over to Charleston, as it was still almost a two hour drive there. The officer told the cab driver that if they found the suspects and obtained the fare they would notify him so he could stop by the police station and pick up his money. The driver then left the scene for Charleston.

Officer Dillon went over to the SAE house to speak to the house director and some of the fraternity officers to see if they could help identify the two suspects.

**Officer Dillon:** I gave them a little bit of a bargain. I said, supply me with the two guys in thirty minutes and we can handle this through student judicial. There won't be any charges. The guy [taxi driver] just wants his money back.

Otherwise, when I do find out who they are, I'll be knocking on their door with a warrant.

Almost forty minutes passed before Officer Dillon received a call from the house director saying that she had the two suspects with her at the fraternity house. Officer Dillon drove over to speak with the suspects. At the house, the director greeted Officer Dillon and brought him inside. Standing there were the two suspects. Officer Dillon took a very stern tone and stance: "You got IDs on you?" They handed them over. He took their IDs, reading their names aloud. The two suspects were both white, male students; one was under 21 years of age, but the other was 22. Dillon asked them to give him their version of the incident.

The two suspects stated that they had both been arrested earlier in the day at the horse race for public intoxication. Standing their recounting their story, they were still intoxicated. Dillon then asked them why they took off running and why they did not pay the taxi driver. They inaudibly mumbled. Dillon explained to them:

**Officer Dillon:** Any services ... you get with the intent to pay [for] ... [and] you fail to pay ... you can be charged with defrauding an innkeeper, which is a criminal offense, not a civil action. I could take you to jail for this. Do you want to go to jail over something so stupid?

Both the suspects said, "No, sir." They were visibly nervous and scared. Dillon then told them that the taxi driver just wanted his money to feed his family, and commanded, "You get the \$60 you owe the man right now and I won't take you to jail. Otherwise you're getting in cuffs and going to county jail." Both suspects stated they did not have that amount of cash on them. The house director interjected, "I'll cover the cost for now. Let

me go get the cash. But you boys are going to pay me back.” The house director went and grabbed the money, came back, and handed it over to Officer Dillon. He then said, “I’m not going to take you to jail tonight, but you are getting a student discipline.” Officer Dillon told them that he better not have to deal with them again and he left. When asked why he handled the situation as he did, Officer Dillon replied:

**Officer Dillon:** I wouldn’t have arrested them. I said that so they’d give over the money. The fact of the matter is the victim didn’t want to press charges. If the victim doesn’t want to press charges it makes it that much harder for us to pursue something ourselves. It’s a lot lengthier process. So instead I’m writing them student disciplines detailing the incident. But I am going to make sure and say that they were cooperative.

Officer Dillon explained that his ability to sanction the suspects to the fullest extent of the law was limited because the victim did not want to press charges. As a result, the most he could, or at least wanted to do, was issue them a student disciplinary. Plausibly, Dillon could have chosen to pursue the matter further, as he suggests this would have been possible, but “much harder.” It seems, then, that the officer did not want to waste precious police resources on the incident, or perhaps he simply did not feel motivated to do so.

**Case 2.** At 10pm, Officer O’Hare spotted a vehicle, which had a tag light out, run through a red light on Blossom Street. He followed the car and initiated a traffic stop. Officers Gosling and Combs were in the immediate area and came to the scene as backup. O’Hare exited his vehicle and walked to the driver’s side window, while Gosling stood at the back of the car and Combs looked through its windows for anything

suspicious and spotted an open bottle of Maker's Mark liquor. O'Hare asked the suspect, "Do you know why I stopped you?" The suspect said he was unsure of why he had been stopped. O'Hare explained, "I stopped you because you ran that red light back there and your tag light is out." O'Hare could smell alcohol on the driver's breath, so he asked, "You been drinking tonight?" The suspect said that he had a few drinks. O'Hare then asked him for his ID and directed him to step out of the car to take a field sobriety test. The Officer radioed the suspect's information to dispatch for a status check. The suspect was in his early 30s, white, and a nonstudent.

Officer O'Hare explained the field sobriety test and then began. The suspect passed, but barely, so O'Hare told the suspect, "I'm gonna pour this [the liquor] out. You're going to call someone to pick you up or you're going to take a taxi home." The suspect stated he did not have anyone to call. O'Hare then placed two calls: one for a taxi and another for a tow company, as the vehicle had to be taken off the street. At that point, Combs and Gosling left the scene while O'Hare waited with the suspect for the taxi.

When his ride arrived, O'Hare advised the suspect where he could retrieve his car and told him to have a good night. The incident ended without sanction. O'Hare explained his sanctioning decision as:

**Officer O'Hare:** I couldn't arrest him [the suspect] because he passed the field sobriety test. But he was definitely intoxicated—there was the open liquor bottle and I could smell the alcohol on his breath. I didn't even want to bother with the minor traffic stuff. I just wanted to make sure he was off the road.

In sum, while Officer O'Hare could not legally arrest the suspect because he passed the field sobriety tests, he could have sanctioned the traffic infractions but did not. His bigger

concern was preventing the suspect from causing harm to other innocent persons. Yet again, however, the officer's words are suggestive of a concern for how best to use police resources or, perhaps, a lack of motive to deal with a hassle, as he "didn't even want to bother with the minor traffic stuff" that he could have sanctioned.

**Case 3.** Around 11pm, Officer Way was driving along when she spotted a wrong-way driver. She turned around, caught up to the car, and initiated a traffic stop. Officer Way was calm, but somewhat anxious, noting, "[I]t is a possible DUI, it requires us as officers to be very vigilant. We have to record the incident on camera and follow the protocol and procedures for the field sobriety test." The driver pulled over at the Firestone Tire Company on Gervais Street.

Officer Way approached the driver-side window. The driver appeared nervous. Way could smell alcohol on his breath. There were two passengers in the car, both of whom were males. Officer Way asked the driver, "Do you know why I pulled you over?" He answered, "No." She explained, "That street back there is one way and you were driving the wrong way." She then asked, "You been drinking tonight?" He said that he had not. She said, "I can smell alcohol on your breath. You sure you hadn't been drinking tonight?" He suddenly changed his story. "Yea I was drinking earlier, but I only had one drink. We [the suspect and the passengers] shared a pitcher." Officer Way probed further, "Where'd you have that at?" "We were at Parrot Head [a bar] in Five Points [downtown area]." She asked for his ID and radioed his information to dispatch for a status check. The suspect was 21 years old, white and a university student. At that point, Officer Wilson arrived to the scene as backup. He got out of the car, but stood to the side.

Officer Way explained to the driver: “Because you have been drinking, I’m going to give you a field sobriety test. So I’m going to need you to step out of the car. You guys [the passengers] can stay put.” The suspect stepped out of the car and proceeded to the back of the vehicle. Way explained that in the state of South Carolina a driver is given three individual field sobriety tests. Before giving the test, Officer Way turned on patrol car camera and clipped a smaller camera to her shirt.

