Posted 4/2/20

FAIR BUT *FIRM*

Gaining voluntary compliance is the sine qua non of everyday policing. Indeed, of everyday life.

For Police Issues by Julius (Jay) Wachtel. Every mom and dad remembers the day (well, maybe it was a week or a month) when their bundle of joy transformed into an obstinate brat. As we well know, that's a two-way street. How parents respond to their children's acting-outs – and how offspring react to their parents' response – can affect their relationship during the crucial teen years and well into adulthood.

To be sure, even the best parents can only do so much. Genes don't come with an instruction manual. And once environmental factors such as peers and schools come into play the ability to influence one's offspring is severely limited.

Gaining compliance – hopefully, without resorting to brute force – is crucial in areas other than parenting. Regulations that require industry to recycle waste and limit pollution would hardly be needed if businesses paid attention to their impact on public health. Alas, when the "bottom line" is in play, corporations tend to assess the benefits of social responsibility with a calculator. Governments can offer inducements such as financing and technical assistance, but in the end there seems to be no substitute for the ability to impose fines that exceed the cost of doing the right thing from the very start.

Big business has problems other than Uncle Sam. Their chieftains must contend with corporate boards, investors and the stock market. So what about individuals? Must they also be coerced to do the right thing? Perhaps. According to Robbins and Kaiser the likelihood of punishment for noncompliance seems to be the key motivator for paying one's taxes. ("Legitimate authorities and rational taxpayers: An investigation of voluntary compliance and method effects in a survey experiment of income tax evasion," *Rationality and Society*, 2018).

What about policing? Are threats of punishment the real motivator there, too? Much of the literature says "yes!" For example, Sommers and Bohns looked into so-called "consent" searches. Bottom line: citizens who comply do so because they feel pressured. ("The Voluntariness of Voluntary Consent: Consent Searches and the Psychology of Compliance," *Yale Law Journal*, 2019).

Just like what happens between parents and kids, police encounters involve two parties: citizens and cops, and what one says or does inevitably influences the other. In

POLICEISSUES.ORG

"Compliance, non-compliance and the in-between: causal effects of civilian demeanor on police officers' cognition and emotions," Nix, Pickett and Mitchell probed how citizen behavior affects what cops do. Working officers were asked to respond to three detailed vignettes: one described an encounter with a disorderly pedestrian, another a car stop for a traffic violation, and the third a dispatch about a "suspicious person." (Our post is about commonplace encounters. We won't be commenting on bank robberies and such.)

As one might predict, citizens who were "outright noncompliant" evoked the most negative sentiments. Next to compliance, officers thought that citizen demeanor was also important. "Disrespectful" citizens consistently "arouse[d] greater suspicion" and "evoke[d] more antagonistic emotions (i.e., anger, annoyance, frustration)." Citizen disrespect also heightened officers' sense of danger on dispatched calls and increased their fear during traffic stops. Researchers thought these latter effects especially important because sentiments such as anger might distort perceptions; say, turn a cell phone into a gun. (For more about that check out "A Reason? Or Just an Excuse?").

To be sure, it's a two-way street. How cops go about their job affects how citizens react. In "Compliance on demand: the public's response to specific police requests," Mastrofski, Snipes and Supina described findings of a ride-along study in Virginia. In routine encounters, being "forceful" or showing a citizen "disrespect" proved significantly less likely to yield compliance than a "friendly" (but *not* gushing) approach. Officers with more experience and those who reported more positive feelings about community policing also seemed to get better results.

Yet cops were only part of the puzzle. Citizens who were less "rational" proved less likely to comply. Compliance also suffered in non-public settings (e.g., someone's home) and as situations increased in severity. However, it improved when it was obvious that the citizen had done wrong.

What can police do to enhance the prospects for compliance? Nix and his colleagues suggest that realistic training exercises might help officers improve their ability to analyze risk:

> ...training emphasizing that bad attitudes violate no laws may help to reduce officers' reliance on the attitude test to judge civilian suspiciousness and dangerousness. Such training may also have the added benefit of helping to reduce antagonistic emotions by countering the view that a bad attitude is a moral violation.

Better risk analysis could enhance officer safety. It could also help citizens survive should they say or do something that might cause an untrained cop to become

needlessly fearful. (For more about the centrality of risk tolerance to the craft of policing, check out "Working Scared.")

Mastrofski et al seemed less sanguine about the prospects for improvement, in part because of difficulties in nailing down the officer traits that really count. They did speculate, though, that cops who regularly succeeded at securing compliance might have "heightened diagnostic skills" that helps lead them down the most likely paths to a peaceful and satisfactory conclusion.

Such things have preoccupied pundits (including us) for some time. Beyond the willingness to accept risk, our "Use of Force" section is replete with posts that caution against letting the chaotic nature of the streets interfere with one's judgment. (To be sure, easier said than done.) About the need to slow down, keep one's distance and, when possible, work from a position of cover. About de-escalating. In "Three (In?)explicable Shootings" we emphasized the centrality of officer characteristics such as temperament, judgment and forbearance, which should come with experience (but sometimes don't), and of the need for training that goes well beyond the academy. Bottom line: shifts that work together should train together.

Yet even the best crafted and intentioned police work sometimes fails. While this really(!) isn't a post about the virus, the pandemic offers pertinent examples of just how difficult it can be to get citizens to give up something they prize. Consider, for example, the avid surfer who received a $1,000 fine after brushing off "numerous warnings by police and lifeguards cautioning him not to go in the water." Or the Florida pastor who assembled his flock for church services despite pleas by cops and lawyers to avoid "putting his congregation in danger of contracting the coronavirus." (He was arrested.)

To be sure, these characters would probably justify themselves differently. Yet their obstinacy likely shares a common psychological root. As everyone who's worked in law enforcement knows, some citizens – and that includes surfers, preachers, angry spouses and inner-city gang members – seem determined, come what may, to do *what* they want *when* they want. Consider the threat such pig-headedness could pose, and especially should a gun be around. Alas, there's no quick, street test for being *shtupid* (one of my dissertation chair's favorite sayings.) When that condition is diagnosed it's usually *after* someone gets hurt.

Ultimately, changing hearts and minds is a task for society. For civic leaders. Educational institutions. Politicians. And yes, even the clergy. Make it loud and clear: it's everyone's obligation to comply with the cops. After things have settled – and only then – complain. Until that sentiment spreads and takes hold, though, we urge that, if nothing else, officers fall back on the old "firm but fair" ditty but swap the terms around.

After all, citizens usually assume that cops will be forceful. So surprise them with a pleasant and meaningful tweak. Whether it's a preacher or gangster, come in "fair" from the very start. Still, keep Mastrofski et al's findings in mind and don't overdo the sugar (that "carrot" in our online graphic.) In the real world of the streets, and seemingly everywhere else, there is sometimes no substitute for "firm."