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AN INSTITUTIONAL PERSPECTIVE OF POLICING

JOHN P. CRANK* AND ROBERT LANGWORTHY**

ABSTRACT

This article suggests that American municipal police departments are highly institutionalized organizations and should be studied in terms of how their formal structure and activities are shaped by powerful myths in their institutional environment. The incorporation of powerful myths into the structure and activities of police departments enables them to attain legitimacy; with legitimacy comes stability and protection from outside interference by powerful sovereign actors who are present in the enveloping institutional environment. However, legitimacy problems arising from conflicting institutional myths may precipitate full-blown organizational crises. Such police department crises are resolved ceremonially through a ritual that combines the public degradation of the department and the removal and replacement of the disgraced police chief by a new chief with a "legitimizing" mandate.

I. INTRODUCTION

A. OVERVIEW

This article is about the institutional environment of American municipal police departments and the way in which that environment influences the departments' organization and activity. This institutional orientation differs from the normative focus of traditional theories of police department organization. This normative focus has concentrated on rational considerations of efficiency and effectiveness of police departments' organizational structures, policies and operational strategies as gauged by technical outputs, such as the production of arrests.¹

In contrast, the institutional perspective presented here focuses on powerful myths produced by broad processes in a police depart-

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¹ See LARRY K. GAINES ET AL., *POLICE ADMINISTRATION* (1991); ORLANDO W. WILSON & ROY C. McLAREN, *POLICE ADMINISTRATION* (4th ed. 1977).

ment's institutional environment and looks at the influence these myths have on the formal structure and activities of particular organizational elements within the department. By successfully incorporating institutional myths into its formal structures and activities, other relevant actors in its institutional environment perceive that a police department is legitimate.² A fundamental interest in survival leads police departments to "accede to the demands of other actors" on whom departments depend for legitimacy, and with the receipt of legitimacy, the continued flow of resources for organizational survival.³ However, at times, entities confront conflicting myths in their institutional environments.⁴ Utilizing the perspective of Meyer and Scott, this article suggests that a municipal police department develops "treaties between contending legitimations" when it encounters conflicting myths in its institutional environment.⁵ Even with such treaties, conflicts may intensify into a crisis in which a department loses its legitimacy within its institutional environment. Consonant with the institutional perspective, such a legitimacy crisis is resolved ceremonially through a ritual, which combines the public degradation of the department and the removal and replacement of the disgraced chief of police by a new chief with a "legitimizing" mandate.

B. RELATION TO OTHER APPROACHES

Literature on the organizational structure of municipal police departments has traditionally been normative, advocating particular types of structures to achieve organizational goals.⁶ According to this literature, particular types of structures and operational strategies enhance the efficiency and/or effectiveness of the police department's pursuit of desired goals. Reform-minded policymakers have endeavored to identify organizational structures that facilitate the production of outputs consistent with particular departmental goals.⁷ Organizationally-based reform efforts, however, seldom

² See John W. Meyer & Brian Rowan, *Institutionalized Organizations: Formal Structure as Myth and Ceremony*, 83 *AM. J. SOC.* 340, 348 (1977).

³ Paul DiMaggio, *Interest and Agency in Institutional Theory*, in *INSTITUTIONAL PATTERNS AND ORGANIZATIONS: CULTURE AND ENVIRONMENT* 3, 8 (Lynne G. Zucker ed., 1988).

⁴ See John W. Meyer & W. Richard Scott, *Centralization and the Legitimacy Problems of Local Government*, in *ORGANIZATIONAL ENVIRONMENTS: RITUAL AND RATIONALITY* 199 (John W. Meyer & W. Richard Scott eds., 1983).

⁵ *Id.* at 210.

⁶ See Robert H. Langworthy, *Organizational Structure*, in *WHAT WORKS IN POLICING* 87 (G. Cordner & D. Hale eds., 1992); ROBERT H. LANGWORTHY, *THE STRUCTURE OF POLICE ORGANIZATIONS* (1986).

⁷ *Id.* at 89-92. For an example of a text that links organizational structure and productive function, see WILSON & McLAREN, *supra* note 1.

have achieved the desired goals, leading to declarations that "reform had come to a standstill,"⁸ frustration over the intransigence of the police to change⁹ and calls for the critical re-evaluation of "normative theories" linking organizational structures to desired outputs.¹⁰

The disappointments with the results of police organizational reform has prompted inquiries into the constraining influence of characteristics of a police organization's environment on attempts to change its structure and activities.¹¹ This article complements and extends that progression of environmental analysis by considering the influence that characteristics of a police department's institutional environment have on organizational structure and activity. The institutional focus of this article reveals the influence of resurgent interest in the relationship between the institutional characteristics of an organization's environment and its structures and activities.¹² One result of that renewed interest is an appreciation of the pronounced degree to which the organization and activity of a

⁸ ROBERT M. FOGELSON, *BIG-CITY POLICE* 295 (1977).

⁹ See Gary W. Sykes, *The Functional Nature of Police Reform: The "Myth" of Controlling the Police*, in *CRITICAL ISSUES IN POLICING* 286 (Roger G. Dunham & Geoffrey P. Alpert eds., 1989); Dorothy Guyot, *Bending Granite: Attempts to Change the Rank Structure of American Police Departments*, in *POLICE ADMINISTRATIVE ISSUES: TECHNIQUES AND FUNCTIONS* 43 (Mark R. Pogrebin & Robert M. Regoli eds., 1986).

¹⁰ See Robert H. Langworthy, *Wilson's Theory of Police Behavior: A Replication of the Constraint Theory*, 2 *JUST. Q.* 89 (1985).

¹¹ See, e.g., Dorothy Guyot, *supra* note 9. The research that has provided insights into ways that various environments affect police organizational structures and activities is represented by the following. Langworthy and Crank examined linkages between police organizational structures and environmental factors. LANGWORTHY, *supra* note 6, at 97-125; John P. Crank, *The Influence of Environmental and Organizational Factors on Police Style in Urban and Rural Environments*, 27 *J. RES. IN CRIME & DELINQUENCY* 166 (1990). Slovak and Swanson employed multivariate models to assess the impact of environmental factors on variation in police style. JEFFREY S. SLOVAK, *STYLES OF URBAN POLICING: ORGANIZATION, ENVIRONMENT AND POLICE STYLES IN SELECTED AMERICAN CITIES* (1986); Cheryl Swanson, *The Influence of Organization and Environment on Arrest Policies in Major U.S. Cities*, 7 *POL'Y STUD.* 399 (1978). Kowalewski et al. and Meagher assessed the implications of a rural location on police operations. David Kowalewski et al., *Police Environments and Operational Codes: A Case Study of Rural Setting*, 12 *J. POLICE SCI. & ADMIN.* 363 (1984); M. Steven Meagher, *Police Patrol Styles: How Pervasive is Community Variation?*, 13 *J. POLICE SCI. & ADMIN.* 36 (1985).