For the first test, Officer Way said, “Ok you’re going to count—1, 2, 3, 4—and then—4, 3, 2, 1—while touching each finger consecutively to your thumb. Count up and then back down.” The suspect performed the test and passed. The second test required him to count from 49 to 37 backwards. He counted and passed. For the final test, he had to say his ABCs from J to T, without singing. He too passed that test. Officer Way then told him, “Ok, you passed the field sobriety test, but I’m gonna cite you for driving the wrong way.” The suspect seemed to instantly relax. Officer Way wrote out the ticket, gave it to him, and told him he was free to leave.

During the debriefing, Officer Way was asked why she sanctioned the suspect as she did, explaining: “Since he passed the field sobriety test, I can only cite him at this point. I gave him a ticket for wrong way driving, ’cause that’s all I could do.” According to South Carolina law, if a driver passes all three field sobriety tests, he/she must be let go. Because the suspect passed all three tests, the most Officer Way could legally do was cite him for wrong-way driving.

### **Why Sanction Less Severely?**

This study’s participants named seven reasons for sanctioning suspects less severely than the law permits or as expected based on prior research and existing theory.

Officers explained their lenient sanctioning decisions as due to a lack of police resources, their sympathy for the suspects, the suspects being from out of town, the unserious nature of the offense, “not feeling like” dealing with the hassle of meting out a more severe sanction, acceptance of a suspect’s justification/excuse for the offense, and legal limitations. Prior research has touched on each of these explanations in some form or fashion. But the extent to which they apply to the campus officers in this study varies.

Below, officers’ explanations are placed in the context of criminological theories and perspectives of police work, and the findings are compared to those of prior research. This is followed by offering additional explanations not mentioned by officers that may prove relevant in understanding their behavior.

### **Officers’ Explanations of Sanction Severity**

**Legal factors.** Legal factors refer to written laws and evidence that are to be considered by officers when they decide how to sanction suspects. A few officers wanted to mete out a more severe sanction to offenders but were unable to do so because of legal factors. For instance, officers were rather certain that a couple suspects were guilty of driving under the influence of alcohol, but were unable to arrest them for this offense because they passed the sobriety tests. And the officer who handled the unpaid taxi ride incident refrained from arresting the suspects because the victim did not want to press charges and, therefore, making the charge stick would have proved rather difficult for the prosecutor.

**Out of town suspects and radial status.** In several cases, suspects were sanctioned leniently because they were from out of town. Black (1976) would consider this to be an aspect of radial status, defined as the degree to which an actor is integrated



into the community. Black's theory of law suggests that as offenders' radial status increases then the amount of law, including arrest, that responds to their offense decreases. In support of this theory, Westley (1970) found, for instance, that "[l]ittle effort is made to arrest the town driver since the men [the police] on the one hand feel some degree of identification with him, ... [but] [t]he out-of-town driver, however, is legitimate prey (p. 59). Black's theory, however, does not conform to this study's findings, as the out of town suspects were released for the very reason they lacked radial status in the community.

**Unserious offenses.** Several officers suggested that they leniently sanctioned a suspect because the offense was not, in their opinion, too serious. Officer Wilmington did not fully explicate why she believed the incident to be not that serious, but implied that because the suspect did not commit additional crimes (e.g., underage drinking) the offense was relatively unserious. Officer Vance seemed to imply that the incident was unserious because of a lack of harm, though Officer Deen was much more explicit in his estimation. And Officer Haynie insinuated that the case of public drunkenness and improper use of an emergency callbox was less serious than other crimes he deemed potentially more serious. Although several of the officers' explanations are vague, at least one of the major perspectives of seriousness—amount of harm—was a guiding force in the sanctioning process.

**Sympathy and sanctions that fit the crime.** Another reason that officers leniently sanctioned suspects is they felt that suspects' state of intoxication or emotional distress was punishment enough. In these cases the suspects appeared extremely intoxicated, some were even visibly upset, and as a result all but one was hospitalized.

The one suspect who was released to her roommate was uncontrollably crying, but the least intoxicated of all the suspects described in this section. When suspects were extremely intoxicated or upset—and did not exhibit a negative demeanor—officers felt that the intoxication or emotional distress was, in a sense, punishment enough for their crimes, which included underage drinking, fake ID, and public drunkenness. In effect, two suspects, one of whom was underage, escaped any form of punishment. The other two, however, received student disciplinarys: one for underage drinking and one for fake ID.

In feeling sympathy for the suspects, officers tempered their sanctioning because otherwise it would seem unjust—the punishment would not fit the crime (see Beccaria, 1995 [1764]; Bentham, 1988 [1781]). To date, no study has examined how the police may restrict sanctioning because of sympathy for suspects' plight.<sup>82</sup> Miller (1941/42), however, noted that communities may show sympathy toward offenders and that this may influence actions by police, prosecutors, juries, or judges. Nevertheless, prior ethnographies indicate that municipal officers arrested intoxicated suspects who could not care for themselves or be taken home, required medical attention, and needed protection from victimization (see Bittner, 1967; Brown, 1981; Muir, 1977; Wilson, 1968). The campus officers in this study, however, resorted to the use of less severe sanctions as well as the university's first responder program and the city's emergency medical services. Perhaps the reason for this difference is, relative to their municipal counterparts, campus

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<sup>82</sup> One exception is that of Terrill and Paoline (2005); however, they did not specifically focus on incidents involving alcohol.

officers have greater access to non-arrest/jail methods of handling such suspects, or maybe it is because they are more sympathetic toward offenders.<sup>83</sup>

**Lack of resources as an organizational factor.** A few officers mentioned a singular organizational factor that affected their sanctioning: lack of police resources, specifically the number of patrol officers on duty and patrol vehicles to drive. Klinger (1997), in his ecological theory of police response to deviance, notes that a lack of resources may restrict police action. He hypothesizes that officers handle incidents with greater leniency or more vigor based on a community's level of crime and social deviance.<sup>84</sup> Police in higher crime communities will handle incidents more leniently (i.e., less vigorously) because such districts generally have higher call-to-officer ratios, leaving officers with less time to devote to individual cases. This is because "making arrests, taking reports, conducting thorough investigations, and so forth, generally consume more officer time than letting suspects go, taking no report, and conducting cursory investigations" (p. 293; but see Sobol, 2010; Sobol, Wu, & Sun, 2013).

Despite the fact that the campus community has a low serious crime rate and the police have a low workload, officers in this study were not vigorous in the handling of several offenses.<sup>85</sup> Their perception was that the department lacks the necessary amount of resources, namely officers and patrol cars, to allow for arresting some suspects. In effect, they "husband slack resources in anticipation of periods of higher demand" (Klinger, 1997, p. 295), as do officers in higher crime districts (see also, Brown, 1981).

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<sup>83</sup> A line of research does indicate that municipal police utilize the hospital to respond to intoxicated suspects who are identifiably mentally ill (see for example Bittner, 1990; Borum, Swanson, Swartz, & Hiday, 1997). Yet research has not more broadly examined the way police utilize health services to aid in the handling non-mentally ill intoxicated suspects.

<sup>84</sup> "[A]n arrest constitutes more vigorous formal authority than no arrest, a report more vigor than no report, longer investigations more vigor than shorter ones, and so on" (Klinger, 1997, p. 280).

<sup>85</sup> Evidence that the campus police have a low workload is that 80.6% of encounters observed in this study were the result of proactive mobilization.

