

Developing Blue Courage and Practical Wisdom

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Sergeant Chip Huth's special weapons and tactics (SWAT) team had just successfully arrested an armed felon in a Kansas City, Missouri, drug house. The suspect was brought to the porch of the house as Sergeant Huth's team searched the premises and a middle-aged woman approached, screaming profanities. A crowd began to gather. "She began screaming a stream of profanities at me," said Huth, "questioning my right to be on her property and to have her son in handcuffs."¹ The more she became irrational, the closer her neighbors began move to the police. She was, Huth sensed, rapidly gaining the support of the crowd.

Huth could have taken enforcement action and arrested the suspect's mother for various violations. He instead chose to walk out, meet her, to listen to her—*really* listen, "with the intent to understand the true nature of her message." When she finished her tongue-lashing, he responded:

Let me see if I understand you. You work two jobs to make ends meet . . . you have to ride the bus to and from your jobs, which puts you at the mercy of the bus schedule . . . [and] you have to stand outside and wait for long periods of time, regardless of the weather. You worked hard today. You came home with the thought you would get off your feet and relax, but instead you find the police at your house and your son under arrest for selling drugs, and it upsets you very much.²

"Yes," she said, lowering her voice "Yes, that does upset me."³ The conversation

took a civil turn. Huth asked her some clarifying questions and explained the police's actions. He could see the anger drain from her face. The crowd began to calm and thin. He then explained to her why the team was searching her home, showed her the warrant, and got her a jacket from inside so she could stay warm.

A fellow officer later questioned whether Huth's response showed weakness and might have exposed him and his team to safety concerns. Wouldn't arresting the mother for disorderly conduct have sent a clear message to the neighborhood that no one can disrespect the police?

It is the authors' opinion that Sergeant Huth used wise discretion in not taking enforcement action, but many might argue that his actions and his demeanor were not the normal response in that circumstance. Why did he do what he did? Because Huth believes that showing respect for all people is a way to build the kind of trust and partnership with the community that is essential for effective policing.

But there is more. In this particular case, Huth's good judgment enabled him to see that enforcing a law could have compromised his team and his mission. This good judgment—or practical wisdom—demanded certain moral skills such as the ability to truly listen, to empathize, to quickly perceive the particulars of that situation, and to imagine the consequences of alternative scenarios. This woman would not have gone peacefully, Huth noted, and compelling her compliance would have riled the crowd and

necessitated several more arrests—and none of them would have gone quietly. His SWAT team would have been taken off the street for a couple of hours, filling out misdemeanor charges, which would have been tied up in municipal court for months. Word of the melee would have spread quickly, cultivating or reinforcing a neighborhood attitude of distrust toward the police. "The original purpose of . . . being in the neighborhood—to make it safer and drug free—[would have been] lost in the shuffle." The community complaints would have led to fruitless and counterproductive internal affairs investigations. Since no one on the SWAT team would have done anything technically wrong, the team would have been cleared, creating more community outrage and distrust toward the police. And "the gun-packing, drug-peddling felon" would have become "an instant folk hero in the neighborhood because he 'stood against the roughshod police.'"⁴

If the sergeant had chosen a different method to deal with citizens who interject themselves into tense circumstances and question police authority to do their jobs, this situation could have had a much different ending. For this SWAT sergeant to have acted the way he did required both courage—what we call blue courage—and practical wisdom. To police effectively, police officers require both. Discretion is built into the very essence of police work, and exercising it well always demands good character that is built upon a foundation of the virtues of courage and practical wisdom.

The question is how do we develop and educate our officers to ensure their actions embody the spirit, the essence, and the purpose of democratic policing?

Blue Courage and Practical Wisdom

The law is the cornerstone of any democracy. It is an expression of principles that aim to preserve the sanctity of a nation. A badge is a symbol of public trust and an officer's authority to enforce laws, yet it is the person behind the badge who must exercise the judgment as to how the law is used and justice pursued. Exercising sound judgment is essential to effective policing.