¹² For a discussion of the recent interest in institutional theory, see *THE NEW INSTITUTIONALISM IN ORGANIZATIONAL ANALYSIS* 1-40 (Walter Powell & Paul J. DiMaggio eds., 1991). See also *INSTITUTIONAL PATTERNS AND ORGANIZATIONS: CULTURE AND ENVIRONMENT* (Lynne G. Zucker ed., 1988); R. Richard Ritti & Jonathan H. Silver, *Early Processes of Institutionalization: The Dramaturgy of Exchange in Interorganizational Relationships*, 31 *ADMIN. SCI. Q.* 25 (1986); W. Richard Scott, *Systems Within Systems: The Mental Health Sector*, 28 *AM. BEHAVIORAL SCIENTIST* 601 (1985); Paul DiMaggio & Walter W. Powell, *The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields*, 48 *AM. SOC. REV.* 147 (1983).

public sector agency is influenced by the institutional features of its environment.¹³ Even though police departments are quintessential public sector agencies, efforts to assess them using an institutional perspective are almost nonexistent.¹⁴ Consequently, this article represents a preliminary attempt to delineate conceptually the institutional environment of policing and to identify some important elements in that environment.¹⁵

II. MUNICIPAL POLICE ENVIRONMENTS

The central view of this article is that the organization and practice of municipal police work occurs in an environment saturated with institutional values. As a result of this environmental context, police practices and organizational structures cannot be understood either simply in terms of production economies or solely from the perspective of technical efficiency and effectiveness. A police organization does not create a product which is "exchanged in a market such that organizations are rewarded for effective and efficient control of the work process."¹⁶ Consequently, assessments of police activity that employ efficiency and effectiveness criteria have limited utility in the understanding of the structure and activities of a police department.

¹³ See Frank R. Dobbins et al., *The Expansion of Due Process in Organizations*, in *INSTITUTIONAL PATTERNS AND ORGANIZATIONS: CULTURE AND ENVIRONMENT* 71 (Lynne G. Zucker ed., 1988); EDWARD SHILS, *CENTER AND PERIPHERY: ESSAYS IN MACROSOCIOLOGY* (1975).

¹⁴ Two recent exceptions to the general absence of institutional analysis are noteworthy. Crank et al. presented an analysis of local and centrist sovereignty in the institutional environment of police organizations. John P. Crank et al., *Sovereigns in the Institutional Environment of Police Organizations*, Paper Presented at the Annual Meeting of the Academy of Criminal Justice Sciences (1990). Mastrofski et al. assessed the relative efficacy of three models of organizational structure—the rational model, the constrained rational model and the loosely coupled model—for explaining DUI arrests. Stephen D. Mastrofski et al., *Organizational Determinants of Police Discretion: The Case of Drinking - Driving*, 15 J. CRIM. JUST. 387 (1987).

The present article draws from the same theoretical tradition as these works and similarly attempts to broaden the conceptualization of a police department as a participant in an institutional environment.

¹⁵ Though not presented explicitly as institutional theory, the writings of Peter Manning anticipate much of the conceptual development of police organizations presented here. See PETER K. MANNING, *POLICE WORK* ch. 4 (1977). Manning argues, for example, that police use particular technologies and tactics symbolically to provide a particular or, in our words, ceremonial image of police organization and activity to the public. See Peter K. Manning, *The Police: Mandate, Strategies, and Appearances*, in *POLICING: A VIEW FROM THE STREET* 7-31 (Peter K. Manning & John Van Maanen eds., 1978). As Manning notes, "The police have developed and utilized [such] strategies . . . for the purpose of creating . . . the appearance of managing their troublesome mandate." *Id.* at 23.

¹⁶ W. Richard Scott & John W. Meyer, *The Organization of Societal Sectors*, in *ORGANIZATIONAL ENVIRONMENTS: RITUAL AND RATIONALITY* 129, 140 (John W. Meyer & W. Richard Scott eds., 1983).

Instead, a police department participates with other powerful actors, called sovereigns, in an institutional environment, and it receives legitimacy from these sovereigns.¹⁷ Sovereigns are other actors whose views are significant, that is, they are entities that have the capacity to affect the fundamental well-being of a police organization. When the department conforms to institutional expectations of what the appropriate structures and activities for a police department are, a police department is recognized by those sovereigns within its institutional environment as a legitimate or true police agency. In other words, it looks like a police agency should look, and it acts like a police agency should act. Consequently, to secure the continued well-being of the department, the organizational forms and practices of police departments tend to conform to broad, institutionally accepted norms.¹⁸ Thus, the elaboration of police organizational structure and the selection of particular goals, operational strategies and departmental policies represent the department's efforts to establish and maintain organizational legitimacy; and via that legitimacy, the police department insures the continued flow of resources needed for long-term well-being and survival.¹⁹ Simply put, a police department's organizational structure, policies and operational strategies have a great deal to do with institutional values in its environment and very little to do with production economies or technical capabilities.

Diverse aspects of policing reveal the extent to which the organizational structure and activities of a police department are affected by its institutional environment. The following are some examples that highlight the influence of the institutional environment on police appearance, specialized law enforcement units and two common police practices.

EXAMPLE 1: POLICE APPEARANCE

To be recognized as police by the community, police department personnel must conform to broad, institutionally derived expectations about the appropriate appearance of police. Among those expectations are appropriate titles, uniforms, badges and in-

¹⁷ Meyer & Scott, *supra* note 4, at 201-02. Sovereigns are agents of authority that are capable of influencing department policy, withholding information or disrupting the flow of resources via such means as litigation, municipal funding or research support for program development; they also may mobilize public sentiment or embarrassing media exposure. *Id.* Examples of sovereigns in the institutional environment of police organizations include the city council, mayor, police unions, empowered minority groups, the courts and the voting public.

¹⁸ DiMaggio, *supra* note 3, at 9.

¹⁹ See Meyer & Rowan, *supra* note 2, at 352.

signia indicating rank, department and assignment, all of which ceremonially verify that a police officer *is* a police officer. Failure to conform to institutional expectations of appropriate police appearance may result in a loss of "legitimacy." That is, the public or other powerful actors in the institutional environment may simply refuse to accept the police as police.

For example, in 1970, the Lakewood (Colorado) Police Department entitled itself the "Lakewood Department of Public Safety," adopted non-traditional rank designations (*e.g.*, field advisor for sergeant, and senior field advisor for lieutenant) and wore blazers for uniform dress. By 1973, however, the department had abandoned these changes and reverted to a "police" title and traditional ranks, insignia and dress. The use of a "public safety" title and non-traditional ranks, insignia and dress had generated both confusion and embarrassment in contacts with other agencies and with the public.²⁰ Moreover, other police agencies with which the Lakewood Police Department had ongoing contact stopped sharing information with them. Lakewood lost its legitimacy in the eyes of the public and other police agencies.

This example illustrates that a "police" title and traditional ranks, insignia and uniforms are important symbols that provide legitimacy in the institutional environment of a police department. Abandoning these symbols ultimately may subvert a department's legitimacy with particular sovereigns, such as the general public and other police agencies. In this case, Lakewood restored legitimacy after hiring a new police chief with a mandate to return the department to traditional modes of police dress.²¹

EXAMPLE 2: SPECIALIZED LAW ENFORCEMENT UNITS

The following example suggests that the elaboration of organizational structure is determined by institutional expectations of what the police *should* do, rather than practical considerations of what they *actually* do. Law enforcement is perceived as a highly legitimate police activity by the public and its elected representatives.²² Consequently, police budgets tend to be justified in terms of the need for greater levels of law enforcement, and police departments tend to become functionally complex in the number and specialization of its crime-fighting units.²³ But, this organizational

²⁰ Guyot, *supra* note 9, at 58.