However, no other organizational factors were mentioned by officers. And unlike traffic stops, departmental administrators never emphasized the enforcement of alcohol offenses, even though these crimes are the most common on campus according to official campus crime statistics. Moreover, despite the department's policy on issuing at least a warning for every stop made, officers frequently resorted to dealing with alcohol incidents even more leniently (e.g., no sanction, verbal warning).

**Reserving effort.** A plausible explanation for why officers sanctioned suspects less leniently than they could have, given the low rate of serious crime in their district, is that they did not feel like exerting the necessary effort to sanction offenders more severely. A few officers suggested exactly this. Officer Voight's handling of the underage driver, who may have not had a license, exemplifies this hypothesis. Simply put, he sanctioned the suspects in a less severe way than he could—or perhaps should—have because he did not feel like dealing with the hassle. It was late in the evening; he did not have a working camera in his car to record the field sobriety test; processing a DUI is a time consuming process; and it was raining. This proved to be a perfect storm, one that worked against a more severe sanction decision. This finding resembles one of Schafer and Mastrofski (2005). They identified five purposes for leniency in law enforcement. One is *convenience*. This is when officers leniently enforce the law for their own self-interest or self-protection (e.g., scrutiny from police administrators, the court system, or the public).

**Acceptance of justifications/excuses.** As discovered in chapter 5, officers' acceptance of suspects' justifications or excuses for their offending may influence how seriously an officer perceives a crime to be. In effect, then, an officer may reduce the

severity of sanction if he/she accepts the suspect's justification/excuse. One case handled by Officer Dillon exemplifies this finding. Upon discovering and questioning an underage suspect about unopened beers in the hatchback of his vehicle, Officer Dillon accepted the suspect's excuse for the underage possession of alcohol, which was that the beers were his fraternity brother's. While Officer Dillon was not asked how serious he perceived the incident to be, it is arguable that he viewed the offense as less serious, and so less deserving of more severe sanction, based on the suspect's excuse.

### **Alternative Theories of Sanction Severity**

Two other factors that may affect sanction severity but that were not mentioned explicitly by officers are the community context and extralegal factors.

**Community context.** The campus community—students, faculty, and staff—is arguably one of the most important explanations of officers' sanctioning decisions. As described in the chapter on traffic stops, Wilson (1968) notes that community choices can greatly impact police personnel, budgets, pay levels, and organization. More so for alcohol crimes, especially underage drinking, than traffic stops, the police may leniently sanction alcohol offenses because they stem from a “fostered culture” among students (Sloan & Fisher, 2011, p. 162). There is a widespread acceptance of alcohol use, including underage consumption, among college students, and is practically expected of them by wider society (see Herman-Kinney & Kinney, 2012).

A couple of officers expressed their understanding and acceptance of certain alcohol behaviors. Officer Farr once commented, “When I was in college, which wasn't too long ago, I drank all four years. I mean it's what you do.” Officer Carter said something similar: “I drank in college and when I was underage. So it's like I can't really

be hypocritical and try to stick it to them now that I'm a police officer." Other Officers cited a more general understanding of college drinking. Officer Way stated:

**Officer Way:** All these kids in college, they want to live their experience and you really expect 'em to be 18, 19, and 20, [so] three years of college and not drink? It's just never going to happen, ever, until they lower the drinking age to 18, which I think they should [do]. They're drinking anyways so what's the difference?

Officer Pfeiffer concluded, "College is drinking. Well, I mean you're supposed to go to classes too but it's just all a part of the experience." And Officer Deen drew on his own past to explain his belief regarding illicit alcohol use in college:

**Officer Deen:** [B]ecause they fight for their country they should be able to drink. I thought the exact same thing when I was 18. "I'm in the Marines, I can go to war and die for my country, but I can't drink? You know, I can vote, but I can't drink?" ... That's pretty much been ... [my] argument.

Although no officer explicitly mentioned that they factored the community's choices regarding illicit alcohol consumption into their decision making, it is clear that those preferences combined with officers' personal experiences with drinking alcohol may play a part in their sanctioning of suspects.

**Extralegal factors.** Due to the small sample size, this study precludes predictive analyses. But associations between extralegal factors (e.g., location of encounters; mobilization; suspect's age, sex, race, student status, intoxication, demeanor; number of officers; number of bystanders; first responder, hospitalization) and the different kinds of sanction (e.g., no sanction, verbal warning, written warning, student disciplinary,

citation) issued to alcohol offenders are examined (n=26).<sup>86</sup> These relationships are analyzed with correlations; see table 8.1.

Results indicate that student status is negatively associated with receiving no sanction at all. No factors are significantly correlated with verbal or written warnings. Mobilization is negatively correlated with receiving a student disciplinary. Suspect hospitalization and bystanders present at the scene are positively related to student disciplinaries. Finally, no extralegal factors were significantly associated with citation.

**Demeanor.** Although demeanor is as an extralegal factor, it can arguably be tied to offense seriousness. Indeed, one of the major problems plaguing research on police-citizen encounters is that demeanor does not have a universal definition (see Engel, Tillyer, Klahm, & Frank, 2012; also see Klinger 1994, 1996). Some definitions, for instance, include actions that are considered crimes (e.g., threatening officers; lying to law enforcement; physical resistance; attacking the police) (Engel, 2003; Klinger, 1994). For this reason, Klinger (1994) calls for research to disentangle any criminal actions from true indicators of demeanor that occur during the course of an interaction.

This study used three kinds of actions to represent demeanor; thus, demeanor was the cumulative of the following. *Disrespect* is rolling eyes, turning away while being spoken to without clearly disobeying the officer's orders (Dunham & Alpert, 2009). *Noncompliance* is refusing to answer questions or cooperate (Engel et al., 2000). *Resistance* is arguing with or cursing at an officer, pulling away from an officer, and attempting to flee. Admittedly, this study's use of demeanor does little to improve upon its predecessors. However, an important question comes to light in thinking about the

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<sup>86</sup> Note that because no information/trespass was issued to alcohol offenders, a dummy for this sanction is not included. Each of the independent variables is dichotomous, except for bystanders and number of officers.

relationship between offense seriousness and demeanor: controlling for crimes during the course of an interaction, does demeanor increase the seriousness of an incident in the eyes of officers?

Evidence of a broader connection between offense seriousness and demeanor is found here in officers' explanations of their sanctioning decisions. While officers do not explicitly state that an offense is less serious because of a suspect's demeanor, they seem to consider its effect in tandem with other actions during the course of their decision making. For instance, Officer Wilmington explained that a particular encounter was not serious because the suspects were cooperative and neither was intoxicated. Similarly, Officer Vance thought a case was not too serious because the suspect's demeanor was positive and her drunkenness did not pose a serious threat to her health. And Officer Deen explained that the suspects were "compliant and nice" and little harm was posed to others or property in the form of injury, property loss or damage, threats, or any kind of victimization.