The scope of discretion—and its good use and misuse—have long been highly contested in police work. The professionalization of the police in 20th century United States was a response to the broad scope and misuse of police autonomy. Restricting the police to simply law enforcement activities, strict rules, and procedures backed by monitoring, internal investigative units, and disciplinary procedures were among the methods employed to limit widely misused police discretion.⁵ The gains in cleaning up the police through this kind of management by rules and supervision had a downside, too. Later reformers—police chiefs such as Darrel Stephens and Lee Brown and academics and criminologists such as law professor Herman Goldstein—sought to reintroduce more discretion and autonomy to encourage innovation.

Problem-oriented policing, for example, sought to free officers from the constraints of bureaucracy and encourage them to take initiatives to find creative solutions to crime problems, moving beyond being reactive forces that responded efficiently to 9-1-1 calls.⁶ Community-oriented policing partnered the police and communities to promote innovative problem solving with a particular focus on prevention through education and through changing the environment of crime-prone areas. Discretion, wisely used, was seen as the solution, not the problem.

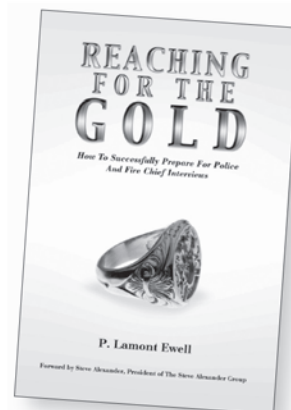
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One does not have to take sides in the debate between community and traditional policing models to recognize that wise policing, under any model, can never be fully actualized by a set of rules or procedures. It always demands discretion.

For the police officer who needs to break up a fight in front of a bar, there are likely no identifiable good guys or bad guys. All the parties are likely to be aggrieved and at fault, and no one is going to tell a straight story. What action the officer chooses will depend on the officer's perception of the situation and ability to imagine the consequences of each move. Whether the crowd is building and hostile, the availability of backup, how serious is the dispute and how intoxicated are the disputants, what techniques has the officer found effective in the past and will they work in this context—the answers to all these questions may change quickly as the situation develops.⁷

The kind of discretion exercised by the SWAT sergeant and the officer at the bar are not *options* for police officers; they are integral to officers doing their everyday jobs well. An officer determined to avoid using discretion will fail or become ineffective.⁸ Several reasons for this follow.

- Decisions involving use of force or to remove an individual's freedom are the most important of all decisions with drastic consequences.
- Many police functions demand activities other than enforcing the law, and these important police roles are much more ambiguous. Giving first aid at accident scenes, helping to find a lost child, dispersing rowdy teens from public places—all of these demand a wide range of discretion.
- Police must constantly balance good principles that pull them in different directions—like Sergeant Huth's obligation to enforce the law and his obligation to preserve the peace, minimize harm, and sustain community trust.
- Figuring out what a good principle means in a particular case is often difficult. Does pursuing equitable law enforcement always mean an officer should treat everyone absolutely the same—the speeding violation by the partying teenagers and the speeding violation by the expectant father rushing his wife to the hospital, for example?

There is often a wide range of discretion in engaging citizens, incorporating what an officer says or does (that is, suggest, advise, warn, dictate, or arrest) and how—the tone or style—the officer does it (that is, politely, respectfully, firmly, belligerently, or threateningly). These are choices an officer makes numerous times in the course of a shift. These decisions are made on the street and often in tense, emotional, and sometimes dangerous situations. They must be made

in real time not in the sterile offices of police headquarters or the executive suite.

What then, do police officers *need* to exercise discretion well? Is it as simple as teaching critical-thinking and decision-making skills or is something else essential in the educational and human development of the 21st-century police officer?

Good administrative guidance from the chief and top officers is critical; it can help define the types of situations subject to discretion and the range of permissible actions. Chiefs can provide guidance for handling a variety of discretionary situations—how to handle domestic violence or a bar dispute or noisy college students keeping up the neighbors. But that's only a start.