²¹ *Id.*

²² Manning, *supra* note 15, at 13.

²³ *Id.*

complexity is ceremonial: instead of evolving because additional specialization actually improves efficiency and effectiveness, the elaborate structure has developed in response to what a department should look like to sovereigns in its institutional environment (primarily the public and its elected representatives). It is thus common to find urban police departments with specialized crime units such as burglary, DUI, auto theft, fraud, gangs, assault, homicide, robbery, juveniles, vice and narcotics.²⁴

The specialization itself is perceived by the sovereigns as essential to the "war against crime." That is, because of the influence of these sovereigns, organizational structure has elaborated in the direction of specialized crime-fighting units. Yet such specialization is inconsistent with the tasks actually undertaken by police departments. Research on the variety of activities performed by police has shown that only a relatively small proportion of police work actually involves true law enforcement; the bulk of customary police work typically involves such activities as community service, crime prevention and maintenance of order.²⁵ The elaborate organizational structure emphasizes law enforcement activities, reinforcing the police department's institutional image as a "crime fighter," in spite of inconsistencies between that image and the actual work of the department.²⁶

EXAMPLE 3: PREVENTIVE PATROL AND RAPID RESPONSE SYSTEMS

Finally, technical rules that are initially introduced for reasons of effectiveness may themselves become institutionalized.²⁷ Two related technical procedures that have become institutionalized are motorized random preventive patrol and rapid response systems (based on automatically routing 911 emergency telephone calls). Motorized random preventive patrol was introduced in the 1920s as a crime prevention strategy.²⁸ Subsequent adoption of this crime-fighting strategy among police organizations, however, suggests that its diffusion across the American municipal landscape is more consistent with processes of institutional diffusion than with department-by-department evaluations of its effectiveness in law enforcement or crime prevention.²⁹ Today, this strategy is widely

²⁴ See, for example, the organizational chart for the Kansas City Police Department in SAMUEL WALKER, *THE POLICE IN AMERICA* 80-81 (1st ed. 1983).

²⁵ *Id.* at 18, 19; ALBERT J. REISS, JR., *THE POLICE AND THE PUBLIC* 70-71 (1972).

²⁶ Manning, *supra* note 15, at 30.

²⁷ Meyer & Rowan, *supra* note 2, at 344.

²⁸ SAMUEL WALKER, *A CRITICAL HISTORY OF POLICE REFORM* 136 (1977).

²⁹ See Pamela S. Tolbert & Lynne G. Zucker, *Institutional Sources of Change in the Formal*

used in spite of an increasing body of evidence that shows random preventive patrol is not effective in preventing crimes or producing arrests.³⁰ In other words, the use of random preventive patrol displays to the institutional audience, and particularly to sovereigns, that a particular police department behaves like police organizations should behave in this specific technical area; conformity with the expected institutional norm is more important than whether the specific practice itself actually contributes to better policing.

As a complement to motorized preventive patrol, rapid response (911) systems have been promoted as a means for quick response to emergency calls from the public.³¹ However, as with random preventive patrol, there is scant evidence that 911 systems are effective in either crime prevention or law enforcement.³² Furthermore, since a 911 system coupled with motorized preventive patrol absorb a substantial portion of a police department's limited manpower and budget resources, they impair a department's ability to try alternative patrol or crime-prevention strategies.³³ Yet despite that impairment and the doubts about their effectiveness, the use of 911 systems in conjunction with random preventive patrol continues to be widespread.³⁴

Why do these two procedures, designed for purposes of technical effectiveness, persist with such vigor despite their apparent failure to improve actual policing? Because they have extraordinary legitimacy with the public. As Skolnick and Bayley note, "People expect a patrol car to come whenever they need police help. They complain bitterly when it doesn't arrive instantaneously."³⁵ In other words, rapid response systems have become an important ritual of contemporary policing; they ceremonially demonstrate the legitimacy of the public's reliance on the police. Failure to provide rapid response to calls for assistance may bring the department

Structure of Organizations: The Diffusion of Civil Service Reform, 1880-1935, 28 ADMIN. SCI. Q. 22, for a discussion of the process of the institutional diffusion of due process in the United States.

³⁰ See Kelling et al., for a report of the first systematic evaluation of random preventive patrol. GEORGE KELLING ET AL., THE KANSAS CITY PREVENTIVE PATROL EXPERIMENT: A TECHNICAL REPORT 142, 271 (Police Foundation 1974). It concluded that random preventive patrol had no significant impact on crime, citizen perception of police service or citizen fear of victimization. *Id.*

³¹ SAMUEL WALKER, THE POLICE IN AMERICA: AN INTRODUCTION 92 (2d ed. 1992).

³² See JEROME H. SKOLNICK & DAVID H. BAYLEY, THE NEW BLUE LINE: POLICE INNOVATION IN SIX AMERICAN CITIES 5 (1986).

³³ HERMAN GOLDSTEIN, PROBLEM-ORIENTED POLICING 20 (1990).

³⁴ Walker notes that approximately 80% of big-city police departments use 911 systems. WALKER, THE POLICE IN AMERICA *supra* note 31, at 92.

³⁵ SKOLNICK & BAYLEY, *supra* note 32, at 28.

under the scrutiny of important sovereigns such as the press, mayor or city council. These sovereigns may raise the specter that the police are not fulfilling their mandate to protect the public; ultimately they may envelop the police department in a full-blown legitimation crisis. Thus, even though the rituals of 911 systems and random preventive patrol may be neither effective nor efficient as law enforcement or crime prevention strategies, they provide ceremonial evidence that a police department behaves as it should. The ceremonial evidence consists of visibly displaying patrol cars on the streets and using elaborate charts and measures for tracking response time to citizen calls for assistance. Failure to sustain these important rituals may result in the de-legitimation of a police department.

These examples highlight some of the diverse ways in which a police department is affected by its institutional environment. The remainder of the article is an initial attempt to construct an institutional theory of police organizations. A fuller institutional theory of policing will develop only over time through the process of scholarly debate and discussion. We hope that the following preliminary ideas will help promote that process.

III. TOWARD AN INSTITUTIONAL THEORY OF POLICE ORGANIZATIONS

A. INSTITUTIONALISM

The idea of an institutionalized organization, in the broadest sense, means that "organizational forms and behaviors take the form that they do because of prevailing values and beliefs that have become institutionalized."³⁶ Institutionalized organizations, because they embody prevailing values and beliefs, cease to be "mere engines" of bureaucratic efficiency; they are recognized as valued natural communities, whose "self-maintenance becomes an end in itself."³⁷

This article borrows extensively from Meyer and Rowan's discussion of institutionalized organizations to describe the institu-

³⁶ RICHARD H. HALL, *ORGANIZATIONS: STRUCTURE, PROCESS, AND OUTCOMES* 313 (4th ed. 1987).

