

COMMENTARIES

**ON THE MEANING AND
MEASUREMENT OF SUSPECTS'
DEMEANOR TOWARD THE POLICE: A
COMMENT ON "DEMEANOR AND ARREST"**

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One of the most consistently replicated and widely accepted findings about police behavior is that police tend to sanction suspects who display a disrespectful demeanor toward the police. Klinger (1994a), whose results are the lone exception to the rule of positive findings, has argued that these findings are of questionable validity because the research has conceived and measured demeanor improperly and has failed to control adequately or at all for suspects' criminal acts. Klinger's critique raises important issues, but the most important issues have not been resolved, and the implications for theoretical development and empirical research have yet to be specified. Our comments here, then, address these general issues in terms of which Lundman's analysis and other analyses can be evaluated. One set of issues concerns the meaning of demeanor as a theoretical construct, and so we begin by reviewing research in which we may find clues about how demeanor should be conceived. A related set of issues concerns the measurement of demeanor, and so we then turn to a review of how demeanor has been operationalized, evaluating different operationalizations (including Lundman's) against the outline of theoretical constructs. Finally, we consider the implications for future research.

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THEORETICAL CONSTRUCTS

The proposition that police officers respond punitively to suspects who fail to accord them deference emerged from some of the earliest systematic inquiry into police behavior. Westley (1953, 1970) found that the maintenance of respect is an important norm among police. Disrespect for the police, he reports, is symbolized by "the 'wise guy,' the fellow who thinks he knows more than they do, the fellow who talks back, the fellow who insults the policeman" (Westley 1970:123). Further, such disrespect legitimates the use of force to compel deference.

Van Maanen's (1978) discussion of the latter-day wise guy ("The Asshole") provides further insight into how officers assess displays of disrespect or "affronts." An affront, he writes,

is a challenge to the policeman's authority, control, and definition of the immediate situation. As seen by the police, an affront is simply a response on the part of the other which indicates to them that their position and authority in the interaction are not being taken seriously. . . . [Affronts] push the encounter to a new level wherein any further slight to an officer, however subtle, provides sufficient evidence to a patrolman that he may indeed be dealing with a certifiable asshole. (P. 229)

Van Maanen describes a process by which "the tag asshole arises, sticks, and guides police action during a street encounter" (p. 228), a process of which the affront is the first stage. The second stage is "clarification," through which officers ascertain whether the citizen should be held responsible for the affront. Affronts may be excusable if the affronting citizen is not responsible for his or her actions; an "asshole" is someone who could be expected to have acted differently under the circumstances and who was aware of the offensive nature of his or her actions and the possible consequences.

Van Maanen's observations are quite consistent with the findings reported by Sykes and Brent (1983:60-68), who analyzed the ways in which officers "regulate" or maintain control over their interactions with citizens. They report,

The most common technique of regulation of interaction is that of repetition. The officer asks a question. The citizen refuses to answer. The officer asks the question again, perhaps in a slightly different way. Then the citizen answers. A common alternative strategy is to ask a question, and then, after the citizen responds, make an accusation of a violation, which the citizen then denies. Then the accusation is repeated and the citizen admits to it. . . . In the great majority of cases this [repetition] is sufficient. (P. 67)

We might surmise that it is the suspects from whom repetition proves insufficient to obtain compliance that officers are most likely to label as "assholes" and treat accordingly. That is, a single, relatively minor affront may not by itself signify to officers a disrespectful demeanor; pending clarification, which may involve repeating a question or a command, an officer might be expected to reserve judgment and withhold sanction.