Future research should aim to determine how suspects' demeanor weighs on officer decision making in light of an incident's seriousness. Arguably a negative demeanor should increase the seriousness of an incident because it begs officers to use more coercive force in order to have their authority realized (Manning & Van Maanen, 1978, p. 7; see also, Bittner, 1990; Brown, 1981; Dunham & Alpert, 2001; Manning, 1977; Muir, 1977; Reiss, 1971; Westley, 1970). Thus, a fifth aspect of offense seriousness is suspects' demeanor, which was not mentioned by officers in the course of speaking with them about the most serious crimes in their experiences (see chapter 5).



## **Conclusion**

This chapter and the previous one explored alcohol encounters between campus police and citizens. The majority of encounters were alcohol crimes, followed by both alcohol and alcohol-related crimes; least common were incidents involving only alcohol-related crimes. This finding parallels Schafer's (2005) who observed that in a medium-sized college community, municipal police contacts with students more often involved alcohol as the primary factor (i.e., alcohol crimes like public intoxication, underage possession, drunk driving, and also open container violations) rather than a secondary factor (i.e., alcohol-related crimes like vandalism, assault, public disorderly, public urination).

As for sanctioning, the campus officers were more likely to arrest suspects who committed both an alcohol and alcohol-related crime; strictly alcohol crimes or alcohol-related crimes were handled more leniently. One reason for this distinction is persons who committed both crimes, for the most part, behaved negatively toward officers (see also Schafer, 2005). In these cases, officers responded with more coercive force and severe sanctions in order to achieve control. However, officers mostly handled alcohol incidents with leniency, arresting offenders in few instances often because the law mandated this sanction. Although lenient sanctioning practices may contradict the notion that the "police are supposed to enforce all the laws against all offenders in all circumstances" (Kadish, 1961, p. 906), absolute enforcement is generally not an option, be it due to limited police resources, organizational pressures, community expectations, legal factors, or perceptions of seriousness (Schafer, 2005; see also chapter 5).

Table 8.1: Alcohol Encounters &amp; Lenient Sanctioning: Correlations

Variables	1	2	3	4	5	6	7	8	9	10	11	12	13
1. Number of bystanders		-0.231	0.216		-0.068	0.199	0.061	0.109	0.073	-0.291	-0.120	0.448*	-0.326
2. Number of officers	-0.231		-0.134		0.423*	-0.218	-0.202	0.235	-0.026	-0.108	0.011	-0.76	0.143
3. Age	0.216	-0.134			-0.219	0.600**	-0.101	-0.181	-0.140	-0.140	0.067	0.181	0.181
4. Race													
5. Sex	-0.068	0.423*	-0.219			-0.183	0.138	0.055	-0.118	-0.324	0.122	-0.055	0.138
6. Student status	0.199	-0.218	0.600**		-0.183		0.101	-0.302	-0.377*	-0.162	0.111	0.302	0.302
7. Demeanor	0.061	-0.202	-0.101		0.138	0.101		0.061	-0.243	-0.243	-0.101	-0.061	0.152
8. Intoxication	0.109	0.235	-0.181		0.055	-0.302	0.061		0.016	-0.211	-0.369	-0.152	0.273
9. No sanction	0.073	-0.026	-0.140		-0.118	-0.377*	-0.243	0.016		-0.192	-0.080	-0.215	-0.215
10. Verbal warning	-0.291	-0.108	-0.140		-0.324	-0.162	-0.243	-0.211	-0.192		-0.080	-0.215	-0.215
11. Written warning	-0.120	0.011	0.067		0.122	0.111	-0.101	-0.369	-0.080	-0.080		-0.089	-0.089
12. Student disciplinary	0.448*	-0.076	0.181		-0.055	0.302	-0.061	-0.152	-0.215	-0.215	-0.089		-0.240
13. Citation	-0.326	0.143	0.181		0.138	0.302	0.152	0.273	-0.215	-0.215	-0.089	-0.240	

*Results based on Spearman's Rho*

\* $p < 0.05$ . \*\* $p < 0.01$ .

## CHAPTER 9

### DISCUSSION & POLICY IMPLICATIONS

The college years are a time when students leave home to embark on an educational journey. Yet during this time, many also consume alcohol on a regular basis and in large amounts (Johnston et al., 2011; NIAAA, 2002). While drinking is generally viewed as fun, entertaining, and even relaxing, it poses risks to students' wellbeing. Student alcohol consumption leads them to injure themselves or others, experience academic problems, commit suicide, die from alcohol poisoning, and become involved in crime (CSACU, 1994; NIAAA, 2002, Wechsler, 2001). This study has focused on the latter problem.

College student drinking is tied to crime in two broad ways (Goldstein, 1985; Siegel & Raymond, 1992). They engage in alcohol crime by consuming the substance despite being under the legal drinking age, using a fake ID to purchase the substance, exhibiting public drunkenness, and driving under the influence. Intoxication also leads to alcohol-related crimes, both violent and nonviolent. Students who are under the influence have less self-control and as a result are more likely to fight, steal, act disorderly, and vandalize property, for instance. Intoxication also reduces a person's ability to defend against attacks, such as robbery and sexual assault, which makes them a target without capable guardianship.

Despite what is known about the association between student alcohol consumption and crime, no study has examined campus police-citizen encounters

involving alcohol (but see Khey, 2009), nor even crime generally. While inferences about campus officers' behavior may be drawn from research with municipal police, there are differences in the nature of their work that could affect their actions. For one, campus police patrol homogenous populations of 18-24 year old college students (Miller & Pan, 1987), most of whom are not old enough to drink legally though nearly four out five do (CSACU, 1994; NIAAA, 2002). And second, university administrators restrict aggressive law enforcement, including severe sanctioning, so as not to dissuade student enrollment (Wolf, 1998; Wolf, Mesloh, & Henych, 2007).

The purpose of this study has been to explore campus officers' handling of encounters with citizens, especially incidents involving alcohol. Data were collected by observing and interviewing campus police officers at the Division of Law Enforcement and Safety (DLES) at the University of South Carolina (USC), Columbia campus, between January 2011 and April 2012. With the exception of the chapter on offense seriousness (described further below), the unit of analysis in this study was the police-citizen encounter, and the dependent variable of interest was officers' sanctioning of suspects. A police-citizen encounter begins when an officer first comes into contact with a citizen, and ends when the individuals part ways. The seven possible sanction types include no sanction, verbal warning, information/trespass, student disciplinary, written warning, written citation, custodial arrest.

The study's sample was built by "riding along" with USC-Columbia patrol officers. During ride-alongs, field officers' actions were observed and recorded as they patrolled and responded to incidents on Thursday, Friday, and Saturday evenings, which are the nights with the most alcohol-related activity (Sloan & Fisher, 2011). Both

quantitative and qualitative data were collected during the ride-alongs; this method is commonly used in observational studies of the police (e.g., the Project on Policing Neighborhoods) (Mastrofski et al., 1998). Observations were used to collect data on sanction severity and independent variables of interest (e.g., demeanor, suspects' race) identified as important by prior research on police-citizen encounters. In the course of interviews, data were collected on officers' perceptions of crime and explanations of how they acted during encounters.