³⁷ PHILIP SELZNICK, *LEADERSHIP IN ADMINISTRATION* 17 (1957). The idea of a valued, natural community is suggested by the police recruitment process. Among recruits, policing is not simply a vocation; recruits believe in the contribution that policing makes to society and that policing is an avocation. New recruits are made to believe that they are participating in an important endeavor and that they are joining an elite and special occupation. John Van Maanen, *Observations on the Making of Policemen*, in *THE AMBIVALENT FORCE* 93-94 (Abraham Blumberg & Elaine Niederhoffer eds., 3d ed. 1985).

tional environment of policing and its influence on the organization and operation of a police department.³⁸ Meyer and Rowan maintain that institutionalized organizations are constructed of "widespread understandings of social reality,"³⁹ which they called myths. Here, "myth" means that these understandings of social reality are perceived to be more important than any particular individual or organization and have an intrinsic quality of "truth" or "rightness" about them. The dress code of the police, police budgets, random motorized patrol and rapid response discussed above each represent powerful institutional myths in that they are typically seen as so integral to policing that their truth is beyond question. Such myths are incorporated into the organization as particular structures or operational strategies that are carried out by members of the organization in a "dramaturgy of exchange" to "gain acceptance from major participants in the inter-organizational environment."⁴⁰ These ritual activities of significance ceremonially demonstrate to other institutional participants that the police organization *looks like* or *acts like* a police department and thus deserves continued support *qua* a police department. In the following sections, we discuss the evolution of institutional myths that bear on police departments and the relationship between these myths and elements of police organizational structure and activity.

B. MYTH AND MYTH-BUILDING IN THE INSTITUTIONAL ENVIRONMENT

Three broad historically based processes may be described as institutional myth-builders.⁴¹ These processes, adapted for the analysis of police organizations, are here called (1) official legitimacy, (2) elaboration of relational networks and (3) organizational-institutional reactivity. These historical processes reveal the influence of organizations and powerful individuals as agents in the construction of institutional myths.⁴² Discussions and examples of each of these are presented below, with the caveat that the processes described here are ideal types. Thoughtful consideration of the examples presented below suggests that these processes, though analytically distinct, tend to overlap in particular situations.

³⁸ See Meyer & Rowan, *supra* note 2.

³⁹ *Id.* at 343.

⁴⁰ Ritti & Silver, *supra* note 12, at 26.

⁴¹ Meyer & Rowan, *supra* note 2, at 347.

⁴² *Id.* This perspective differs from classic formulations of institutional theory in which institutions were perceived to be independent of human agency. Contemporary institutional theory has recognized the importance of powerful actors in the institutionalization process. For a discussion of the issue of agency, see DiMaggio, *supra* note 3.

1. *Official Legitimacy*

A powerful source of institutional myths are those that are incident to official legitimacy. As Meyer and Rowan note, judicial authorities may create legal mandates, administrative agencies may establish rules of practice, and occupations may require licenses or rules.⁴³ This type of myth represents a coercive aspect of legitimacy. Environmental sovereigns may literally force legitimacy on a particular organization when it has not provided a satisfactory legitimating account of itself.⁴⁴ Many aspects of police activity and organizational structure are linked to institutional myths that derive from this process. The following are several examples in which police organizations are forced to accede to officially accepted practices in order to retain legitimacy.

Example 1: Civil Service. A potent institutional myth that carries the weight of official legitimacy is civil service. Here, the institutional myth is that civil service is the appropriate organizational form for police personnel systems. Introduced during the reformist era in the late 1800s, civil service statutes provided police departments with written standards for hiring, promotion and review of police personnel.⁴⁵ Research has suggested that civil service emerged as a powerful institutional form in its own right, diffusing widely across the municipal landscape independent of its early reform base.⁴⁶ The wide diffusion of civil service may have occurred so thoroughly because it was an integral component of the institutionalization of the rational bureaucratic form of organization in municipal government.⁴⁷ Civil service has subsequently become a highly institutionalized form for defining the relations among police personnel. Today, the use of civil service personnel systems in police departments is so entrenched and institutionally universal that efforts to change police personnel policies have been compared to "bending granite."⁴⁸

⁴³ Meyer & Rowan, *supra* note 2, at 347.

⁴⁴ DiMaggio & Powell, *supra* note 12, at 150-52.

⁴⁵ WALKER, *supra* note 28.

⁴⁶ For a discussion of the process of institutional diffusion, see Dobbins et al., *supra* note 13.

Tolbert and Zucker suggest that the adoption of civil service reforms was effected at the outset by changing city demographics and local political culture. Tolbert & Zucker, *supra* note 29, at 22-24. However, later patterns of reform were unrelated to these characteristics. They concluded that the dissemination of civil service across the American municipal landscape occurred because of "institutional definitions of the legitimate structural form for municipal administration." DiMaggio & Powell, *supra* note 12, at 149.

⁴⁷ Meyer & Rowan, *supra* note 2, at 345.

⁴⁸ Guyot, *supra* note 9.

Example 2: Due Process. A second example is the power of legal mandate that resulted from the Supreme Court decisions handed down by the Warren Court in the 1960s. This period produced a myth that, in encounters between the police and the public, ceremonial rituals demonstrating police observance of due process actually produce justice. Decisions such as *Miranda v. Arizona*⁴⁹ have emphasized the individual's constitutional protections as a legal element which police must formally incorporate into arrest activity. The ceremonial invocation of these protections in police arrest and interrogation demonstrates to the courts that the police are legitimately acting as they should. This ceremony may involve the ritual presentation of symbolic totems of the state's power, such as two-by-three inch embossed plastic cards with *Miranda* rights printed in both English and Spanish, which are given to suspects at the time of an arrest. Another example of this ceremony occurs when state police agencies invoke the ritual of signature by having a Hispanic suspect sign a document, printed in English on one side and Spanish on the other, indicating that a suspect has agreed to a vehicular search for contraband following a routine traffic stop.

Example 3: Credentialing. A final example concerns legitimacy derived from credentialing police officers. The myth is that only individuals who have completed formal training are indeed "police." That is, as a result of the formal credentialing process, credentialed officers are recognized by sovereigns as legitimate police representatives. Likewise, officers who do not receive credentialed training, often described as part-time or auxiliary police officers, lack legitimacy and are not considered "real police." The following illustrates the implications of this credentialing process for organizational legitimacy. In statewide hearings⁵⁰ sponsored by the Illinois State Police Training Board in 1988, the Secretary of the Southern Illinois Fraternal Order of the Police openly and aggressively attacked the practice of using less expensive, part-time police who had not received state-licensed training. Many small police departments had adopted this practice. The Secretary's challenge centered on the part-time officers' lack of credentialed training and raised the specter of devastating litigation if non-credentialed officers were involved in a police shooting or civil rights violation. In other words,

⁴⁹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

⁵⁰ Statewide hearings were held by the Illinois Local Government Law Enforcement Officers Training Board in 1988 to provide a public forum for the discussion of minimum pre-service training standards for part-time police. These hearings were held in Rockford (March 24), Collinsville (March 29), Springfield (March 31) and Rosemont (April 7).

police officers who have not been ceremonially credentialed as police may lack legitimacy with the courts, and their behavior may subsequently provide the basis for devastating litigation against the police department and the municipality.

Such litigation has occurred. In 1984, Walter DeBow was severely beaten by another inmate in the East St. Louis jail.⁵¹ He subsequently filed a negligence suit against the city and the police department, charging that the jail was not staffed with properly trained police. He was awarded \$3.4 million, and the city defaulted on paying the judgment. He subsequently sued East St. Louis for city property, and in September 1990, he was "awarded the deed to one of East St. Louis's finest buildings, the four-year old municipal building."⁵² This example also reveals the coercive power of official legitimacy. Failure of the police to properly credential their officers may have a devastating impact, not only on the police department, but also on its primary benefactor and powerful sovereign, the city municipal government.

