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## Why do they resist? Exploring dynamics of police-citizen violence during arrest encounters

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WHY DO THEY RESIST?: EXPLORING DYNAMICS OF  
POLICE-CITIZEN VIOLENCE DURING ARREST ENCOUNTERS

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A Thesis  
Presented to the  
Faculty of  
California State University,  
San Bernardino

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In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts  
in  
Criminal Justice

---

by  
Kimberly Joy Belvedere

March 2003

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by  
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March 2003

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## ABSTRACT

One of the most fascinating issues in society today is that of the police-citizen contact. Sometimes, these encounters turn violent. Many past studies in this area are limited to only descriptive analysis using variables such as officer and offender characteristics. This study goes beyond previous research by attempting to explore the delicate police-citizen relationship during arrest encounters by using a Classical criminological perspective. Why do arrests turn violent? What are the dynamics of these encounters? What role does race play in the likelihood of resisting arrest? The random sample consisted of 400 arrests from a three-year period, and were analyzed using a quasi-experimental design. Results indicate that there are several factors significantly related to violence against the police, including race, geographical area, type of contact, and pre-existing situational dynamics.

## ACKNOWLEDGMENTS

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For Mom and Dad

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## CHAPTER ONE

### INTRODUCTION

#### The Problem

In the late evening hours of August 21, 2001, in Fresno, California, a Fresno County Sheriff's Deputy responded to assist fire personnel in reference to a report of a suspicious subject. Shortly after arrival a Deputy who was the father of two and had a baby on the way, was shot four times in the head by an assailant who had been laying in wait.<sup>1</sup> Several weeks later, a Los Angeles County Sheriff's Deputy was attempting to serve an arrest warrant on a suspect wanted for impersonating a police officer. Almost immediately upon entry, the deputy was shot and killed by the suspect who had a stockpile of fully automatic firearms and military style explosives inside his home.<sup>2</sup> These situations are not movie fiction; they are reality.

#### Current Status

It is commonly accepted that police officers in America have a dangerous occupation. In fact, no other occupation in the country has a higher death rate by homicide than those men and women sworn to protect and serve (Lester, 1982). Even though it is accepted that

police work is inherently dangerous, any meaningful inquiry into the situational dynamics that lead up to these violent encounters still warrants close examination. That those betrothed with the responsibility to watch over communities and maintain peace are themselves victims of the ultimate violent crime contradicts the very nature of a civilized existence. If the protectors of democracy are not safe, neither is the American public.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States (National Law Enforcement Officer's Memorial, 2002). When controlling for the horrific terrorist attacks on New York and Washington D.C. on September 11, 2001, lethal assaults on police officers are down. At the same time, the Federal Bureau of Investigation Uniform Crime Reports show that non-lethal assaults against police officers in the form of resisting arrest continue to occur at a disturbing rate. With the children of the baby-boom generation poised to enter the age group continuously defined as the main perpetrators of crime, it is frightening to think about what effect this "echoboom" might have on the safety of police officers.

The last decade has been dominated by people demanding a break from the traditional law enforcement methods of

independently administered crime control to a more cooperated effort between citizens and those who police them. This community-oriented policing philosophy has permeated law enforcement agencies across the nation. It is curious that, at the same time this partnership is supposed to be existent, police officers are experiencing more complaints, more civil lawsuits, and more resistance from citizens during the course of their duties (Kappeler, 2001). Some have hypothesized that this increased interaction with the public, while potentially beneficial in the long run, may actually cause more liability for police in a number of ways (Kappeler, 2001; Worrall & Marenin, 1998).

So where does this leave the police? An assault on a police officer is, symbolically, an attack on both civilized society and the power structure. If there are people living among us and our children who see it as appropriate conduct to resist and assault police officers, it is not that inconceivable to imagine the danger that they pose to the public at large. Trying to prevent future violence assures that we do not go backwards to a time when the streets were lawless and society was in complete chaos. This important task can be accomplished by attempting to understand more about why police-citizen violence occurs.

Conflicting Interests. The United States is a "melting pot", made up of countless religions, philosophies, races, cultural and behavioral norms. Although we gain consensus by electing our government officials, there are always those who do not agree with the majority, and therefore, America will never have a blanket consensus when it comes to how everyday life should be regulated. The elected legislators as law makers and the police as law enforcers do not always represent all views in society. Rather, they represent the social and behavioral norms of those in power, which sometimes places the police as law enforcers in direct conflict with those who are not.

Police officers, unlike private sector occupations, have the unique job and obligation to deal with citizens who are at their best and their worst, both violent and compliant, those who need help and those who think they don't. This study seeks to explore the dynamics of the violent police-citizen contact through Classical criminological perspective.

#### Theoretical Foundations

The interaction that occurs between a citizen and an officer can evoke certain emotions that affect the

decision-making process. Although different people can react to their emotions in different ways, they still have to make a conscious decision to either comply with the officer, or to resist arrest. Classical Criminology looks at the etiology of crime as a decision-making process. By using this theoretical framework in designing research regarding violence against police officers, we can make better overall decisions on how to formulate public policy to create a safer society.

One of the earliest forms of criminological thought was the Classical school. The Classical School is characterized primarily by the scholarly writings of Jeremy Bentham and Cesare Beccaria. Prior to the Classical School there was no theoretical model for criminology. The Eighteenth Century Enlightenment, the Scientific Revolution, and the Industrial Revolution of the Nineteenth Century, were all turning points in ideas regarding human behavior and the functioning of the criminal process (Ball & Dagger, 1995). Beccaria's writings were a form of protest against the inconsistencies in government and public affairs characteristic of the mid 1700's, and set a foundation for a new approach to the criminal justice system (Vold, Bernard, & Snipes, 1998).

Paramount in Beccaria's vision of the criminal justice system was that since laws are basically contractual agreements under which individuals come together to form a society, that those laws should be rational and just. This idea was pervasive throughout the Eighteenth Century, primarily due to the social contract thinkers such as Locke, Hobbes, Rousseau, and Montesquieu.

### Social Contract

The social contract thinkers did not have a problem acknowledging the existence of a God as creator of the universe and everything in it. However, they broke from the traditional theological view of the way things were in the previous centuries, where monarchs, endowed by God, had the supreme power to rule the country. They viewed all human beings as hedonistic and self-serving. Human beings were also seen as rational creatures that have certain natural rights. Giving up some of these natural rights is the unwritten contract between citizens and their government as a result of uniting to form a society.

Purpose of Law. Laws are the conditions under which society is formed in order to avoid a constant state of chaos. As Vold (1998, p.22) explains, Classical criminology is based upon the idea that "all people have a stake in the continued existence of the authority

structure, since society would degenerate into a war of each against all." Although it was agreed when America was born that each individual had certain inalienable rights, it had to be decided just which rights would be given up in order to form a more perfect union. No other idea would receive more debate in the Constitutional Convention than the idea of natural rights.