To generate understanding of campus officers' behavior, a series of questions were addressed. First, what do officers perceive as the most serious and least serious crimes they have handled on campus? This question is important because such perceptions may affect their management of incidents. The observational data led to the finding that officers most commonly handle traffic offenses. Therefore, the next question addressed was what factors determine how severely officers sanction traffic offenses? The final two chapters examined the reasons why some alcohol-involved offenses result in arrest but others are sanctioned less severely.

### **Offense Seriousness**

Chapter 5 sought to determine why officers believe some offenses are more serious than others. Participants were asked to describe the most and least serious crimes they had handled in their role as a campus police officer, and to explain what about those cases made them that level of seriousness. Participants deemed violent offenses (e.g., assault, robbery, sexual assault) as the most serious crime they had handled, followed by property and drug/alcohol crimes. Petty larceny was most frequently cited as the least serious crime, followed closely by underage drinking. When asked to rank the alcohol

crimes only, officers said DUI is the most serious they had experienced, or could experience for that matter, and cited possession of a fake ID as the least serious.

The literature suggests there are three major perspectives on offense seriousness: as a universal property tied to harm; (Beccaria, 1995 [1764]; Bentham, 1988 [1781]; Sellin & Wolfgang, 1964); a cultural construction (Cooney & Burt, 2008; Durkheim, 1982 [1895]); and, dependent on the characteristics of offenders and victims (Black, 1976). Yet the participants only referred to the first two perspectives in the course of explaining offense seriousness. No officer suggested that the social status of and social distance between offenders and victims determine the seriousness of offenses.

Participants most often explained their assessment of seriousness as based on the amount of harm caused by the offenses: the more harmful the offense, the greater its seriousness. Different kinds of harm were referenced. They distinguished between physical injury, financial loss, damaged property, and psychological stress. Physical harm was talked about most often (also see Sellin & Wolfgang, 1964). Officers also distinguished between direct and indirect harm as well as potential and actual harm, and noted that harm could occur to victims, officers, offenders, and property.

A less frequent explanation of offense seriousness is that it depends on how it is categorized by the government, which is thought to reflect the morals of the larger society (see Durkheim, 1982 [1895]). In the cultural construction perspective, the seriousness of an offense corresponds directly with the amount of punishment it incurs. Some officers gave weight to this perspective when they explained that an offense is serious, or at least more serious than another, because it is a felony rather than a misdemeanor, as the former is subject to more punishment than the latter.

An idea related to this constructivist perspective is that the more common is a crime type in a community, the less severely it is punished (Cooney & Burt, 2008; Klinger, 1997). Several officers named a particular offense as the most serious because it rarely if ever happens in their district. And two officers explained that underage drinking is not serious for the very reason it happens on a frequent basis.

An original perspective of seriousness borne out of the data is that accounts of crime affect perceptions of their seriousness (see Scott & Lyman, 1968). In other words, officers perceive crimes as less serious when they accept justifications and excuses for it. The participants said offenses are less serious when, for instance, they were unintentional or motivated by a basic need, such as hunger. The accounts perspective also helps explain why victims' deservingness affects evaluations of offense seriousness, which was also mentioned by participants. For example, officers who believe the legal drinking age is too high may feel as though underage consumption is not a serious offense.

### **Traffic Encounters**

Chapter 6 examined campus officers' handling of traffic stops, including explanations of their actions in their own words. These incidents were the most frequent reason officers encountered suspects. Officers initiated an almost equal number of traffic stops for moving violations (e.g., broken taillight, failure to signal, no tag light, no headlights) and disregarding a traffic control device (e.g., no right on red, no left turn, running a red light). Drivers were issued a variety of sanctions for their offenses ranging from no sanction to arrest. Officers justified issuing no sanctions when there was insufficient legal evidence to warrant a sanction. Written warnings were meted out when officers deemed a traffic infraction was not serious enough to deserve a more severe

sanction, related to this is the traffic infraction was accounted for as a mistake, and also when the stop was pretextual and failed to uncover evidence of other offenses. Drivers were issued citations if the offense was too serious to sanction less severely; the law did not allow a more severe sanction; and the officer had the intention of later reducing the charge. Finally, officers arrested drivers for driving under suspension, as the law stipulates arrest is mandatory. On the whole, officers leniently sanctioned traffic offenders, a finding that parallels prior research with municipal police (see, e.g., Brown, 1981; Engel & Calnon, 2004; Schafer & Mastrofski, 2005; Schellenberg, 2000).

Officers' explanations for why they sanctioned drivers more or less severely reflect three broad perspectives on crime and punishment: legal factors; deterrence; and punishment should fit the crime. As for legal factors, officers sanctioned more severely when the law stipulated that arrest was mandatory, and more leniently when there was insufficient legal evidence to invoke more severe sanction. Related to deterrence, a couple of officers sought to deter future offenses through the threat of fines. And some officers sanctioned suspects less severely than they could have because they felt the offense was too unserious to sanction more severely, whereas others sanctioned suspects more severely because they felt the offense was too serious to sanction less severely; in other words, the punishment should fit the crime. Moreover, suspects' intent affected officers' sanctioning decisions, as officers explained giving written warnings rather than citations if infractions were an honest mistake or accident (see also Schafer & Mastrofski, 2005).

Though officers did not allude to other theories of their sanctioning decisions, it does not mean other factors had no effect. For example, officers may have handled traffic



incidents leniently because of organizational controls, which can exert a strong influence on police behavior (Crank, 1990; Mastrofski, 1981; Mastrofski, Ritti, & Hoffmaster, 1987; Terrill & Paoline, 2007; Worden, 1989). It is widely recognized that university and campus police administrators jointly constrain police action on campus (Bordner & Petersen, 1983; Sloan & Fisher, 2011), though this idea has not been extended to sanctioning decisions. A couple of officers mentioned that the campus police department and its administrators restrict officers' actions, but this factor was never cited by an officer in the course of explaining any particular sanction decision. The campus community—students, faculty, and staff—may also have influenced the extent to which officers leniently sanctioned offenses, but this was left unsaid by officers. And correlational analyses indicated that extralegal factors may have been associated with officers' use of different sanction types, but no officer mentioned this either; these factors included suspects' age, sex, student status, demeanor, and intoxication; and the number of officers at the scene.

### **Alcohol Encounters**

Chapters 7 and 8 explored officers' handling of alcohol encounters with arrest and less severe sanctions, respectively. Findings indicated that the majority of offenses were alcohol crimes, followed by both alcohol and alcohol-related crimes; least common were incidents involving only alcohol-related crimes (see also Schafer, 2005). Suspects who committed both an alcohol and alcohol-related crime were more likely to be arrested, whereas strictly alcohol crimes or alcohol-related crimes were handled more leniently.

Chapter 7 examined strictly alcohol encounters in which suspects were arrested (n=5). Three suspects committed both an alcohol and alcohol-related crime (i.e.,

underage drinking and public disorderly conduct), whereas two suspects committed only an alcohol-related crime (i.e., public disorderly conduct), as they were old enough to legally consume alcohol. In three of these encounters, officers explained their arrest of intoxicated suspects as due to the suspects exhibiting a negative demeanor (i.e., disrespect, noncompliance, or resistance) during the interaction. One suspect was arrested because of the seriousness of the offense, and another because he refused to be hospitalized and was too intoxicated to be left alone. Note, however, that not all the arrested suspects exhibited a poor demeanor or were arrested because of the seriousness of the offense. In sum, the findings indicate that alcohol is tied to a variety of offense types, does not always result in poor demeanor, and leads officers to arrest suspects for various reasons.