2. *Elaboration of Relational Networks*

Another process by which institutional myths evolve is through the elaboration of relational networks. The elaboration of relational networks refers to the process by which increases in connectedness between spheres of activity in a particular institutional environment result in new organizational elaboration in the form of structures, procedures or policies.⁵³ Connectedness refers to formal and informal linkages or "transactions tying organizations to one another."⁵⁴ This is similar to the concept of environmental turbulence, which describes the level of causal interconnection within the environment.⁵⁵ According to this idea, the intersection of previously unconnected spheres of activity, or increases in levels of activity between connected spheres of activity, results in new organizational forms and beliefs defining the relations between the spheres of activity. As relations endure and solidify, the emergent forms and beliefs can achieve mythical status, ceremonially reaffirming the relationship between those spheres. The following examples suggest this process.

Example 1: Organized Labor and Police Reform. The connectedness between police departments and organized labor bodies has con-

⁵¹ *City Hall No Longer City's*, N.Y. TIMES, Sept. 29, 1990, at 8.

⁵² *Id.*

⁵³ DiMaggio & Powell, *supra* note 12, at 148.

⁵⁴ *Id.*

⁵⁵ HALL, *supra* note 36.

tributed to the formalization of police personnel policies and contract negotiation procedures. It also has contributed to the contemporary myth that line-level police work is and should be highly discretionary. The intersection of police and organized labor, though initially occurring in the early 1900s, gained momentum in the years after World War II. During that era, the expansion of union and non-union labor representation in police departments increased the influence of line officers on departmental affairs. Also, the expansion of organized labor activity into the sphere of police activity was associated with a fundamental shift in police reform.⁵⁶ The shift focused away from reform, in terms of organizational restructuring (for purposes of control of line officer behavior), and toward the opposite—reform in terms of the provision of line officer autonomy or discretion.⁵⁷ Today, the idea that discretion is inherent in the police role and, moreover, *should* be a part of the police role⁵⁸ is becoming institutionalized in part because of the elaboration of police relational networks to include labor representation. This example suggests that both organizational structure and line-level role characteristics have been affected by the intersection of the spheres of activity of unions and police organizations.

Example 2: Value of Innovation. This example describes an elaboration of the law-enforcement network that produced a myth which seemingly contradicts ideas of institutionalization. The establishment of relations between three broad institutional sectors has created the myth that innovative experimentation can be done and is good. The emergence of this myth derives from the intersection of the police, higher education and the federal government sectors; it was initiated by the Omnibus Crime Control and Safe Streets Act of 1968.⁵⁹

The Omnibus Crime Control and Safe Streets Act was passed in 1968 in response to national concern over increasing crime. The Omnibus Act provided a mechanism, the Law Enforcement Assistance Administration (LEAA), for the disbursement of grant monies from the federal sector to state planning agencies, which then dis-

⁵⁶ FOGELSON, *supra* note 8, at 193-218.

⁵⁷ JEROME SKOLNICK, *JUSTICE WITHOUT TRIAL*, 235-36 (2d ed. 1975).

⁵⁸ See Gary W. Sykes, *Street Justice: A Moral Defense of Order-Maintenance Policing*, 3 *JUST. Q.* 497 (1986) and James Q. Wilson & George L. Kelling, *Police and Neighborhood Safety: Broken Windows*, *ATLANTIC MONTHLY*, March 1982, at 29 for discussions of discretion, order-maintenance activities and community protection. In brief, both of these perspectives argue that line-level discretion in arrest decisions is necessary for the protection of communities against criminal invasion.

⁵⁹ 42 U.S.C. § 3758 (1968).

tribute grant monies to regional planning units, often comprised of local police agency personnel.⁶⁰

The LEAA purposively opposed categorical grant applications; instead, it insisted that the redistribution of federal grants be linked to program innovation. As Feely and Sarat noted, "The [Omnibus] Safe Streets Act required the federal government to demand innovation in criminal justice policy and state and local governments to respond to those demands. . . . The message of the act was simple—money would be given, innovation produced."⁶¹

Innovative programs, such as team policing, decentralized organizational structures, directed patrol and mini-stations, enabled police departments to secure otherwise scarce resources during the early and mid-1970s when many municipalities faced significant fiscal hardships. Thus, the idea of innovation emerged as a potent contemporary myth in the institutional environment of policing. The adoption of such innovative programs into police organizational structure and activity provided ceremonial evidence that police departments were responding to their problems appropriately, because innovation had become legitimate in the eyes of a powerful benefactor, the federal government. This example suggests that many innovative police organizational structures (*e.g.*, research and development units, police teams, mini-stations), strategies (*e.g.*, crime prevention through community mobilization) and operations (*e.g.*, directed patrol) emerged in part in response to the powerful contemporary myth of innovation.

Research skills needed to implement and evaluate these innovative programs were sought among university academicians, who provided the stamp of scientific objectivity to police research and related organizational innovation. In this way, a complex network of relationships linking the police, higher education and the federal government has led to the institutionalization of an important contemporary myth—innovation is good for police and can contribute to the police department's ability to solve both criminal and social problems.

3. *Organizational-Institutional Reactivity*

The third source of institutional myth derives from the way in which police leadership is involved in the myth-building process.

⁶⁰ MALCOLM M. FEELY & AUSTIN D. SARAT, *THE POLICY DILEMMA: FEDERAL CRIME POLICY AND THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, 1968-1978*, at 46-47 (1980).

⁶¹ *Id.* at 45-60.

According to this notion, powerful police departments, police professional associations and executive police leadership are actively engaged in constructing and shaping of myths in their institutional environment.⁶² The following examples suggest ways in which police departments and organizations and their leaders have themselves been involved in institutional myth-building.

Example 1: Professional Organizations. The International Association of Chiefs of Police, together with the more recent emergence of other professional organizations involving police personnel, such as the International Association of Police Planners, the Academy of Criminal Justice Sciences⁶³ and the Police Executive Research Forum, have provided the police profession with occupationally-based fora actively engaged in shaping its institutional environment. These organizations have not simply provided fora for the exchange of ideas but have also provided a mechanism—professional associations—for the anointing of particular technical procedures as orthodox. These powerful professional associations thus become agents of institutionalization.⁶⁴

Example 2: Influential Leadership. An example of how a powerful police executive can contribute to the institutionalization of particular police practices is that of August Vollmer and his efforts to institutionalize the Uniform Crime Reports. August Vollmer, widely recognized as the patriarch of police professionalism, has had a broad impact on police activities nationally and was instrumental in establishing many police practices that have subsequently achieved mythical stature. Vollmer's broad influence is revealed in the establishment of the Uniform Crime Reports (UCR).⁶⁵ Vollmer initially proposed the UCR as a method to track crime in the United States. Today, the ritual of data collection for the UCR is accomplished by tens of thousands of reporting districts across the country, all of which use similar offense classifications for the labeling of reported and cleared crime. Thus, a particular technique for measuring crime has become institutionalized as a means of assessing whether a police department acts (*i.e.*, making arrests) as a police organization is supposed to act. In spite of a great deal of contemporary evidence that the Uniform Crime Reports tell us very little about actual crime, attention to UCR data collection provides a police organization with ceremonial evidence that the organization is doing

⁶² Meyer & Rowan, *supra* note 2, at 348.

⁶³ The Academy is a professional organization representing both practitioners and academicians.