To exercise discretion well, an officer needs to know and embrace the purpose or, as Aristotle referred to it, the *telos* of the profession—not simply law enforcement, but service, justice, and fundamental fairness. Further, exercising discretion well demands habits or virtues of good character such as patience; humility; a sense of fairness and justice; the desire to help others, to listen, and to be empathetic; and an aspiration to build community trust through collaboration. A police officer cannot exercise these traits without two other critical virtues: (1) courage, to take the risk involved in actually embodying these traits in action; and (2) the practical wisdom, to know when and how to do it.

Few police officers will face the kind of danger that the heroes of 9/11 encountered. But everyone who answers the call of policing understands the ever-present uncertainty and risk. Courage is not simply bravery under fire—it takes courage to challenge a supervisor or a fellow officer making poor decisions that place others in danger or the mission at risk; to speak calmly and firmly in a highly charged, emotional domestic disturbance; to be self-reflective and self-regulating; to admit a mistake; to empathize with others; and to serve the proper aim of policing.

Furthermore, as Aristotle emphasized, courage is not simply fearlessness and willingness to risk one's life, one's reputation, one's job, one's status, or the good opinions of others. Such an impulse could lead to recklessness or being foolhardy. Courage demands knowing how to find the mean or the balance point between recklessness and cowardice. This is why courage demands the wisdom to know when and how to be fearless and take risks.

Blue courage is defined by the authors as a way of being, a philosophy that inspires one to embody the noblest of character and unquestioned devotion. It is to flourish in all aspects of life, to act with Practical Wisdom, to exude vitality and to hearten human connections.

Practical wisdom is the right way to do the right thing that serves the right purpose, given the particular circumstance, the particular person or persons, and the particular time.

According to the authors, practical wisdom requires a "wise cop" who

- knows how to improvise to create the right outcome in each circumstance;
- is acutely aware of any social context and how his or her behavior affects others;
- exercises good judgment in making decisions that best serve those involved, given the circumstance of the moment, and given what justice and professional norms demand;
- is humble enough to be empathetic, able to see a situation through the perspective of another, and considerate of how another feels;
- is emotionally in control and uses emotion to inform reason; and
- is an experienced person and works hard to master the craft of policing through relentless learning and practicing of the craft.

Combining blue courage with practical wisdom reflects who the police officer is, not just what he or she does.

The Learning Process

Guidance from police executives and supervisors can be helpful in defining discretionary areas and the array of legitimate and effective intervention methods—that is, the best practices culled from the experience of other officers. But this is not enough.

Leadership and educational opportunities are fundamental in teaching police officers to learn the virtues essential to good character and the moral skills needed to intervene, especially if these courses can help imitate actual experiences by using real-world situations and by working through case studies and figuring out what officers would have done differently and why. It requires a focus on the *why* as much as the *how*.

How law enforcement professionals lead their organizations is equally if not more essential than how they educate their officers. Who the leaders are and how they lead shapes the culture and either reinforces or minimizes what officers have been taught. Creating a culture of blue courage and practical wisdom requires extensive influencing of the influencers as well as of young officers. Ultimately, it is the experience itself that will teach character and practical wisdom—especially if it is the right experience. As Mahatma Gandhi famously said, "An ounce of practice is worth more than tons of preaching." New recruits learn by watching what is modeled by experienced officers and supervisors who demonstrate courage and exercise good judgment. Experienced officers or trainers who know how to mentor and coach new recruits on the job can speed that learning if they can articulate how and why they made the discretionary choices they are modeling and also help new recruits learn from their own mistakes. Such coaching and mentoring demands

practically wise coaches and trainers and a disciplinary system that encourages officers to learn from their errors. One should be able to learn from mistakes and experiences, not cover them up or retreat to protecting oneself from future punishment.