Today, over two hundred years later, debates within our government still touch on the same theme. No idea receives more attention in the criminal justice system than rights. Administrators and officers are constantly being questioned about rights, if they were or were not violated, what rights officers have, and if rights are violated what remedies are available. It seems that the spirit of the social contract lives on, as the issue of rights and their place in society continues to withstand the test of time.

Knowing that the social contract provided a basis for the newly emerging criminal justice system, thinkers of the time had to develop a way to explain crime and punishment. As a whole, Classical thinkers were opposed to broad judicial discretion in sentencing, and did not consider mitigating circumstances at trial. The only punishments that were deemed appropriate were those that were certain, severe, and swift. It was thought that this type of



punishment created a deterrent effect which theoretically, should stabilize society. The reason that Classical criminology provides such a basic approach to crime problems is because it views human beings as having the ability to make choices, and having the ability to analyze situations and utilize the free will that God gave them to carry out those choices. When people make choices that are inconsistent with societal norms, crime occurs. The idea of rational choice in criminal decision making has waned for years, but the rebirth of classical criminological ideas are obvious.

#### Rational Choice Theory

Some people behave in a manner inconsistent with social norms, but their behavior is temporary or situational. In contrast, the antisocial behavior of some people is persistent (Moffit, 1993). People are complex creatures capable of great diversity in their lifestyles (Williams & McShane, 1999). Human beings are, by nature, both inquisitive and self-serving. Sometimes, to accomplish this self-serving task, individuals make the decision to commit crime.

Rational Choice theory, attributed to Derek Cornish and Ronald Clarke (1986), is based upon a very simple principle. It purports that an individual analyzes the

costs/benefits of certain actions prior to acting (Williams & McShane, 1999). Rational Choice theorists separate the decision making process into the actual decision to commit an offense, and the actual event itself. Williams & McShane (1999) suggest that the theory assumes that humans live in a world where their behavior is part determined and part free will, where underlying social structures create conditions for individuals, where conditions of life determine the kind of social activities that individuals engage in, and these social interactions create general lifestyles for groups within society.

Rational Choice theory is not confined only to the influence of situational determinants of offending, but also examines the effect of situational determinants on motivation and opportunity to commit crime. (Piquero & Tibbetts, 1996). Viewing crime from the rational choice perspective encompasses both the micro-level decision making process and the dynamics that influence the development or desistance of a criminal career (Akers, 2000).

Research Utility. Many scholars are not fond of Rational Choice theory as a singular explanation for crime because it fails to take into consideration different factors that motivate the decision-making process. Perhaps

that is why there is not a large body of research on Rational Choice Theory and criminal behavior.

Nevertheless, studies such as the completed by Tunnell (1992) suggest that there is a cost-benefit analysis that occurs during certain criminal activity. Tunnell found that finance, accomplishment, vengeance, and sport are big influences on whether or not an individual chooses to commit a crime, however, the study only looked at shoplifting. He also found that he found that individuals often do engage in crime specifically for the gain they believe they will achieve.

Rational Choice Theory is being brought back to the forefront of the criminal justice scene. This is partially due to the attempts to revitalize its utility by integrating it with other popular criminal justice theories (Tibbetts & Piquero, 2002). Theoretical integration, especially when it comes to free-will decisions, creates a more comprehensive explanation of why certain people choose to commit crimes and others do not. Theoretical integration makes Rational Choice Theory much more plausible as it considers reasons and other motivating factors that affect the decision-making process.

## Justification

Why study violent encounters that occur in law enforcement contacts? Considering it is a dangerous profession, many might think this violence is expected. Although this is true some of the time, to further explore the dynamics between police officers and citizens, especially in violent contacts, has implications that can greatly effect both law enforcement and the community as a whole.

Although this study did not seek to test Rational Choice Theory directly, it draws upon some of the basic premises that form the core beliefs in Classical criminology. Offenders in this study all made the conscious, free-will decision to either resist or comply with officers upon arrest. Although this study did not test the individual factors that affected the decision, it did investigate the relationships between variables that may lead to better police policy when it comes to police-citizen contacts.

First, if there is a bit more understanding of what occurs between a police officer and a citizen, especially in the context of the incident, race, and area where the crime occurred, new tactics and response methods could be developed to make it safer for everyone. A positive result

of this further exploration will lead to less officers injured or killed, as well as fewer citizens finding themselves in harms way. It will also lead to a more cooperative effort to control and prevent crime by enhancing the trust the public places upon its officers.

Second, it must not be forgotten that policing is a responsive institution. Knowing a little but more about the dynamics of the police-citizen encounter could change the way police officers deal with citizens, and create a more positive contact. While the advent of community policing has seen a fresh burst of proactive police forces, many police agencies still practice the traditional method of simply responding to calls as they come. This problem was not created by many police departments or administrations. Rather, it was an unintended consequence of technological advancements such as the police unit and computer aided dispatching systems. The simple fact of a higher demand for police services and less police officers to go around has made officers more isolated, and as a result, their relationships with the public have suffered.

Police officers are often faced with citizen encounters where they must place a wall between themselves and the citizen, for safety reasons. This results in the perception of a cold, uncaring officer. It can cause those

who are already not supportive of law enforcement to become further agitated and more likely to resist the officer. If officers can learn different ways to deal with different types of offenders rather than using a blanket approach for all criminal activities, the result could be a more positive public image, safer working conditions, and a more efficient use of departmental resources.

Third, making policing safer through extensive research on police-citizen violence may encourage more people to apply for positions as police officers, thereby enlarging the applicant pool and allowing departments to scrutinize more in their selection process. People who have secondary education or even college degrees may be attracted to the job, and this may reduce violence in police-citizen contacts.

Reducing assault, especially injury to officers, can save taxpayer dollars. Treatment for officers that are injured in the line of duty is paid for using taxpayer dollars. When officers are injured, if they are medically retired, these retirement funds come out of taxpayer dollars. The hiring process to replace injured officers comes from taxpayer dollars. Reducing police-citizen violence can save cities and states a lot of money that can

be used on other things which will benefit the entire population.

Finally, there simply is no good reason not to study the issue of resisting arrest. In a society bound by laws and held together by individuals who are supposed to live within the limits of these laws, there can be no room for violence. The beauty of law enforcement is that it is organic in nature, just as the Constitution which holds society to the social contract (Belvedere, 2002). Although completely eradicating the violence between law enforcers and citizens is impossible, every effort should be made to do as much as possible to prevent encounters which could, and have, resulted in the death or injury to both officers and citizens.

#### The Purpose

This study seeks to identify a relationship between Rational Choice/Classical thought and resisting arrest among criminal offenders. It seeks also to fill the gap that currently exists with regard to the effects of situational dynamics and police-citizen violence. The results could have sweeping implications for criminal justice policy and police practice all over the country.

It is my contention that criminal offenders are rational decision makers, and that certain dynamics affect

the way offenders rationalize resisting the police. Facing the certain threat of going to jail after an officer tells them that they must submit to arrest, these offenders are faced with two choices: go peacefully or resist. Going peacefully may mean jail time, or it may mean having the case dismissed, or may even mean extended incarceration. Resisting may mean years in jail, having the case dismissed, or even escaping and never being identified, and never having to face the criminal justice system. There are clear costs and benefits within both scenarios, however, it cannot be ignored that mainstream standards dictate that citizens should not fight with the police.