⁶⁴ DiMaggio & Powell, *supra* note 12, at 152-53.

⁶⁵ WALKER, *supra* note 28, at 155-56.

something about crime.⁶⁶

August Vollmer's influence among the police also reveals how executive leadership can contribute to the institutionalization of technical procedures. Vollmer advocated applying technology to police work.⁶⁷ He expounded on the importance of scientific technologies for crime control, introduced the first scientific crime control laboratory in the United States in 1916 and the first lie detector machine for use in criminal investigation in 1921.⁶⁸

Vollmer's reform advocacy gained a national audience, and his conception of scientific crime control diffused and became institutionalized. Today scientific crime control applications encompass such diverse areas as fingerprinting, DNA testing, weaponry, sophisticated communications systems, widespread use of mobile traffic units and computerization, including computer links inside patrol cars.

Example 3: Crime-Fighting Image. Next is an example of how myth-building by police leadership can affect organizational structure. Though there was movement at the turn of the century to clarify the role of police in terms of law enforcement,⁶⁹ the 1930s was the era in which the police role came to be seen in terms of law enforcement.⁷⁰ Police leadership that encouraged the crime-fighting orientation included O.W. Wilson and J. Edgar Hoover.⁷¹ This change toward crime prevention has been described as an institutional-level change.⁷² That this image was developed to serve the needs of the police has been noted: Manning has argued that the crime-fighter image was constructed by the police to gain the public confidence, and Klockars has referred to the image of the crime-fighting "professional" as a circumlocution.⁷³ Nevertheless, the rise in reported serious crime from the 1930s to the early 1980s magnified in the public mind the importance of law-enforcement activity and further reinforced the public perception of the primary role of

⁶⁶ MANNING, *supra* note 15, at 130-32.

⁶⁷ Gene Edward Carte, *August Vollmer and the Origin of Police Professionalism*, in POLICE ADMIN. ISSUES 3 (Mark R. Pogrebin & Robert M. Regoli eds., 1986).

⁶⁸ *Id.* at 6.

⁶⁹ WALKER, *supra* note 28, at 47.

⁷⁰ *Id.* at 139-66.

⁷¹ *Id.* at 139.

⁷² As Walker notes, "The Federal Bureau of Investigation suddenly emerged as a major factor in policing. Accompanying this institutional change was an even more profound intellectual reorientation: the 1930s marked the flowering of the crime-fighting role-image of the police." *Id.* at 151.

⁷³ MANNING, *supra* note 15, at 15-16; Carl B. Klockars, *The Rhetoric of Community Policing*, in THINKING ABOUT POLICE 534-35 (Carl B. Klockars & Stephen D. Mastrofski eds., 2d ed. 1991).

police as law enforcement. Thus, since the turn of the century, the structures of police departments have been organized around crime-fighting activity, even though, as noted previously, only a small proportion of police activity, including the activity of patrol officers in urban areas with high crime rates, directly involves crime-fighting. Today, efforts by police administrators to acquire increased budgets are invariably justified on the basis of a perceived need to improve crime-fighting capabilities.⁷⁴ This example suggests that police organizational structure is *enabled* by institutionalized expectations (which are influenced by important police actors) that the principal activity of the police is law enforcement.

IV. LEGITIMACY CRISES

A. LEGITIMACY CHALLENGED

The preceding described three broad processes of institutional myth-building and provided examples of how myths are incorporated into elements of police organizational structure and activity. From an institutional perspective, organizational legitimacy derives from the organization's success in incorporating institutional myths into its formal structure and activities. However, it is possible for an organization to be faced with conflicting myths in its institutional environment.⁷⁵ Such a conflict is called a legitimation conflict; it represents a collision between different sovereigns' conceptions of legitimate policing. Conflicts at this level may bring into question the fundamental legitimacy of a police department.

The organizational response to a legitimation conflict is ceremonial: structures and policies are developed that display to sovereigns that the organization is responding to the conflict. Thus, aspects of organizational structure, policies or procedures are developed as "treaties between contending legitimations"⁷⁶ that flow from different sovereigns. Two areas of organizational structure and associated policy — personnel procedures and internal review — are presented as examples of treaties that derive from conflicts over personnel policy and police behavior.

⁷⁴ Klockars, *supra* note 73, at 532-35.

⁷⁵ Meyer & Scott, *supra* note 4, at 202. Organizational attainment of legitimacy from relevant actors in their institutional environment is called an organization's "cultural theory." An organization's cultural theory is defined as "the extent to which the array of established cultural accounts provides explanations for its existence, functioning, and jurisdiction, and lack or deny alternatives." *Id.* at 201. In other words, an organization has attained perfect cultural theory when it has unquestioned legitimacy in all areas of its institutional environment.

⁷⁶ *Id.* at 210.

Example 1: Personnel Policies. Intradepartmental conflicts between supporters of old-style police professionalism and advocates of affirmative action personnel policies have created legitimation conflicts for police departments. Focused on the differing conceptions of what was an appropriate personnel policy for a police department, these conflicts have been resolved by treaties in the form of department structure and personnel procedures. The police professionalism movement supported civil-service type personnel procedures because these procedures removed decisions over the hiring, evaluation and firing of personnel from the control of political machines. The personnel procedures advocated by the professionalism reformers in support of the goal of departmental autonomy included establishing rigorous, objective hiring criteria and recruiting from outside the service area if necessary to satisfy the criteria.

However, during the 1970s, politically empowered minority groups began to challenge the legitimacy of civil-service type personnel policies. These groups advocated use of personnel procedures that promoted balanced representation of community demographics in a department and affirmative action hiring strategies.⁷⁷ Such challenges, reflecting the political empowerment of minority groups, attained the status of legitimation conflicts; in response, accommodating departmental structures and procedures emerged. For example, Skolnick and Bayley discuss the way in which the police chief redesigned the Oakland, California, police department's personnel hiring and promotional procedures in 1974 to respond to the concerns of both the Police Officer's Association and the Black Police Officer's Association.⁷⁸ Also, many police departments have added affirmative action units,⁷⁹ created non-sworn positions⁸⁰ and modified their organizational charts in attempts to respond to conflicts over personnel policies.⁸¹ All of these actions represent treaties in which the police department ceremonially ac-

⁷⁷ WALKER, *supra* note 31, at 314-15.

⁷⁸ SKOLNICK & BAYLEY, *supra* note 32, at 152-55.

⁷⁹ According to Walker, affirmative action "means that an employer must take *positive steps* (hence: affirmative action) to remedy past discrimination." WALKER, *supra* note 31, at 315.

⁸⁰ Ostrom, Parks and Whitaker define sworn police as "any individual given extraordinary power of arrest by virtue of statutory or other legally valid authorization." ELEANOR OSTROM ET AL., *PATTERNS OF METROPOLITAN POLICING* 331 (1978). Non-sworn police positions are those that do not include the authority to arrest.

⁸¹ Guyot, for example, describes such strategies as opening management positions to non-sworn officers, removing middle-management positions, adding the rank of Master Police Officer and elaborating each rank with multiple in-rank classifications to increase opportunities for advancement. Guyot, *supra* note 9, at 43, 55, 57, 59.

knowledgeable important sovereigns with differing legitimating accounts of appropriate personnel policy.