Relying too heavily on management by rules and supervision encourages officers "to devote themselves to avoidance of mistakes, and the surest way to avoid mistakes is to keep out of the way." Such management provides "scant opportunity for learning and development because—as a way of thinking—it focuses on adherence to prescribed practices rather than on examination of problems or formulation of new strategies. . . . 'Keep your nose clean and you'll do OK' is the advice new recruits receive from more experienced colleagues. They quickly learn that situations requiring the exercise of judgment (generally situations in which the role of police is most ambiguous) and which therefore demand difficult decisions are, for their career prospects, the most dangerous."⁹

There have been interesting innovations in this area in recent years. The education-based discipline program created by Sheriff Leroy Baca and the Los Angeles County, California, Sheriff's Department focuses on behavioral change through education rather than punishment. Mediation programs have been successfully used by the Denver, Colorado, and the Pasadena, California, police departments.

Citizen complaints and discipline can be handled by a professional mediator who sits in a neutral place with the officer and citizen to discuss the circumstance of the complaint and reach an understanding. In Kansas City, Missouri, officers can choose to be peer reviewed instead of facing formal disciplinary hearings. The peer review panel suggests behavioral changes that could minimize further complaints. In one case, the panel conducted a role-playing session showing that the officer intimidated people by violating their personal space. The officer followed the panel's suggestions to move back a few feet and had no further difficulties with citizen interactions. At the Charlotte-Mecklenburg, North Carolina, Police Department, the disciplinary procedures there explicitly take into consideration the experience and the intention of the officer subject to discipline. Their guidelines state that "if an employee attempts to devise an innovative, nontraditional solution for a persistent crime or service problem and unintentionally runs afoul of minor procedures, the desire to encourage creativity in our efforts at producing public safety will carry significant weight in dealing with any discipline that might result."¹⁰

It is critical that police chiefs be developing a cadre of internal leadership development experts whose full-time responsibility is the continuous education of department personnel. Their focus must be on a holistic

approach to growth and development such as is currently being done in the Los Angeles County, California, Sheriff's Department Deputy Leadership Institute or at the Kansas City, Missouri, Leadership Academy.

Conclusion

A full discussion of how police officers can learn character traits such as courage and practical wisdom is beyond the scope of this article. Clearly learning the habits of courage, empathy, good listening, fairness, patience, and the practical wisdom skills to know when and how to act upon them is essential for police officers called upon to exercise good discretion every day. We know that such courage and wisdom can best be learned through education and experience. We know that most of this experience will be trial and error. We know that most police departments seek to minimize the very errors upon which learning depends.

Designing institutions that encourage practical wisdom and courage is not easy. This means that chiefs, police administrators, senior officers, and trainers—the influencers—will need a great deal of practical wisdom and considerable courage to learn how to structure the right kinds of educational, leadership, and supervisory experiences.

In short, educating the 21st-century police officer demands an upgrade that focuses equally on essential policing skills and the foundational character and human development of the man or woman behind the badge. In times of shrinking resources and reductions in many of our agencies, it is more important than ever to enhance an officer's capability, engagement, and ability to apply good judgment. Doing so is a force multiplier that cannot be ignored. ♦

Notes:

¹Jack L. Colwell and Charles "Chip" Huth, *Unleashing the Power of Unconditional Respect: Transforming Law Enforcement and Police Training* (Boca Raton, Fla.: CRC Press, 2010), 26–28.

²Ibid.

³Ibid.

⁴Ibid.

⁵See, for example, Malcolm K. Sparrow et al., *Beyond 911: A New Era for Policing* (New York: Basic Books, 1992).

⁶Ibid., chapter 1.

⁷Frederick Elliston and Michael Feldberg, *Moral Issues in Police Work* (New York: Rowman and Allanheld, 1985).

⁸Ibid., see Howard Cohen, "Authority: The Limits of Discretion," in *Moral Issues in Police Work*, 27–41.

⁹Sparrow et al., 140.

¹⁰For details on these and other innovations, please see Darrel W. Stephens, "Police Discipline: A Case for Change," *New Perspectives in Policing* (June 2011), http://www.hks.harvard.edu/var/ezp_site/storage/fckeditor/file/pdfs/centers-programs/programs/criminal-justice/NPIP-PoliceDisciplineACaseforChange-06-11.pdf (accessed September 5, 2012).



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