Out of the 31 alcohol incidents observed in the course of ride-alongs, 84% (n=26) of them were sanctioned leniently, meaning the suspect was not arrested. The officers gave seven reasons for sanctioning suspects less severely than expected or the law permits based on prior research and existing theory. These explanations include a lack of police resources, their sympathy for the suspects, the suspects being from out of town, the unserious nature of the offense, “not feeling like” dealing with the hassle of meting out a more severe sanction, acceptance of a suspect’s justification or excuse for the offense, and legal limitations, as a few officers wanted to arrest offenders but were unable to do so because of the law.

The harm perspective on seriousness proved to be a major guiding force in the sanctioning process. Officers also leniently sanctioned suspects if they felt their state of intoxication or emotional distress was punishment enough; thus, to sanction more

severely would seem unjust (i.e., the punishment would not fit the crime) (see Beccaria, 1995 [1764]; Bentham, 1988 [1781]). While no study has examined how the police may restrict sanctioning because of sympathy for suspects' plight, several of the study's participants did so; perhaps they were more sympathetic because they have greater access to non-arrest/jail methods of handling such suspects, or maybe it is because they are more sympathetic toward offenders. A few officers mentioned a singular organizational factor that affected their sanctioning: lack of police resources, specifically the number of patrol officers on duty and patrol vehicles to drive. Despite the fact that the campus community has a low serious crime rate and the police have a low workload, officers in this study were not vigorous in the handling of several offenses. However, no other organizational factors were mentioned by officers. And unlike traffic stops, departmental administrators never emphasized the enforcement of alcohol offenses, even though these crimes are the most common on campus according to official campus crime statistics. A plausible explanation for why officers sanctioned suspects less leniently than they could have, given the low rate of serious crime in their district, is that they did not feel like exerting the necessary effort to sanction offenders more severely. Another reason officers sanctioned less severely is they accepted suspects' justifications or excuses for their offending.

Two other factors that may have affected sanction severity are the community context and extralegal factors. Although no officer overtly mentioned that they factored the community's orientation toward alcohol consumption, legal or illicit, into their decision making, those preferences combined with officers' personal experiences with drinking alcohol may have played a part in their sanctioning decisions. The commonness

of drinking likely mitigates severe sanctioning. Extralegal factors may have also played a role in officers' sanctioning decisions, as evidenced by the correlational analyses; these include suspects' student status and hospitalization; police mobilization; and the number of bystanders at the scene.

### **Policy Implications**

This study's findings have implications for policy. Current methods for controlling problems related to alcohol on campus involve educating students about the dangers of alcohol, counseling students who misuse alcohol, and bringing awareness to the local community's role in reducing alcohol abuse (see, DeJong & Langenbahn, 1996; DeJong & Langford, 2002; Toomey & Wagenaar, 2002). Less attention has been given to the role of campus police in reducing student drinking and its connection to crime.

One recommendation for campus police is they should identify the relationship between student drinking and crime. Which alcohol-involved offenses are most common and serious? Are students committing more alcohol crimes or alcohol-related crimes? The answers will be suggestive of the type of intervention needed. If DUI is the major problem, campus police could conduct random roadblocks on campus in order to crackdown on drunken driving (see e.g., Ross, 1984), or increase the severity of sanctions for DUI (Kinkade & Leone, 1992). If underage drinking is problematic, police could conduct crackdowns at common places of consumption (e.g., bars, tailgate parties, etcetera). If most offenses are alcohol-related, the proper response may be to limit excessive drinking as this is a precursor to violent acts, thefts, public disorder, and vandalism.

There are other strategies campus police may use to combat students' alcohol offenses. Marsal, Jackson, and Harrison (2007) propose the following approaches (p. 329):

- Employ a community-oriented policing strategy where officers are stationed in residence halls and assigned areas to patrol.
- Monitor local bars by conducting random checks for underage drinking and fake ID violations.
- Authorize campus police officers and university administrators to perform warrantless searches when an alcohol violation is suspected.

The extent to which these policies are effective in curbing student alcohol use and related crimes is unknown. Another suggestion for police is to increase enforcement of the minimum legal drinking age (MLDA) (see e.g., Dowdall, 2007, Wagenaar & Wolfson, 1994; Wagenaar & Toomey, 2002). Khey (2009), however, concluded from his study that such an approach would yield little success, and it would perhaps even increase problems.

Another possibility is to increase sanction severity. Deterrence theory holds that the more severely offenses are sanctioned then the less they should occur (Jacobs, 2010). However, it is important to consider the unintended consequences of sanction. How does officers' use of sanctions affect student offenders? Specifically, do different sanctions affect recidivism, GPA, and graduating on time? Khey (2009) addressed how these outcomes were affected by the use of criminal justice (CJ) sanctions, university sanctions, or a combination of the two for drug- and alcohol-involved offenses. He found that regardless of sanction severity (i.e., mild or severe), students handled solely by the

university judicial system were more likely to recidivate and score less well in school than persons punished with a CJ sanction singularly or in combination with a university sanction. However, only receiving a university sanction increased the odds of graduating on time. The implication of this finding is that it may be better to sanction offenders through the CJ system than to leave punishment solely to the university. For campus police, this means arresting and ticketing suspects, rather than solely issuing student disciplinaries. These more severe sanctions may “create a perception of getting into ‘real’ trouble” and thereby deter further problems (p. 122). A notable limitation of Khey’s study is he does not examine whether no sanction or a warning—written or verbal—is better for recidivism and student outcomes than more severe sanctions; this remains an open question.

If a particular level of sanction severity is found to produce more favorable outcomes (e.g., less recidivism), it may prove important to limit officers’ discretion. In other words, it may be best to force officers’ to handle offenses in specific ways. This would entail creating a departmental policy on which campus officers should be educated and held accountable for following. Holding officers to account—rather than simply informing them—will be necessary, as several participants of the present study stated that they are required to issue at least a written warning to every person stopped but some did not do so in practice.

A final option is to lower the minimum drinking age. In recent years, a group of college presidents, known as the Amethyst Initiative, have argued that previous efforts to tackle student drinking problems have failed, so they have called for a national debate on lowering the minimum legal drinking age (Rasul et al., 2011). The Initiative’s director

argues that because students are restricted from consuming alcohol in “publicly moderated drinking environments” they “model their drinking behavior after the excessive consumption typical of private student parties and similar venues ... where drinking is less controlled than in legal drinking establishments” (ibid., p. 15). Amethyst Initiative suggests that by lowering the legal drinking age students would be free to drink in public settings where they would be less likely to heavily drink. Opponents of this platform point to the fact that when the legal drinking age was raised years ago there was a reduction in problems stemming from alcohol, such as traffic crashes, suicide, and vandalism (McCartt, Hellinga, & Kirley, 2009; but see Wagenaar & Toomey, 2002). Lowering the minimum drinking age would eliminate the need for campus officers to enforce certain alcohol crimes, namely underage drinking and fake ID possession/use. The flipside to this is there could be an increase in public drunkenness, DUI, and alcohol-related crimes.