Depending upon the path chosen, different offenders clearly place different standards on the costs and benefits of resisting and complying. The dynamics of the problem of resisting arrest were examined through the use of several carefully developed hypotheses, which relate directly to the Classical School of criminology.

Limitations. As with any study, there are some limitations. An obvious limitation is the fact that offender motivation plays a big role in the decision making process. Unfortunately, absent a case by case analysis and extensive interviews with those arrested for and convicted of resisting arrest, it can never be truly known what



factors caused their decisions to refuse to comply with the police officer. The motivations can only be assumed through a close investigation of the situational circumstances surrounding the arrest encounters of the sample in this study. A random sample was used, and thus provided a well-rounded group of cases to be analyzed.

There are several different sections that an officer can charge with regard to resisting arrest. These sections cover every extreme, and range from resisting, delaying, and obstructing an officer to resisting an officer with violence. There are also several sections that include battery against a public official. Because officers have discretion in which sections to use and what should be ultimately charged, there was a wide range of resisting charges within the sample. Additionally, what constitutes resisting with violence to one officer, may simply be seen as battery by another. Because of the possible discrepancies that could have resulted should only one type of charge be used, for purposes of this study all of these sections were construed as resisting arrest. At a minimum, all of the charges involve some type of physical resistance to an officer officially engaged in the performance of his or her duty, so by defining the resisting charge broadly it strengthened the integrity of the study.

Finally, the greatest, if not most important limitation is the nature of the criminal justice system itself. The primary tool of the law enforcement officer is discretion. Some police departments have strict policies regarding the reporting of use of force as far as what to charge. The department used in this study, while having the same standard reporting methods for use of force, does not dictate to its officers how or what crime to charge. It is up to the individual officer to choose the most appropriate charges for the incident, and at times there may be recommendations from supervisory personnel. There is no uniform standards of charging. In addition to including cases in which some type of resisting was charged, the narrative portions of the investigations were read to make sure that the charges were consistent with resisting arrest, as it was defined in this study.

Even with the few limitations, this study provided a wealth of information that can be used constructively in addressing the problem of resisting arrest. The data is recent, was collected in a diverse city, and came from a medium sized police department with a relatively moderate number of calls for service. While the results can only be generalized to the city in question, they nevertheless provide an important starting point for future studies.

## CHAPTER TWO

### LITERATURE REVIEW

#### Historical Overview

According to the National Law Enforcement Officer's memorial Fund, there have been more than 14,000 officers killed in the line of duty since the first recorded death in 1794. Additionally, over 65,000 officers are assaulted each year and approximately 23,000 are injured annually. Although recent trends in the Federal Bureau of Investigation's Uniform Crime Reports indicate that less police officers are being assaulted or killed, public concern over these tragic incidents as they relate to law and order still exists (Meyer, Magedanz, Dahlin, & Chapman, 1981).

The rate of police officer assaults and justifiable homicides by the police, are often viewed as an indicator of the overall seriousness of the crime problem in a particular area. There is a wealth of previous research in the criminal justice field that seeks to identify variables in both lethal and non-lethal assaults on police (Bailey, 2000; Brandl, 1996; Fridell & Pate, 2001; Grennan, 1987; Hirschel, Dean, & Lumb, 1994; Lester, 1982, 1984; Meyer et al., 1981, 1982; Swanson & Hale, 1975; Uchida, Brooks, &

Kopers, 1987.) These data are meant to assist the law enforcement community with the prevention of such deplorable acts. Research on police assaults serves an important public function by providing a base upon which law enforcement training programs can be modeled. This knowledge is used to make the practice of law enforcement less dangerous. The safer the police officers are, the better and more effectively the public will be served.

#### Police Assaults

As literature on assaults against police officers slowly began to forge their place in scholarly journals of the 1980's, some very interesting studies arose. Lethal assaults on police officers were found to be positively correlated to the rate of gun ownership and gun-related crimes (Geller, 1982; Lester, 1984). Lester (1982) attempted, without success, to correlate the number of civilians who murder police officers with the number of police officers who justifiably kill civilians.

Those responsible for assaults on police officers are sometimes assumed to be crazy or seriously deranged individuals. Many of the assaults occur by suspects fleeing the scene of a crime and intent on escape as opposed to random "lunatics" (Geller, 1982; Bailey & Peterson, 1982, 1987). This philosophy lends legitimacy to

the popular rational choice theory on crime and human behavior. Because serious crimes vary in type and motivation, studies of assaults on police officers have largely focused upon descriptive circumstances and situational characteristics rather than exploratory or theoretical analysis.

In 1962, the Federal Bureau of Investigation began keeping track on the police officers assaulted and killed in the United States. The "Law Enforcement Officers Killed or Assaulted" (LEOKA) serves an important function in that it identifies many variables related to the assaults and killings of police officers. A few of the main categories of these variables are individual police officer characteristics, offender characteristics, geographical location, demographic data, and overall situational dynamics. The report is published annually by the Department of Justice as part of the Uniform Crime Reports.

In October of 1999, the National Institute of Justice and Bureau of Justice Statistics released an overview of how to study police use of force from many perspectives, including different methods that can be used in scientific inquiry. Within the next few years, the Bureau of Justice Statistics will be releasing the results of a three to five year study involving the self-reports of convicted

offenders in state and local institutions. Specifically, the information gathered will be details of the interactions between the offender and the police officers which led up to incarceration (Greenfield, Langan, & Smith, 1999). There is no doubt that these results will be valuable to those who are inquiring about the dynamics of police-citizen violence.

Officer Characteristics. Some studies have attempted to identify individual characteristics of the police officers to determine whether or not these individual characteristics contributed to their deaths or assaults (Brandl, 1996; Geller, 1982; Greenan, 1987; Hirschel, Dean, & Lumb, 1994; Lester, 1984; Meyer, Magedanz, Dahlin & Chapman, 1981; Meyer, Magedanz, Dahlin, Chapman & Swanson, 1981, 1982; Swanson & Hale, 1975). Although variations exist with regard to specific statistics and samples across the literature, the overall profile of officers that have been killed or assaulted is relatively consistent.

There are rarely significant associations between police officer characteristics and death rates. Furthermore, most data have shown that there are few clues with regard to police officer characteristics that could lead to the understanding of why police officers are assaulted (Davis & Pinizzotto, 1995; Fridell & Pate, 2001;

Greenan, 1987; Geller, 1982; Hirschel, Dean, & Lumb, 1994; Lester, 1982, 1984; Pinizzotto & Davis, 1996). As a result of these studies, the overall profile that has emerged for the typical victim officer is as follows: a young, white, male working patrol, very little time on the force, and little field experience. It is important to note that although these data suggest that white officers are killed more often than non-white officers, law enforcement is still dominated by white males. As police forces become more diverse in the next century, there is reason to believe that this profile may change somewhat.