Brown's (1981) discussion of the "attitude test" (p. 196 ff) extends and refines our understanding of how officers evaluate suspects' demeanor. He writes,

A rough but accurate definition of the attitude test is that the person confronted by police authority must exhibit acceptance of that authority and deference to the officer and his admonishments. . . . The attitude test is a way of maintaining police authority and punishing those who would defy it. . . . This is the most common understanding of the attitude test, but it is not the only one. A person's "attitude" toward the law and, in particular, his feelings about the violation he may have committed become rough criteria for deciding whether a citation should be written or a warning given. In this sense, the attitude test is an indirect way of determining whether an informal action will sufficiently deter future behavior rather than a formal action. (P. 196)

According to Brown, disrespect includes not only overt hostility but also a failure to accept and defer to officers' authority as well as a failure to show deference to the law that the police believe they symbolize.

These studies suggest that the forms of behavior that to the police signify disrespect are as diverse as they are sometimes subtle. They include 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." Further, we might expect that affronts of the greatest gravity (e.g., overt hostility) would precipitate a punitive response with no additional provocation, whereas affronts of lesser gravity might be viewed by officers as constituting disrespect only when they are repeated or sustained. Extant research suggests that affronts of the latter sort must cumulatively pass a threshold of offensiveness, as when even the repetition of a question or command fails to evoke cooperation from the citizen. Thus it may prove useful to conceive demeanor as a multidimensional construct not as a single, undifferentiated category of behavior but rather as a small set of distinguishable behaviors that vary in the disrespect that they signify and perhaps in

the nature and strength of their relationships to police behavior (see Worden and Shepard 1996).

Klinger (1994a) maintains that the conceptual and operational definition of a disrespectful demeanor should be limited to the "*legally permissible* behavior of citizens during interactions with police officers that indicates the degree of deference or respect they extend to the involved officers" (p. 477; emphasis in original), lest the effect of demeanor be confused with the effect of crimes committed by suspects during their encounters with police. Lundman (1994, 1996 [this issue]) agrees. But this argument should not be accepted uncritically because the proper conceptualization of demeanor hinges on the objectives of the research.

Concern about the propriety of police action is raised especially by findings that police apply legal sanctions because citizens are disrespectful (or because they are African American or lower class), even in the absence of legal justification. Research whose objective is to confirm or disconfirm such hypothesized patterns of police behavior might focus on the variation in arrest (or other punitive action such as the use of force) that cannot be accounted for by legal variables.¹ If some of the variation in police sanctioning can be attributed to factors that provide no legal justification for police action, then the patterns of police behavior might be judged inappropriate.

But research whose objective is to model and understand police behavior and to draw inferences about police decision making is not concerned primarily with whether the application of sanctions by police can be justified post hoc. Such research is instead concerned with *how* police make sense of and are affected by the factors to which they attend (Worden 1989), and Bittner's (1974) prescient insight that "in the typical case the formal charge *justifies* the arrest a patrolman makes but is *not* the *reason* for it" (p. 27; emphases in original) cautions us against making simple assumptions about how police interpret and respond to illegal behavior. Actions that are both affronts and crimes can be interpreted in at least two ways by an officer—as disrespect or as criminal acts—and to stipulate that officers interpret and act on such behavior only in terms of its illegality will obscure rather than illuminate the causal mechanisms that we seek to understand; more specifically, we are likely to understate the degree to which officers' decision making is influenced by suspects' demeanor. *Until we learn more about the meaning that police impute to illegal affronts, or unless we are willing to assume that affronts of varying gravity all are equivalent in officers' eyes, we cannot parse out the effects of such affronts to their legal and extralegal dimensions.* Thus the most prudent course for analysis is to distinguish criminal behavior (such as assaults on officers) from legal forms of disrespect and

so to control for the former in estimating the effects of the latter. We thereby confine problems of interpretation to those behaviors about which there is some theoretical ambiguity. But it would be a mistake, for these research purposes, to categorically exclude illegal acts from a conceptual definition of suspect demeanor.

Whether a disrespectful demeanor is defined to encompass illegal actions is only one piece of a larger puzzle, however. Extant research suggests that affronts may take different forms such as overt hostility, active resistance, and passive noncompliance. A conceptual definition of demeanor must include (and perhaps distinguish among) these behaviors, and indicators of demeanor must measure these behaviors.