In the end, this study has shed light on how campus officers sanction offenders and why. Future research should determine the effectiveness of current sanctioning strategies for controlling campus crime.

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INCIDENT #: \_\_\_\_\_

Response:     Officer Initiated; Call for Service

Type of Officer Initiated response:   Traffic Stop; Stop; Backup

Weather Conditions:   Dry; Raining

Time of Response: \_\_\_\_:\_\_\_\_ am/pm

End of Call Time: \_\_\_\_:\_\_\_\_ am/pm

Location of OFFENSE:

\_\_\_\_\_

Location of RESPONSE:

\_\_\_\_\_

Reason for response:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# of OFFICERS at scene: \_\_\_\_\_

Officer #1 name:\_\_\_\_\_

Officer #2 name:\_\_\_\_\_

Officer #3 name:\_\_\_\_\_

Officer #4 name:\_\_\_\_\_

DEMEANOR:(Note changes throughout the interaction)

What is the officer's demeanor like upon arrival at the scene?

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the officer's demeanor like during the response?

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What is the officers' demeanor like upon departure from the scene?

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DEMEANOR of other officers at SCENE:

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Notes on OFFICERS at SCENE:

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# of supposed **OFFENDERS**: \_\_\_\_\_

# of supposed **OFFENDERS** at **SCENE**: \_\_\_\_\_

Offender #1: ~Age: \_\_\_\_\_; Race: \_\_\_\_\_; Sex: \_\_\_\_\_; Role:  student,  
 staff,  other,  d/k

Suspected under influence of:  None,  Alcohol,  Marijuana,  Hard Drugs

Does it appear that the offender(s) committed a drime (drug-related crime) or alcohol-related offense?:

- No; Psychopharmacological; Economic-Compulsive;
- Systemic;
- Status Offense \_\_\_\_\_; DUI

First Responder Called: No; Yes

What is the prognosis?

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Sanctioned? No; Yes, by Officer \_\_\_\_\_ via: Field Information; Verbal Warning; Written Warning; Student Discipline;  Citation; Arrest  
 For \_\_\_\_\_

Offender #2: ~Age: \_\_\_\_\_; Race: \_\_\_\_\_; Sex: \_\_\_\_\_; Role: student, staff, other, d/k

Suspected under influence of: None, Alcohol, Marijuana, Hard Drugs

Does it appear that the offender(s) committed a drime (drug-related crime) or alcohol-related offense?:

- No; Psychopharmacological; Economic-Compulsive;
- Systemic;
- Status Offense \_\_\_\_\_; DUI

First Responder Called: No; Yes

What is the prognosis?

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Sanctioned? No; Yes, by Officer \_\_\_\_\_ via: Field Information; Verbal Warning; Written Warning; Student Discipline;  Citation; Arrest  
 For \_\_\_\_\_

Offender #3: ~Age: \_\_\_\_\_; Race: \_\_\_\_\_; Sex: \_\_\_\_\_; Role: student, staff, other, d/k

Suspected under influence of: None, Alcohol, Marijuana, Hard Drugs

Does it appear that the offender(s) committed a crime (drug-related crime) or alcohol-related offense?:

- No; Psychopharmacological; Economic-Compulsive;
- Systemic;
- Status Offense \_\_\_\_\_; DUI

First Responder Called: No; Yes

What is the prognosis?

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Sanctioned? No; Yes, by Officer \_\_\_\_\_ via: Field Information; Verbal Warning; Written Warning; Student Discipline; Citation; Arrest

For \_\_\_\_\_

DEMEANOR<sup>87</sup>: (Note changes throughout the interaction)

What is the offender's demeanor like upon arrival at the scene?

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What is the offender's demeanor like during the response?

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<sup>87</sup> *Noncompliance*: refusal to answer questions, refusal to cooperate, verbally resistant (e.g., arguing, cursing) (Engel et al., 2000)

*Disrespect*: rolling eyes, turning away while being spoken to without clearly disobeying the officer's orders (Dunham & Alpert, 2009)

*Respect*: polite language, neutral or positive tone, acknowledgement of legitimacy (Sykes & Clark, 1975)

What is the offender's demeanor like upon departure from the scene?

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# of supposed **VICTIMS**: \_\_\_\_\_

# of supposed **VICTIMS** at **SCENE**: \_\_\_\_\_

Does the victimization appear to be the result of a crime (drug-related crime): No;  
Psychopharmacological; Economic-Compulsive; Systemic

What is the relationship between the victim(s) and offender(s)? Self Family; Friend;  
Acquaintance; Seen around, never met; Stranger

Victim #1: ~Age: \_\_\_\_\_; Race: \_\_\_\_\_; Sex: \_\_\_\_\_; Role: student,  
staff, other, d/k

Suspected under influence of: None, Alcohol, Marijuana, Hard Drugs

First Responder Called: No; Yes

What is the prognosis?

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Sanctioned? No; Yes, by Officer \_\_\_\_\_ via: Field  
Information; Verbal Warning; Written Warning; Student Discipline;   
Citation; Arrest

For \_\_\_\_\_

Victim #2: ~Age: \_\_\_\_\_; Race: \_\_\_\_\_; Sex: \_\_\_\_\_; Role: student,  
staff, other, d/k

Suspected under influence of: None, Alcohol, Marijuana, Hard Drugs

First Responder Called: No; Yes

What is the prognosis?

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Sanctioned? No; Yes, by Officer \_\_\_\_\_ via: Field Information; Verbal Warning; Written Warning; Student Discipline; Citation; Arrest

For \_\_\_\_\_

Victim #3: ~Age: \_\_\_\_\_; Race: \_\_\_\_\_; Sex: \_\_\_\_\_; Role: student, staff, other, d/k

Suspected under influence of: None, Alcohol, Marijuana, Hard Drugs

First Responder Called: No; Yes

What is the prognosis?

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Sanctioned? No; Yes, by Officer \_\_\_\_\_ via: Field Information; Verbal Warning; Written Warning; Student Discipline; Citation; Arrest

For \_\_\_\_\_

DEMEANOR<sup>88</sup>: (Note changes throughout the interaction)

What is the victim's demeanor like upon arrival at the scene?

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What is the victim's demeanor like during the response?

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What is the victim's demeanor like upon departure from the scene?

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<sup>88</sup> *Noncompliance*: refusal to answer questions, refusal to cooperate, verbally resistant (e.g., arguing, cursing) (Engel et al., 2000)

*Disrespect*: rolling eyes, turning away while being spoken to without clearly disobeying the officer's orders (Dunham & Alpert, 2009)

*Respect*: polite language, neutral or positive tone, acknowledgement of legitimacy (Sykes & Clark, 1975)



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# of BYSTANDERS at **SCENE**: \_\_\_\_\_

What are the bystanders doing? Describe their behavior and demeanor.

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Other Notes on VICTIMS, OFFENDERS, & BYSTANDERS:

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OFFICER'S PERCEPTION OF Demeanor: (Note changes throughout the interaction)

What is the officer's perception of OFFENDER'S demeanor?