Due to the fact that the number of women killed or assaulted in the line of duty is significantly smaller compared to that of male officers, there is not much research in the area of female police officers killed or assaulted. Many police departments did not even begin to hire women until the 1970's. Greenan (1987) studied the effect of gender and violent encounters with police and found no difference between male and female officers in violent situations.

Kaminski and Sorensen (1995) completed a study inquiring about dynamics involved in police assaults by looking at characteristics of more than just officer race, sex, age, and experience. Specifically, they found that

officers with less than a four-year degree had higher incidents of assault, as well as officers who contacted non-white suspects. Statistically insignificant variables for officer characteristics with regard to assault were officer race, officer age, and officer weight. Finally, the only environmental/structural variable that seemed to have an effect on the likelihood of officer assault/injury was the area in which the officer chose to work.

Offender Characteristics. The characteristics of the offender are very rarely correlated with a specific motivation for assaulting a police officer. Hirschel, Dean and Lumb (1994) identified the typical offender as a young black or white male, unemployed, and under the influence of alcohol or a controlled substance. This study, however, was offense-specific and only looked at violent encounters in domestic violence situations. Fridell and Pate (2001) identified the offenders as white males between the ages of 18 and 29, although the percentage of black offenders was only slightly lower than white offenders. Meyer et al. (1981, 1982) produced a comprehensive profile of a typical offender: a young non-white male, unemployed, or employed in a publicly perceived "low status" occupation. Geller (1982) identified the typical offender as a Black male



between the ages of 17 and 30 who is usually armed and in the commission of a crime.

The LEOKA database has a special section devoted only to police officers killed by those who were previous offenders. For the year 2000, more than one-third of all police officer murders were perpetrated by a previously convicted felon. Similar findings were reported by Fridell and Pate (2001). It has been shown that police officers are most likely to be assaulted or killed by serial "career" criminals (Pinizzotto & Davis, 1995) it can be assumed that a large portion of these individuals are on some type of formal supervision program.

Situational Variables. The one area of consistency in research of lethal as well as non-lethal police officer assaults is the situational characteristics of each incident. These characteristics include the type of call, the time of day, and the reason for initiation of contact with the offender.

Fridell and Pate (2001) found that over one-third of officers killed between 1983-1992 were actually dispatched to the event that turned fatal. Likewise, one third of the remaining officers pro-actively initiated contact with their assailants. While there is a variety of situations where an officer may fall victim to an assault, incidents

that are classified as a "disturbance" are largely over-represented (Brandl, 1996; Fridell & Pate, 2001; Hirschel, Dean, & Lumb, 1994; Kavanaugh, 1987; Uchida, Brooks, & Kopers, 1987).

Most assaults on police officers were found to occur between early evening and midnight (Brandl, 1996; Geller, 1982; Kavanaugh, 1987; Meyer et al., 1981, 1982). These hours are referred to by the law enforcement community as "late swing," "early," or "graveyard" shift. Although there has not been much research on geographical characteristics, some studies have shown that assaults against police officers are more likely to occur in the southern states (Lester, 1982, 1984; Fridell & Pate, 2001).

Pinizzotto and Davis (1995) found that in many instances, the offenders entered into their criminal act prepared to shoot. Moreover, the incidents where officers were actually killed occurred during crimes in progress. They also determined that based upon the statements of the convicted offenders after the fact, little could have been done to prevent them from assaulting the officer. Although one cannot truly get into the mind of the offender, the offenders motivations and tactics as explained through his or her eyes can be used to develop safer ways for law enforcement officers to respond to specific situations.

## Police-Citizen Dynamics

Police Behavior. One aspect of police-citizen encounters that must be considered in any study involving police-citizen violence, is the individual officers actions that lead up to the assault. It has been shown that officers very rarely have to use force at all during an encounter (Klinger, 1995; Weitzer, 1999). Because police officers have wide discretion in dealing with situations, as well as individual personalities, police officer decisions to act or not act play an integral role in police-citizen interaction.

As Worden (1989) explains, police-citizen encounters present officers with a situation that is both ambiguous and uncertain. Because no two law enforcement contacts are exactly alike, there are no set rules on how the officer should act. Police behavior, therefore, is largely determined by situational cues. Among some of the questions that an officer faces on any contact are: What is the reason and subject of the call? What is the relationship of the parties involved? Is the dispute something that can be resolved or is it ongoing? Is there any risk of future danger if no action is taken? What are the legalities involved and what remedies, both criminal and civil, exist? Perhaps all of these questions explain

why police officer behavior is usually guided by the seriousness of the problem (Klinger, 1996; Lundman, 1979, 1994; Smith & Vischer, 1981).

One aspect of the police-citizen relationship that has received widespread attention in recent years is the effect of offender demeanor on police behavior. Klinger (1994) found no statistically significant relationship between citizen demeanor and police behavior prior to the decision to arrest or not arrest. Klinger also noted that most studies indicating such a relationship were inherently flawed. Klinger found that most of these studies failed to adequately control for crimes committed by offenders during their encounters with police, and also used a number of different ways to define disrespect. It is not surprising, then, that results vary.

Worden & Shepard (1996) performed a similar study and claimed to have adequately controlled for crimes committed during the police-citizen encounter, and they achieved opposite results. They discovered that hostile demeanor is definitely correlated to police behavior, although it is important to note that this relationship is not causal. Additionally, they acknowledge that different measures, obviously, lead to different estimates of the magnitude of demeanor on police action. They, however, downplay this

crucial element and state that it had no effect on the outcome of their research.

Police officer attitude as also been studied with regards to violence. Mastrofski, Reisig, & McCluskey (2002) explain that disrespect is a "powerful" medium of communication. Through the Project on Policing Neighborhoods in 1996 and 1997, data was collected from a Midwestern and Southeastern city in two police departments that had strong reputations for professional conduct.

Field observers were given instructions to code any of the following behaviors as "disrespectful: name calling, derogatory statements about the citizen or the citizen's family, belittling remarks, slurs, cursing, ignoring the citizen's questions, using a loud voice or interrupting the citizen, obscene gestures, or spitting. Other than the obvious problem of the variables lacking mutual exclusivity, another problem arises: the observations of the field observers are subjective, they are not trained in police procedure, and behaviors like officers raising voices or interrupting citizens is not always disrespectful, rather, it is a necessary tool that is used to control the situation and determine if there is a crime. Nevertheless, the study found that suspects who initiated disrespect, had low self-control, were male, younger, and

of lower socioeconomic status experienced more police disrespect. Although the variables would seriously need to be revised, this type of study may prove valuable in the future with regards to studying the effects of police officer behavior on violence during arrest encounters.

Police-Citizen Violence. It cannot be argued that one of the most volatile issue facing society today is police use of force. In fact, the capacity to use force is described by some as an integral part of the police role in society (Bittner, 1970). What is further asserted, however, is that the conception of force in this manner does not indicate that police behavior routinely consists of using force. Nevertheless, the ability to use force is what separates policing from most other occupations.