MEASURES OF SUSPECTS' DEMEANOR

Most quantitative research has glossed over the nuances of disrespect that qualitative research has revealed, even while it has measured demeanor in a variety of ways. Much of this research is based on one of three large-scale observational data sets: the Black-Reiss data, the Midwest City data, and the Police Services Study (PSS) data. These studies, other smaller scale observational data sets, and the Metro-Dade (Florida) data set on which Klinger's (1994a, 1994b) findings are based provide different forms of data on citizens' demeanor, and even different analyses based on any one data set have operationalized demeanor in different ways. It is not clear to what extent theoretical formulations have driven data collection protocols and vice versa, but several different conceptual definitions of demeanor underlie this body of research, and each has been operationalized in various ways.

Both the Black-Reiss data and the PSS data provide for a distinction between civility and incivility based on observers' characterizations of citizens' demeanor. One can easily derive a similar distinction from the Midwest City data,² although one must determine a threshold above which the extremity or frequency of suspects' impolite statements constitutes incivility. Lundman (1994, 1996 [this issue]) bases two such dichotomies on different thresholds: (a) at least one impolite statement and (b) a greater than average number of impolite statements. Both the Black-Reiss data and the PSS data also enable one to identify suspects whose demeanor was "detached" as an additional dichotomous indicator of demeanor.

Both the Black-Reiss data and the Midwest City data provide for a category of extreme deference as well. In the Black-Reiss data, extreme deference can be isolated as a separate dichotomy or specified as one end of an ordinal scale. The Midwest City data also allow one to construct scales of

the degree of deference (Lundman 1994:637). In addition, because one might find suspects who made both deferent and impolite statements in the same encounter, these data allow for a "mixed" category. The mixed category may be an especially intriguing one, as Lundman (1994) observes; unfortunately, however, the data have not been exploited to tease out the temporal trajectory of suspect demeanor.

In addition to these rather general characterizations of demeanor, these data sets include more concrete information on the nature of suspects' behavior. Both the Midwest City data and the PSS data provide for a category of passive noncompliance (refusals to answer questions and/or obey police officers' commands) and a category of active but only verbal resistance (denying officers' accusations or arguing with or cursing officers).

Not all of these constructions are equally valid on their face, and any assessment of the empirical support for hypothesized effects must take validity into account rather than blindly compute the proportion of coefficients that achieve statistical significance. Observers' characterizations of suspects' demeanor are only as valid as the instructions given to observers and the judgments that they make, and given how little we know about the forms of citizens' behavior that for officers represent affronts, one might be skeptical about the measures based on observers' characterizations. According to our analyses of PSS data (Worden and Shepard 1994), for example, observers failed to characterize as disrespectful many suspects whose actions were noncompliant or verbally resistant.³ But the PSS data on citizens' actions have their own shortcomings as measures of demeanor in that they indicate only whether, and not how many times, a citizen engaged in these behaviors. Consequently, measures of demeanor based on these data probably classify as disrespectful citizens whose cumulative affronts fall short of the theoretical threshold, and this measurement error probably is biased against the hypothesis (Worden and Shepard 1994). Better data would enable one to enumerate such actions and thus to test hypotheses that specify particular functional forms (e.g., a step function) that correspond to particular thresholds.

Lundman (1994, 1996 [this issue]) examines several operationalizations of demeanor. Although he claims that "there is no basis for arguing that one representation is superior to another" (Lundman 1994:637), not all of them bear the same correspondence to theoretical constructs. If, as the qualitative research seems to suggest, incivilities rise to the level of sanctionable disrespect when they cumulatively pass some threshold, then a "dummy impolite" variable would seem not to capture a disrespectful demeanor very well. But a dummy variable that turns on a number of impolite statements that exceeds the average—which is one threshold, albeit an arbitrary one—would

appear to be a superior indicator. Finally, a simple count of impolite statements has face validity, but because no threshold is incorporated into this operationalization of demeanor, the threshold must be reflected in the specification of functional form. Based on previous research, one would not expect—as Lundman implicitly assumes—that this measure bears a linear or an approximately linear relationship to the probability of arrest or other sanction.