Example 2: Control Over Police Behavior. Internal review boards (as contrasted with external review boards) represent another example of how organizational structure represents a treaty among the contending legitimations that flow from powerful sovereigns. In this case, the sovereigns are the police department itself, the police union and labor representatives, and mobilized public opinion. Complex and highly ritualized internal review procedures have emerged to provide a ceremonial organizational response to public concerns over the ability of the police to police themselves. Such formal assessments of officers' behavior may even be mandatory in some situations, such as when a police officer fires a weapon in the line of duty. Moreover, the internal review procedures are often complex and time-consuming. Yet, despite this organizational elaboration of procedures in internal review, the penalties resulting from internal review are typically mild and infrequently imposed.⁸² Rather than being seen as an effective control over police behavior, the internal review process may be better described as a ceremonial ritual whose purpose is to act as a treaty among contending legitimations of police behavior. Thus, the function of an internal review board is not only to avoid the bitter divisiveness and disruption that an external review board (with its civilian members) creates among police executives, public officials and line officers, but also to help protect against the public degradation of the police department.⁸³

As suggested above, organizations adapt in order to accommodate challenges to their legitimacy. There are also occasions, however, when organizational legitimacy is simply lost.

B. LEGITIMACY LOST AND REGAINED

In many ways, police organizations resemble what Meyer and Zucker describe as permanently failing organizations: they appear to careen from crisis to crisis; and by virtually any external criteria of

⁸² Warren Christopher & The Independent Commission in the Los Angeles Police Department, REPORT OF THE INDEPENDENT COMMISSION ON THE LOS ANGELES POLICE DEPARTMENT 153-79 (1991).

⁸³ For a discussion of conflicts among the public and the police that emerged when three cities attempted to put into place boards with the power of civilian review over the police, see Stephen C. Halpern, *Police Employee Organizations and Accountability Procedures in Three Cities*, 8 LAW & SOC. REV. 561 (1974). To describe organizational structure or activity as ceremonial is not to negate the value or importance of that structure or activity. Because police organizations operate in a highly institutionalized environment, their success is contingent on ceremonial recognition of institutionalized values.

efficiency, they do not perform well.⁸⁴ Yet, only rarely do police departments fail to survive, in the sense of actually being abandoned by their communities.⁸⁵

Nevertheless, police departments can lose legitimacy. In the institutional model, the loss of legitimacy is itself a ceremonial process, marked by rituals of moral degradation, and removal and replacement of the police chief executive in order to regain institutional legitimacy. The moral degradation of a police department and the firing of its police chief is inevitably a highly ceremonial event staged in a public arena, even though the incident that provoked the degradation and removal may be something over which the chief had little or no control. A precipitating incident might be any of a number of different occurrences, such as a line officer who used too much coercion in a street encounter, departmental corruption uncovered by the press, the mayor's dissatisfaction with the production of arrests or newly elected leadership with a mandate to "get tough on crime."⁸⁶

All of these circumstances may provide occasions for the ceremony of public degradation and removal of a police chief, even though it is often unclear whether the chief actually could have prevented the events that precipitated the legitimation crisis. Regardless, as a result of the precipitating events, the police department faces a non-resolvable legitimation crisis and consequently suffers a loss of legitimacy in the eyes of its sovereigns. Then the cathartic ritual of departmental degradation, removal of a police chief and replacement with a new chief takes place. The ritual is a ceremonial

⁸⁴ The idea of permanently failing organizations is developed by M. Meyer and Zucker. The essence of their position is that particular organizations survive, in spite of a track record of questionable success in terms of technical criteria of efficiency and effectiveness, because of their ability to respond to the expectations of their institutional environment. MARSHALL W. MEYER & LYNNE ZUCKER, *PERMANENTLY FAILING ORGANIZATIONS* (1989).

⁸⁵ The 1970s witnessed a dramatic increase in the number of municipal governments which replaced traditionally separate police and fire agencies with consolidated agencies. These agencies, called Public Safety Departments, consisted of line personnel who were cross-trained in both law enforcement and fire suppression. Often implemented for reasons of efficiency and economy, these agencies confronted broad-based legitimacy challenges, and many subsequently have been abandoned in favor of traditionally separate police and fire organizations in the delivery of both police and fire services. Assessments of this phenomenon are discussed in John P. Crank & Diane Alexander, *Opposition to Public Safety: An Assessment of Issues Confronting Public Safety Directors*, 17 *J. POL. SCI. & ADMIN.* 55 (1989); Charles Coe & Joel Rosch, *Benefits and Barriers to Police-Fire Consolidation*, 15 *J. POL. SCI. & ADMIN.* 216 (1987).

⁸⁶ Robert M. Regoli et al., *Career Stage and Cynicism for a National Sample of Police Chiefs*, Paper presented at the Annual Meeting of the Academy of Criminal Justice Sciences (1989).

act designed to re-establish the legitimacy of the police department to the dissatisfied sovereigns. The installation of a replacement chief (the symbolic head of the department) with a new (legitimizing) mandate can appease the alienated sovereigns, who are dissatisfied with the current legitimating account of the department.

An example of such a legitimization crisis involves the recent controversy over an incident involving the Los Angeles Police Department. On March 3, 1991, several Los Angeles police officers were videotaped beating a black motorist. Subsequent national media exposure of the videotape invoked responses from the full panoply of sovereigns in the institutional environment of the Los Angeles Police Department. The focus of attention for this incident rapidly shifted from the officers, four of whom faced criminal charges, to Chief of Police Daryl F. Gates. Calls for the removal of Chief Gates came from institutional sovereigns such as the mayor, members of the City Council, representatives of the business community and the California Chapter of the American Civil Liberties Union.⁸⁷ The media, providing repeated national showings of the videotape, was an agent for the mobilization of public opinion against Chief Gates. Within the department, however, Gates gathered support from important police representatives.⁸⁸ Moreover, his position was protected by Civil Service and provided him with virtually unlimited tenure.

The depth of the legitimization conflict proved too great for Gates to withstand. In the wake of the controversy, Chief Gates and Mayor Bradley jointly selected a panel of experts, called the Christopher Commission,⁸⁹ headed by former Deputy Secretary of State Warren Christopher. The published findings of the commission recommended that Chief Gates retire from office and announce his tentative retirement if a satisfactory successor has not been chosen by then. On April 16, 1992, the *Los Angeles Times* announced that Philadelphia Police Commissioner Willie L. Williams would succeed "embattled" Chief Gates as the department's top official.⁹⁰ On the same day the announcement was made, Gates' degradation continued: in a closed and contentious meeting with the powerful Los Angeles City Council, Chief Gates was questioned regarding a series of

⁸⁷ Hector Tobar, *Gates Offers Plan to Revive Confidence in the LAPD*, L.A. TIMES, March 28, 1991, at A1; Glenn F. Bunting, *Woo Says Gates Should Quit or Be Fired*, L.A. TIMES, March 28, 1991, at B1.

⁸⁸ Jesse Katz, *Gates Should Stay, Hahn Says*, L.A. TIMES, March 31, 1991, at B5.

⁸⁹ See *supra* note 84.