A concept that is frequently ignored in the police-citizen encounter is the actions of the citizen that require the police officer to exercise the use of force. This phenomenon is known as resisting arrest. When citizens decide to resist a police officers verbal commands, or they decide to physically resist being taken into custody, they may be charged with a number of different criminal violations. Among these violations are resisting, delaying, or obstructing an officer, assault and battery on a peace officer, or the use of violence to

escape or inure the officer. Although the statutes vary across jurisdiction, the concept is the same.

Kavanaugh (1997) found that out of twenty four police officer variables (such as age, sex, education, physical characteristics, and personal background) none were significantly related to resisting arrest. Furthermore, arrestee disrespect, the seriousness of the crime, the presence of other parties during the encounter, and intoxication all are significantly related to the likelihood of resisting arrest. Kavanaugh concludes that not only have most studies overemphasized the role of police officer behavior in resisting arrest, but studies have failed to address the role of the offenders in the encounter, which has proven to be a more significant predictor of a violent encounter.

The way that police-citizen violence is measured varies widely. Lanza-Kaduce and Greenleaf (1994) identify cultural difference between subjects and authorities, the relationships of the parties involved, the number of officers and other subjects, and intoxication as explanations for resisting arrest. Their findings are all considered in terms of Turk's theory of norm resistance. This theory, simply stated, purports that power groups within society and subjects that are the object of their

authority conflict due to cultural and social differences. Garner, Schade, Hepburn, & Buchanan (1995) did not identify situational factors regarding resisting arrest, rather, they found that any study on resisting arrest should be modeled after the use of force continuum, or, the concept that force exists on different levels and that the use of different levels of force is influenced by different sets of circumstances.

Resisting arrest, or violence in the police-citizen encounter, will continue to be an unfortunate byproduct of policing a free society. When citizens agree by virtue of living in this country that the police have the power to use force to effect arrest, it naturally follows that those same citizens consent to submit to arrest peacefully. Although a common law right to resist unlawful arrest existed in early Twentieth Century America, case law and penal statutes in the years following that era generally revoked that right because it was agreed that the social and legal bases which supported the rule no longer existed. As it stands today, all but 11 states allow the right to resist unlawful arrest (Hemmens & Levin, 2000).

The problem with the concept of the right to resist unlawful arrest is that it virtually takes arrest powers away from the trained professionals, puts it in the hands



of those who are not educated on laws of criminal justice procedure and constitutional issues, and increases the likelihood of police-citizen violence. Although Hemmens and Levin argue that leaving the choice to an individual does not threaten society, it actually contradicts the whole notion of civilized society. What is or is not a lawful arrest is not something to be determined by the citizen upon police contact. Under Hemmens and Levin's model, citizens may decide to resist arrest even when the arrest is, in fact, lawful. As the authors concede in their work, there are criminal and civil remedies that citizens may use to question an illegal arrest. This peaceful remedy is, in my belief, the only solution to the issue of questioning the legality of an arrest.

There is no place in society for the right to resist any arrest. There is no place in society for the belief that the action of fighting a police officer is appropriate conduct. It is crucial that we seek to identify factors that may contribute to police-citizen violence, and especially within those areas that have gone previously unexplored.

## Hypotheses

This study sought to examine police-citizen violence by explaining it in terms of some of the basic premises of Rational Choice theory. It is hypothesized that the threat of arrest proves to be a powerful force, and that certain situational dynamics are significantly related to the likelihood of resisting or complying with the officer.

America continues to demand more and more of police officers, but desires also to hold them increasingly accountable when their actions may deviate from what few may see as acceptable standards. When police-citizen contacts turn violent, rarely is the attention focused on the offender or situational dynamics. This study seeks to fill that gap in contemporary thinking by a more inclusive approach to the problem. Since police officers are the first line of defense in dealing with offenders that threaten society, it is of utmost importance to examine factors that may cause them injury.

This study will employ six hypotheses to examine the problem of police-citizen violence. The first claims that the more serious the crime, the greater likelihood there is of resisting arrest. The second claims that those confronted during a crime in progress are more likely to resist arrest than those who are contacted at the officers

discretion, like a traffic stop or consensual encounter. Hypothesis #3 purports that areas of lower socioeconomic status, low average household incomes, and high concentrations of low-income housing have higher incidents of police-citizen violence. Hypothesis #4, claims that residents of a city are less likely to resist arrest than those who live outside the city. Hypothesis #5 claims that non-white offenders are more likely to resist arrest than white offenders. Finally, hypothesis #6 states that those who are younger, under 30, will have higher rates of resisting the police.

These hypotheses were motivated by ideas prevalent in classical criminology. Specifically, in order to demonstrate a cost-benefit analysis, it would make more sense that crimes in progress, where arrest is imminent, might experience more violence. Likewise, violent offenders are more likely to be arrested, so it should follow that the more serious the crime is, the greater the reward would be should the offender escape. Either way, there are clear decisions to be made, and it seems that if Rational Choice theory is involved, the most violent offenders and those committing crimes that are harshly punished would be the most violent.

Offenders who do not live in the area, frequent areas of high crime, low socioeconomic status, and high population density, have little to lose. The absence of costs make resisting arrest may seem a more viable option than getting caught. Additionally, non-white offenders may perceive unfairness in policing, and may believe that should they be arrested they will not be treated civilly. This makes the prospect of resisting arrest more appealing. Finally, younger offenders may not have the maturity levels to realize that resisting arrest is improper, and may even lack the necessary social skills to see that fighting with the police can be damaging to their future. They may see no little or no costs, so resist arrest naturally follows.

These hypotheses all form underlying foundations of ideas present in Classical criminological thought and Rational Choice theory. Although these hypotheses do not test the theory directly, it is important to examine the constructs Rational Choice in order to see what other areas should be explored in conjunction with the theory and police-citizen violence.

## CHAPTER THREE

### METHODOLOGY

#### Research Design

Studying the effects of police-citizen violence requires the ability to analyze the specific trend over a given period of time. Since there is no way to complete a true experiment with the archival data being used, and there is no treatment or intervention being administered, this study employed a quasi-experimental cross-sectional design to explore the relationship between selected variables.

In order to find a true significant difference between those instances in which people resist arrest and those instances in which they comply, situational dynamics of arrest encounters for both violent encounters and non-violent encounters must be analyzed. The inclusion of both groups within the sample creates a more clear picture of exactly what is significant when it comes to police-citizen violence. To leave out the compliant group would be to create results that tell us nothing about what the differences are among certain situations. This study added this crucial data set, as it has been overlooked in many previous studies regarding police-citizen violence.

The most important step in any research is obtaining a large enough population from which to draw a sample. The City of Ontario, in Southern California, has a police department that is very proactive, and has many different units that conduct individual special operations. This allows for several thousand arrests a year, that vary in nature and circumstance. The large amount of data available allowed for a random sample of considerable size to be drawn, and therefore we can be more confident in any statistical inferences made as a result of data analysis.