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What is the officer's perception of VICTIM'S demeanor?

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What is the officer's perception of BYSTANDER'S demeanor?

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APPENDIX B- INTERVIEW GUIDE

Interviewer guide:

# \_\_\_\_\_

Date: \_\_\_\_\_

**A. Introductory statements and agreements**

Thank respondent. Read consent form.

**INTERVIEWER NOTES**

**A1. What race does this person appear to be:**

White; Black; Hispanic; Middle-Eastern; Asian/Indian; Native American; Combination; Do not want to say/ Do not know

**A2. What is this person's gender?**

Male; Female

## **B. Personal background**

“I will start out by asking you a few questions about your background.”

**B1. How old are you?** \_\_\_\_\_

Do not want to say/ Do not know

**B2. Do you have children?**

Yes, No, Do not want to say/ Do not know

**B3. What’s your marital status?**

Single Married

**B4. What is the highest level of education you completed (with diploma)?**

< High school; High school; 2-year college degree; 4-year college degree;  
 > 4 year college degree (e.g., Masters); Do not want to say/ Do not know

**B5. Do you currently go to school?**

No;  High school; 2-year college degree; 4-year college degree;  > 4 year  
college degree (e.g., Masters); Do not want to say/ Do not know

**B6. How long have you worked for the USC campus police  
department?** \_\_\_\_\_

Do not want to say/ Do not know

**B7. How many other law enforcement departments have you worked for?**

\_\_\_\_\_

Do not want to say/ Do not know

**B8. Were you in the military?**

Yes; No; Do not want to say/ Do not know

**B9. How much, if at all, do you drink alcohol? (Get answer as a “per  
day/week/month/or year”)**

\_\_\_\_\_  
Do not want to say/ Do not know

## **C. General vs. Alcohol-Related Crimes**

### ***General Crimes***

“Now I will ask you questions about different crimes you deal with and how you sanction them.”

**C1. What’s the most serious crime you have dealt with on campus?** \_\_\_\_\_

\_\_\_\_\_

**C1a. Why is that the most serious?** \_\_\_\_\_

\_\_\_\_\_

**C1b. How often does it happen?**

\_\_\_\_\_

\_\_\_\_\_

**C1c. How do you usually sanction it?**

Do Nothing;  Field Information;  Verbal Warning;  Written Warning;

Student Discipline;

Citation;  Arrest;

Other, \_\_\_\_\_

Do not want to say/ Do not know

**C1d. Why that way?** \_\_\_\_\_

\_\_\_\_\_

**C2. What’s the least serious crime you have dealt with on campus?** \_\_\_\_\_

\_\_\_\_\_

**C2a. Why is that the least serious?**

\_\_\_\_\_

\_\_\_\_\_

**C2b. How often does it happen?** \_\_\_\_\_

\_\_\_\_\_

**C2c. How do you usually sanction it?**

- Do Nothing;  Field Information;  Verbal Warning;  Written Warning;
- Student Discipline;
- Citation;  Arrest;
- Other, \_\_\_\_\_
- Do not want to say/ Do not know

**C2d. Why that way?** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C3. What's the most common crime you deal with on campus?** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C3a. Why do you think it's so common?**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**C3b. (If not mentioned above: How serious is it? Why do you think it's that serious?)**  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- C3c. How do you usually sanction it?**
- Do Nothing;  Field Information;  Verbal Warning;  Written Warning;
  - Student Discipline;
  - Citation;  Arrest;
  - Other, \_\_\_\_\_
  - Do not want to say/ Do not know

**C3d. Why that way?** \_\_\_\_\_  
 \_\_\_\_\_

**C4. I'd like you tell me whether you think each of these crimes is very serious, serious, somewhat serious, not that serious, or not that serious at all**

**C4a. Assault**  
 Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4b. Underage Drinking**  
 Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4b. Fake ID**  
 Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4d. Drug Possession**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4e. Theft (under \$1,000)**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4f. Theft (\$1,000 or more)**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4g. Robbery**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4h. Vandalism**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4i. Harassment**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4j. DUI**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4k. Trespassing**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4l. Public Disorder**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4m. Drug Dealing**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4n. Public Drunkenness**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all

**C4o. Sexual Assault**

Very serious;  Serious;  Somewhat Serious;  Not that serious;  Not serious at all



**C5. I'd like you tell me whether each of these crimes is very common, common, somewhat common, not that common, or not that common at all**

**C5a. Assault**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5b. Underage Drinking**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5c. Fake ID**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5d. Drug Possession**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5e. Theft (under \$1,000)**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5f. Theft (\$1,000 or more)**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5g. Robbery**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5h. Vandalism**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5i. Harassment**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5j. DUI**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5k. Trespassing**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5l. Public Disorder**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5m. Drug Dealing**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5n. Public Drunkenness**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

**C5o. Sexual Assault**

Very common;  Common;  Somewhat common;  Not that common;  Not common at all

## *Alcohol-Related Crimes*

“Now I will ask you questions about different crimes related to alcohol you deal with and how you sanction them. The different crimes this includes: DUI, underage drinking, possession of fake ID, public drunkenness.

**C6. What’s the most serious crime related to alcohol you have dealt with on campus?**

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**C6a. Why is that the most serious?**

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**C6b. How often does it happen?**

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**C6c. How do you usually sanction it?**

- Do Nothing;  Field Information;  Verbal Warning;  Written Warning;
- Student Discipline;
- Citation;  Arrest;
- Other, \_\_\_\_\_
- Do not want to say/ Do not know

**C6d. Why that way?**

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**C7. What’s the least serious crime related to alcohol you have dealt with on campus?**

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**C7a. Why is that the least serious?**

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**C7b. How often does it happen?**

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**C7c. How do you usually sanction it?**

- Do Nothing;  Field Information;  Verbal Warning;  Written Warning;
- Student Discipline;
- Citation;  Arrest;
- Other, \_\_\_\_\_
- Do not want to say/ Do not know

**C7d. Why that way?**

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**C8. What's the most common crime related to alcohol you deal with on campus?**

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**C8a. Why do you think it's so common?**

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**C8b. (If not mentioned above: How serious is it? Why do you think it's that serious?)**

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**C8c. How do you usually sanction it?**

- Do Nothing;  Field Information;  Verbal Warning;  Written Warning;
- Student Discipline;
- Citation;  Arrest;
- Other, \_\_\_\_\_
- Do not want to say/ Do not know

**C8d. Why that way?**

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# **D. Responding to Offending & Victimization**

“Now I will ask you questions about how you respond to offenders and victims that are under the influence of alcohol.”

## **D1. For a violent crime (e.g., assault, robbery),**

- a. Does whether the offender is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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- b. Does whether the victim is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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## **D2. For a theft,**

- a. Does whether the offender is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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**b. Does whether the victim is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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**D3. For a harassment incident,**

**a. Does whether the offender is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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**Does whether the victim is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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**D4. For a vandalism incident,**

- a. Does whether the offender is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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- b. Does whether the victim is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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**D5. For a public disorderly incident,**



**a. Does whether the offender is under the influence of alcohol affect how you sanction the crime?**

Yes, No, Do not want to say/ Do not know

**How so?**

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