⁹⁰ David Ferrell & Josh Meyer, *Officers Are Divided on Department's New Boss*, L.A. TIMES, April 16, 1992, at A1.

lawsuits over alleged police misbehavior.⁹¹

Gates announced his retirement at the end of June 1992. With his replacement, the ritual of public degradation, removal and replacement will conclude; Willie Williams will assume stewardship of the department, and do so with a new (legitimizing) mandate. Part of his legitimizing mandate is revealed in his reputation as a strong chief who is tough on police abuse, and part lies in who he is — an outsider, the first to head the department in forty years.⁹² Thus, with the hiring of Williams, the cathartic cycle of legitimation lost and ceremonially regained is completed, and legitimacy lost will be restored.

V. CONCLUSIONS

Why do police departments persist in American municipalities? It is not because they produce some clearly defined, measurable and highly marketable output. Indeed, there is little consensus on precisely what it is that police departments *should* be doing. Nevertheless, police departments have proven to be remarkably stable institutions. They are perceived as so endemic to city life that the elimination of a municipal police department is, for most people, unthinkable. Their persistence has occurred because they embody broad institutional values and are thus recognized as a part of the natural order of things. As such, their organizational right to exist is beyond question. They are institutionalized organizations.

In this article, we have endeavored to demonstrate some of the ways in which an institutional perspective may provide insight into the activities and organization of American municipal police departments. We suggest that police organizations do not achieve legitimacy through their ability to participate in a technical environment; rather, they are institutionalized organizations that “turn [their] back on a technical core in order to concentrate on conforming to [their] institutional environment.”⁹³ Using numerous examples, we have suggested ways in which police organizations conform to their institutional environment. Through ceremonial displays of legitimacy, that is, by incorporating into their organizational structure or displaying in formalized activities broad institutional myths, police organizations are able to survive, regardless of the organization’s

⁹¹ *Id.*

⁹² *Id.*

⁹³ John W. Meyer et al., *Institutional and Technical Sources of Organizational Structure: Explaining the Structure of Educational Organizations*, in ORGANIZATION AND THE HUMAN SERVICES 151, 153 (H. Stein ed., 1981).

ability to produce a clearly defined or economically marketable product.

This article has presented a picture of a police department that is so interpenetrated by elements of its institutional environment that the idea of formal boundaries separating the department from its institutional environment is itself problematic. If, as Meyer and Rowan suggest, both organizations and their institutional environments "reflect socially constructed reality,"⁹⁴ then a clear notion of a bounded police department, somehow distinct from but linked through boundary-maintenance mechanisms to its environment, cannot be sustained.

The institutional perspective is not simply a constraint theory of organizational structure and activity; it is also an enabling theory of structure and activity. That is, the structure and activity of police organizations are not simply constrained by variable features in their environment. Rather, they are both constrained and enabled by their institutional environment, or as Meyer and Rowan suggest, by realizations of their institutional environments.⁹⁵

By acknowledging the contribution of the wider institutional environment to both constrain and enable variation in a police department's organization and activities, we have opened a Pandora's Box of analytic complexity:

Organizations are affected by the structure of relations of the inter-organizational systems in which they are embedded, and these systems are in turn affected by the societal systems in which they are located, and these systems are affected by the world system in which they are located. All of these systems are evolving over time, and each is comprised of elements created at differing points of time.⁹⁶

Thus, institutional perspectives of organizations that have the capacity to become complex leave one with the tautological conclusion that everything causes everything else. Nevertheless, the idea that police are responsible for the efficient and effective production of technical outputs, such as arrests, should be abandoned. As a replacement, the institutional perspective suggests that a police department's activities in response to crime are determined, not in terms of the effective crime prevention or crime fighting, but rather in response to crime as it is perceived by sovereigns in its institutional environment.

For example, the mythical importance that index crimes⁹⁷ have

⁹⁴ Meyer & Rowan, *supra* note 2, at 346.

⁹⁵ *Id.*

⁹⁶ Scott & Meyer, *supra* note 16, at 174.

⁹⁷ Manning, *supra* note 15, at 20. Index crimes are a classification used to indicate

achieved in comparison to other categories of crime can be traced to the construction of those crime categories by August Vollmer and, by implication, to the institutional myth-building process called institutional-organizational reactivity.⁹⁸ In other words, what are referred to as index crimes are more clearly institutional rather than technical constructs, and the importance that the police and the public (who receive information on index crimes from the police) place on these specific categories of crime can be attributed to their mythical potency in the institutional environment of policing.

The institutional perspective presented in this article suggests that there are values, beliefs and norms in the institutional environment of policing that are embodied in powerful myths that organizations ceremonially incorporate into structure and activity. At the same time, this article has endeavored to describe an institutional environment of policing that is not simply static, but is also remarkably fluid. As such, this article has presented an institutional perspective in terms of broad social processes that contain change dynamics as well as elements of stasis. Change dynamics in this article are described primarily in terms of powerful actors or organizations representing the police that are capable of reacting back onto and modifying their institutional environment. From this, four areas of future research are suggested.

First, detailed case studies may provide further insight into the relationship between particular organizations and institutional features of their environment. This would provide a clarification of the influence of specific institutional sovereigns over particular organizations, and the way in which the influence of these sovereigns is ceremonially acknowledged by particular organizations.

Second, we have proceeded on the premise that police organizations are so highly institutionalized that issues of efficiency and effectiveness in the production of technical outputs are virtually irrelevant to their organizational well-being. However, we believe that future research should not view police organization and behavior only in terms of its wider institutional environment. There is a technical core to police work, and research should assess the interplay among technical and institutional dynamics in the production of police structure and activity.

Third, the institutional environment of police organizations has been taken as a given: where changes in the institutional environ-

eight types of legally serious crime and are collected by the FBI by state reporting districts.

⁹⁸ See *supra* part III.B.3.

ment are discussed, they appear to be to be described as minor perturbations within a powerful and pervasive institutional environment. Yet, an examination of the history of policing suggests that this may not be the case. Municipal police organizations are of relatively recent origin in the United States. It was not until 1854, for example, that Philadelphia abandoned their nightwatchman system and put in place a full-time police department.⁹⁹ An implication and suggestion for future research is that the institutional environment of police organizations may be, over time, capable of dramatic transformation, and institutional analyses should attend to broad changes that may occur in that environment.

A final area of suggested inquiry is that of institutional isomorphism. Institutional theorists suggest that contemporary forces in American society are contributing to a dramatic isomorphism in organizations that participate in the same institutional sector.¹⁰⁰ Yet, observers of the police remark on the dramatic changes in the organization and behavior of contemporary policing.¹⁰¹ Efforts to reconcile these opposing perspectives may both provide insight into the police and contribute to the understanding of institutional processes.

⁹⁹ MICHAEL FELDBERG, *THE TURBULENT ERA: RIOT AND DISORDER IN JACKSONIAN AMERICA* 114 (1980).

¹⁰⁰ DiMaggio and Powell suggest that there is a "startling homogeneity of organizational forms and practices" within organizational fields, and describe broad contemporary mechanisms of institutional isomorphic change. DiMaggio & Powell, *supra* note 12, at 148.

¹⁰¹ Skolnick and Bayley identify four areas of contemporary change in police organizational structure and activity: police-community reciprocity, civilianization, reorientation of patrol, and areal decentralization of command. Kenneth Newman has described contemporary change as a "sea-change" that is roughly described by the rubric "mobilization of the citizenry for its own defense." Skolnick & Bayley, *supra* note 32, at 210-20; *Debating the Evolution of American Policing*, in *PERSPECTIVES OF POLICING* # 5 232 (Francis X. Hartman ed., 1988).