Just one federal or state court decision can dramatically change the way police officers do their jobs. The economy and public policy can affect why certain people begin or cease criminal careers. Because crime can be affected by so many external forces, it is necessary to select a large cross section from which to draw a sample in order to correct for any short term variations in crime patterns that would skew results.

Over the past few years, the country has seen a weaker economy, a new presidential administration cloaked in election controversy, the possibility of war, horrible terrorist attacks, the creation of new cabinet-level positions to administer to the nation's security, and increased vigilance among law enforcement communities in

general. In order to assure that any results are not weakened as a result of recent changes in the political and economic environment, the cross-section selected covered before and after most of these events. It is believed that this careful consideration in the sample selection will create more valid results.

## Data Collection

### Data Source

The sample was collected from official police reports of the Ontario Police Department. The City of Ontario is located in California, in an area known as the Inland Empire. Ontario is approximately 45 miles east of Los Angeles, and encompasses an area of about 50 square miles. According to the 2000 census, Ontario has a population of 158,007 people, and is very ethnically diverse (approximately 25% of the citizens are white, 8% are black, and 60% are Hispanic).

City Dynamics. Overall, the city has enjoyed a wonderful local economy over the past decade, partially due to the large industrial area in the easternmost portion of the city, the existence of an international airport, and the Ontario Mills mall, noted by the City of Ontario website as the number one tourist attraction in California.

Ontario continues to grow, as was evident by the annexation of an agricultural preserve two years ago. The city is expected to grow in the next few years by adding over 30,000 single family homes in the newly annexed area.

Police Department. The police force in the city consists of approximately 222 sworn officers, and an equal amount of support personnel. There are numerous divisions within the police department, all created to perform specialized functions. In addition to the patrol bureau, there is a narcotics unit, gang unit, air support unit, Community Oriented Policing unit, a Bike unit, a large Detective Bureau that is further divided to handle robbery, sex crimes, fraud and paper crimes, commercial and residential burglaries, and any other crime that requires detective attention. Normally, at any given time, the department has approximately 15-30 officers deployed for general proactive patrol and to answer calls for service.

#### Procedures

The data collected was drawn from the entire population of arrests, including all divisions of the police department, beginning on November 1, 1999 and ending January 15, 2003. The total population of arrests was well over 10,000. Of those 10,000 cases, approximately 400 involved some form of resisting arrest.



The Ontario Police Department Crime Analysis unit collects and maintains descriptive data within a main computer, and often perform general statistical analyses to assist the department supervisors in strategic deployment of personnel. The unit provided all relevant case numbers for this study. Two hundred cases were randomly selected from the population as the compliant group, and of the remaining cases 200 were randomly selected as the resisting group. In total,  $N = 400$  for this study.

It should be emphasized that all of these cases were randomly selected by computer, with only the case numbers being revealed. While the names and personal information of the individuals were available upon analysis of the official police reports, none of the names, identification numbers, or any other identifying information was ever used through any portion of this study, and the original sheets which demonstrated what case numbers were used were immediately destroyed to maintain the confidentiality required.

Once the cases to be analyzed were identified, a data collection form was generated which included all of the variables, and reassigned each individual case a chronological number that in no way related to the original and official case numbers. The data was recorded by

writing down all necessary information in the respective boxes, and then coded afterwards, according to the previously established variable definitions and coding formats.

## Variables

### Dependent Variable: Force

Resisted Arrest. The first of the dependent variable categories is when violence during the police-citizen encounter occurred, which was defined "resisted arrest". Resisting arrest was defined according to the statutes in the California Penal Code. Specifically, the charges used for this variable were resisting, delaying, or obstructing an officer (PC 148a), battery against a peace officer (PC 243b), or violence while resisting arrest (PC 69). The policies and procedures of the Ontario Police Department require an officer to document any use of force in a report. Whenever resisting arrest occurs officers document all relevant information in the official written report that is submitted to the District Attorney for review. All cases regarding resisting arrest for purposes of this study were cases where physical resistance occurred, and narratives were read to assure that the charges listed were supported.

Complied. The other dependent variable category for this study, where violence did not occur, was defined as "complied." If an offender cooperated and submitted to arrest peacefully, the arrest was considered to be compliant. Again, since officers are required to document force, it can be assumed that the absence of a resisting charge meant that no resisting occurred and no force had to be used to effect the arrest. The arrests where violence did not occur included both felony and misdemeanor arrests.

#### Independent Variables

Charges. The first independent variable for the study was the charges on each suspect. The categories of charges were drugs, crime against a person, property or paper crime, combination of drugs and another crime, and other. All categories of charges included both felonies and misdemeanors. This variable is especially important because it will demonstrate whether or not those who resist arrest are more often charged with violent or non-violent crimes, and what role drugs play in resisting arrest.

Incident. The next independent variable is the reason the officer contacted the offender in the first place. The incident was classified into one of the following categories: self-initiated pedestrian check, self-initiated vehicle stop, a call of a physical altercation or general

disturbance, a call involving alcohol or drugs, and other (call of property crime, warrant service, shots fired, sting operations, etc.). Any time an officer received a call for service, it was considered to be an in-progress crime. A self-initiated contact was the exact opposite, where the officer chose to make a traffic stop, decided to check a pedestrian, or any other circumstance where no call to the police was involved.

Residency. The role of a suspect's city of residency has not received much attention in previous research. For this reason, the variable residency was included in this study, and was categorized as Ontario resident, not and Ontario resident, and transient. Residency is a new variable that needs further exploration, and will demonstrate the role of community roots and the likelihood of resisting arrest.

Beat. This independent variable speaks as to the location in the city where the arrest occurred. Certain areas of the city are known as high crime neighborhoods, and include a higher number of apartments and low-income housing. This variable broke the city down into the same sectors used by the police department. The data was also collapsed for analysis, according to the socioeconomic status of the residents and prevalence of crime.

Age. As documented in previous studies, most crime is committed by those between the ages of 18 and 30. Each offender's age was recorded and analyzed in numerical form. The means were computed for both dependent variable groups, and analyzed in the appropriate manner.

Race. The officer and suspect race was recorded and categorized as Black, White, or Hispanic. All cases in the study included only members of these races.

### Sample Characteristics

#### General Description

As reported earlier, N=400. There were no missing cases, or missing data for the entire study. Of the 400 cases, 200 were those who resisted arrest, and 200 were those who complied. As Table 1 shows, the sample used in this study was very diverse, and it is clear that there was variation among the categories within each variable.