IMPLICATIONS FOR FUTURE RESEARCH

The uniformity with which studies of police behavior have supported the demeanor hypothesis seems to have obscured the fact that different studies have defined demeanor, both conceptually and operationally, in somewhat different ways. Given that it has been credited with such substantial explanatory power, it is both surprising and alarming that so little attention has been given to the conceptualization and measurement of suspect demeanor. Klinger's critique would serve a valuable purpose if it prompts scholars to attend more carefully to these issues.

Progress may be made through research that generates insights into how suspects' demeanor is perceived and enters into officers' decision calculus. Further ethnographic research might form the basis for a more refined specification both of the behaviors that represent *for police officers* a lack of adequate deference and of the circumstances under which a bad attitude is excusable. In addition, "debriefing" officers in conjunction with systematic observation (Mastrofski and Parks 1990) and other forms of protocol analysis (Worden and Brandl 1990) might contribute to a more theoretically sound definition of demeanor. Further, future analyses may need to distinguish among different kinds of affronts. Previous research (Lundman 1994; Klinger 1994a) has differentiated disrespect as a matter of degree by forming ordinal scales, but as our analyses of PSS data (Worden and Shepard 1996) suggest, the differences may be matters of kind rather than degree, for the measurement of which an ordinal scale is inappropriate.

Inquiry into officers' perceptions and cognitions might also suggest that demeanor effects are conditional. First, officers with a better developed capacity to apprehend the forces that shape citizens' choices and respond accordingly—one of the distinguishing elements of police style and skill⁴—may engage in a more sophisticated process of clarification and respond in a more discriminating fashion to affronts. Second, officers' assessments of suspects' demeanor may be contingent on the context of the interaction. Lundman (1996 [this issue]) speculates that police responses are conditioned by the *occupational* context of the encounter—drunk driving, interpersonal

disputes, and so on. One might also hypothesize that the effect of demeanor varies inversely with the seriousness of the offense and, as a corollary, that the effect of demeanor is especially great among citizens who have committed no offenses (a contingency that is at the heart of a concern with the propriety of police behavior⁵). Police interpretations of citizens' behavior might also be contingent on the *social* context of the interaction; for example, officers might be more tolerant where "running the dozens" is culturally acceptable.

The effects of suspects' demeanor on police behavior still raise intriguing theoretical and empirical issues. Future research should attend to these issues. But we must be clear about the objectives of the research, and it should not be based on simplistic assumptions. Although previously reported findings have withstood criticism, much remains to be learned.

NOTES

1. Research based on theories that eschew the motivations and cognitions of police officers (e.g., Black 1976) also need not be concerned with how officers interpret suspects' behavior.
2. One potentially important drawback of the Midwest City data is that they capture only the verbal behavior of suspects, and so measures of demeanor do not reflect nonverbal behaviors—gestures, facial expressions, and the like—that also signal disrespect to police. Thus these measures probably underestimate the prevalence of incivility among suspects, and this measurement error may bias downward the estimates of the effects of demeanor on police behavior.
3. Similarly, observers' characterizations of "resistance" for the Richmond study fail to capture some disrespectful actions (Mastrofski, Worden, and Snipes 1995:549).
4. See Bayley and Bittner (1984) and Muir (1977). Some officers, for example, may discriminate between noncompliance prompted by the need to save face (see, e.g., Muir's [1977] description of the "crowd scene") and noncompliance as an effort to establish a social identity (see Tedeschi and Felson 1994, chap. 9), and such distinctions may manifest themselves in different responses to apparent affronts.
5. Alternatively, the effect of demeanor on arrest might be greater when police have some legal justification to apply legal sanctions.

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