For the entire sample of 400, 29.5% of the arrests were white citizens, 22.3% were black, and 48.3% were Hispanic. For the overall charges, 41.4% involved drugs, 12.3% had only the resisting charge, 20.3% were a crime against a person, 21.5% were property or paper crimes, and 4.5% were other types of crimes. 42.3% of the contacts were initiated by officers based upon probable cause or a

Table 1. Selected Characteristics of Sample

Variables	Resisted	Complied	Total
<u>Charges</u>			
Resisting only	49 (24.5%)	0 (0.0%)	49 (12.3%)
drugs	69 (34.5%)	84 (42.0%)	153 (38.3%)
crime against person	40 (20.0%)	41 (20.5%)	81 (20.3%)
property/paper crime	25 (12.5%)	61 (30.5%)	86 (21.5%)
drugs + other crime	6 (3.0%)	7 (3.5%)	13 (3.3%)
other	11 (5.5%)	7 (3.5%)	18 (4.5%)
<u>Incident</u>			
self-initiated	78 (39%)	91 (45.5%)	169 (42.3%)
call	122 (61%)	109 (54.5%)	231 (57.8%)
<u>Race</u>			
Hispanic	96 (48%)	97 (48%)	193 (48.3%)
Black	60 (30%)	29 (14%)	89 (22.3%)
White	44 (22%)	74 (37%)	118 (29.5%)

Note. For purposes of presentation, the five categories within the INCIDENT variable were collapsed into "self-initiated" and "call."

consensual encounter, and 57.8% involved an initial call for service, or crime in progress.

For the group which did resist arrest, the mean age of the offenders was 28.1 years. 63.5% of the officers involved were white, 28.5% were Hispanic, 6% were black, and 2% were of some other race. As far as residency was concerned, those who lived in Ontario made up 56.5% of the

offenders, those who lived outside of Ontario comprised 39% of the offenders, and 4.5% were transients.

For the group that complied, the mean age was 28.57 years old, slightly higher than those who resisted arrest. 68.5% of the involved officers were white, 25% were Hispanic, and 6.5% were Black. Additionally, of the offenders who resisted arrest, 49% lived in Ontario, 47.5% lived outside the city, and 3.5% were transients.

For the area in which the arrest occurred, arrests were almost evenly distributed among each sector. The only exceptions were sectors seven and eight, which make up mostly higher income residential and farmland. The total arrests out of all 400 cases for both sectors combined was only 5.3%. Within the resisting category, most of the arrests were in sectors three and six, which make up the central portion of the city, and the lower socioeconomic status neighborhoods. Within the compliance category, the highest number of arrests, at only 23%, was in sector four which is mostly industrial, so the only possible explanation for this number is the existence of the Ontario Mills mall in that sector, which takes a high number of complaint shoplifters into custody each year.

## Statistical Analysis

In order to analyze the relationship between all of the variables, the standard statistical program SPSS 10.0 was used. The dependent variable for all the hypotheses was resisting arrest or compliance, and chi-square was used for all analyses except that having to do with age, which utilized a t-test.

### Chi-Square Analysis

For hypothesis #1, which asked if there was a significant relationship between the type of incident surrounding the police-citizen contact and resisting arrest, the variable INCIDENT was cross-tabulated with the dependent variable. A 5X2 table with four degrees of freedom was produced.

For hypothesis #2, which asked if there is a relationship between the dynamics surrounding the contact and the likelihood of resisting arrest, the variable CHARGES was cross-tabulated with the dependent variable. A 6X2 table with five degrees of freedom was produced.

For hypothesis #3 which asked if there is a relationship between the area in which the officer patrols and the likelihood of resisting arrest, the variable BEAT was cross-tabulated with the dependent variable. Sectors 7 and 8, which make up the southernmost portion of the city



as well as most of the agricultural preserve, were collapsed into one category because of the small number of cases involved in those areas. All other sectors stood alone in their own category. A 7X2 table was produced, with six degrees of freedom.

For hypothesis #4, which asked if there was a relationship between the area in which the offender lives and the likelihood of resisting arrest, the variable RESIDENCY was cross-tabulated with the dependent variable. The resulting table was a 3X2 table, with two degrees of freedom.

For hypothesis #5, which asked if there was a relationship between the race of the offender and resisting arrest, the variable RACE was cross-tabulated with the dependent variable. The resulting table was a 3X2 table with 2 degrees of freedom. A test was also run by cross-tabulating the variable OFFICER RACE with the dependent variable. Because there were only four officers out of 400 of a race other than Black, White, or Hispanic, those cases were coded as missing in order to utilize chi-square appropriately.

#### Ratio Level Data

The only numerical data in the study was the actual age of the offenders, as reported on the official police

reports. For hypothesis #6, which asked if there was a relationship between age and resisting arrest, a t-test for independent samples to compare the means was used. The two samples for the test consisted of the 200 cases where resisting arrest occurred, and the 200 cases where the offenders complied.

## CHAPTER FOUR

### RESULTS

#### Presentation of Findings

For results of the chi-square analysis in which each variable was cross-tabulated with both force categories (RESISTED and COMPLIED), Refer to Table 2. Of the ten variables represented here, all but two showed a significant relationship with resisting arrest.

Table 2. Significance of Variables Related to Resisting Arrest

Variables	df	x <sup>2</sup>	p
Charges as reported	5	66.519	.000**
Drug categories combined	4	66.513	.000**
Resisting category dropped	3	10.885	.012*
Other and Resisting dropped	2	8.402	.015*
Incident	4	13.842	.008*
Alcohol/drugs dropped	3	13.509	.004*
Beat	6	22.089	.001**
Residency	2	2.987	.225
Race of officer	2	.836	.658
Race of offender	2	18.430	.000**

Note. For CHARGES and INCIDENT, categories were collapsed, and two categories eliminated for easier analysis. For RACE OF OFFICER, the category "other" was eliminated. \*.01≤p≤.05. \*\*p≤.001.

The most significant variables overall were CHARGES, BEAT, and RACE OF OFFENDER. Data for CHARGES was collapsed for easier analysis. First, the categories involving drugs were combined, in order to assure that each category mutually exclusive. When the two drug categories were combined, the variable still demonstrated a strong statistical significance to the dependent variable.

#### Contingency Table Results

Charges. Sometimes the reason officers were initially sent to the call is not the crime that the offender ends up being arrested for. This is partially due to police officer discretion, and partially due to legal practices among District Attorney's Offices. Out of the 200 cases in this study where resisting arrest occurred, approximately 12.3% had only the resisting arrest charge on the booking sheet. These cases also made up 24.5% of the cases within the resisting category alone.

The existence of only a resisting arrest charge tells us nothing about the dynamics of the call. Each individual police report that lacked additional charges could have been read in order to determine what other charges were involved, however, this practice would have skewed the data. For this reason, the variable CHARGES was cross-tabulated again with the drug categories still combined,

and all 49 cases involving only resisting arrest eliminated. The significance level dropped slightly from .000 to .012, but, the variable CHARGES still showed a strong significance. The fact that such a large number of cases could be deleted and significance still achieved demonstrates the strength of incident dynamics with regard to resisting arrest.

There were a number of other activities within the CHARGES variable that simply did not fall into any general category. These types of charges were misdemeanor municipal code violations, Business and Professional Code violations, Welfare and Institutional Code violations, and traffic infractions. These charges made up a small portion of the data set, only 4.5%, and are not traditionally routine calls within the context of the Ontario Police Department.

When chi-square was conducted a fourth time after combining the drug charges and eliminating cases that included just the resisting arrest charge or the charges within the category designated as other, the variable still remained significant in relation to resisting arrest. The significance level actually increased from .012 to .015. It is quite important to recognize that the elimination of

16.8% of all the cases did not cause a significant difference in the overall outcomes of the analysis.

Incident. The variable INCIDENT was also significant, but the category designated as "call, alcohol or drugs involved" presented a problem. Again, as in the case of CHARGES, how a call is dispatched to an officer is up to the discretion of the police dispatcher. They may simply choose not to code a call as alcohol related, but rather place the information in the body of the call, therefore making it a general disturbance. This overlap among categories was remedied by eliminating the calls in the alcohol or drug related category, which only made up 7.3% out of the total sample.

With these 29 cases left out of the data set, significance was reported at .008. After the problem cases were removed, the significance level tightened to .004, demonstrating a stronger relationship between the independent and dependent variables. The calls that fell within the "other" category, made up almost 24.3% of the entire sample, and possibly could have yielded more information had they been broken down and given their own sub-categories. This aspect, however, is something that will have to remain for future studies.

Beat. The beat in which an officer works is significantly related to resisting arrest. The variable BEAT had seven categories, each that correspond the beats in the city. Beats one and two represent the northwestern portion of the city and are mostly residential. The housing in these areas includes both lower income housing, and houses worth well above the average home prices for the county in which Ontario is located. Beat three is the northern portion of the city, and includes the central business district. It also has mostly low income housing, and a high density of apartments.

Beats five, six, and seven represent the southern portions of the city, and are also residential. Beats five and seven resemble beats one and two to the north, in that they have a wide range of housing, but still tend to be on the expensive side. The entire southern portion of these beats are new homes in the lower \$300,000 range. Beat six is the southern portion of the central business district, directly south and almost a carbon-copy of beat three. It has the highest crime rate, the highest concentration of low-income housing, and the largest minority population.

Beat four represents the eastern industrial portion of the city and the Ontario Mills mall. There are few homes, and most calls here are generated from the mall. Beat

eight is the agricultural preserve, sparsely populated, and dominated by farms and dairies. As is evident by the divisions, each part of the city has different characteristics.

According to the findings of this study, then, it is safe to say that these structural characteristics are related to the likelihood of resisting arrest. The beats within the central business district had the highest rates of resisting arrest, as well as the highest number of arrests overall (when controlling for beat four and the Ontario Mills mall). The safest beat to work, by far, was the Ontario Mills mall and industrial area, where over 70% of the offenders complied.

Residency. The residency of the offender did not prove to be a significant finding. Perhaps that was due to the small number of categories involved, and classifying offenders as either Ontario residents or not Ontario residents. After analyzing the variable BEAT and discovering that certain areas of the city are more prone to violence than others, it suggests that more work should be done with this variable in the future, perhaps by breaking down the Ontario residence categories into beats, or even down to the block level. As it stands in this analysis, however, there is no relationship between



offender residency and the prevalence of a violent police-citizen encounter.

Race. The race variables were perhaps the most significant, with diametrically opposed results. The race of the officer, as is consistent with most previous research, was not significant. Even when the category of "other" was dropped due to the fact that it only made up 1.0% of the total cases, the lack of significance remained the same.

The race of the offender, however, proved to be extremely significant to the likelihood of a violent arrest encounter, with a probability level at .000. The categories classified offenders as Black, White or Hispanic, and there was no missing data. The overall rates of arrest reflect roughly the same proportion of each race in the overall city population, yet, with regards to resisting arrest the findings are of significant proportion. When the race of the offender was analyzed with resisting arrest, complying with arrest, and the race of the officer, the original results still held strong showing that including officer race was not significantly related to offender race and resisting arrest. Likewise, when the variable incident was included in a three-way cross-tabulation with FORCE and OFFENDER RACE, it also

showed that it had no bearing on the race of offenders and their likelihood of resisting arrest. Only the variables CHARGES and OFFENDER RACE produced a significant relationship in a three-way cross-tabulation with resisting arrest, and this was perhaps due to the large number of Black offenders that made up the drug arrests, which were also the most likely overall to resist arrest.

Age. Finally, the variable AGE provided no significant relationship with regard to violent police-citizen encounters. The mean age for those who resisted arrest was 28.10 years old, and the mean for those who complied was only slightly higher at 28.57 years old. The standard deviation for both groups was relatively similar at 9.08 years for the resisting group, and 9.55 years for the compliant group. The overall statistical significance was non-existent with  $p=.610$  ( $t= -.510$ ,  $df=398$ , two-tailed).

### Discussion

The variables used in this study to test the hypotheses can be classified into two general categories. The first category is those variables involving situational and structural dynamics of the arrest encounter (charges, incident, beat). The second category contains those

variables that refer to individual characteristics (offender race, offender age, offender residency, officer race). Data analysis demonstrated significant effects of most variables with the likelihood of police-citizen violence, and produced some interesting findings with regard to the individual categories for each independent variable.

#### Role of Drugs

In any manner that the variable CHARGES was cross-tabulated with the dependent variable, a significant relationship was achieved, supporting hypothesis #1. Hypothesis #1 contended that there was a relationship between the types of charges involved in the incident and the likelihood of resisting arrest. The expected direction of the relationship, however, which predicted that the more serious the charges the greater likelihood of resisting arrest, was not supported.

When the drug categories were combined and the cases involving resisting arrest only charges and charges coded as "other" were eliminated, by far, those charged with drug violations made up the highest percentage of arrests overall. Almost 50% of the arrests were drug-involved, with crimes against persons coming in second at 24.3%. The difference between those who resisted and those who

complied within the drug category was small. While those arrested for drugs were more likely to comply than resist overall, when the resisting arrest category is examined alone, drug arrests made up the highest percentage of violent arrests, at 53.6%. This indicates that while within their own group drug offenders may be more likely to comply than resist, overall they still present the greatest danger to police officers than any other type of offender.

Conventional law enforcement wisdom dictates that those who are under the influence of a controlled substance are the greatest threat to police officers in the line of duty. These results support that notion. The lack of a wide gap between resisting and complying within the drug category may be due to the inclusion of both felony and misdemeanor drug arrests in the sample. The fact that drug offenders, when thrown in the pool with all other offenders, comprised the highest percentage of those likely to resist, may be due to California's Three Strikes Law, which sends many to prison for any third felony. The fact that within their own group drug offenders were a little more likely to comply than resist arrest may be due to the advent of treatment programs for misdemeanor offenders in lieu of incarceration, like California's Proposition 36. This study included both misdemeanor and felony drug

arrests, each involving different incarceration threats, and both involving different types of offenders. Thus, distinguishing between the two types of drug offenders may have yielded more dynamic results.

#### Types of Crime

Crime Against Persons. Those who already committed a crime against a person (assault), which would be the most serious of offenses and the most certain to be punished by arrest, actually made up the smallest overall category of arrests at only 24.3%. Additionally, within the resisting arrest and compliance categories, offenders were almost evenly split, differing by only 1.2%. Within the resisting category, those who committed crimes against a person were not the highest percentage, but rather the second highest, out of three categories, accounting for only 28.6% of the overall cases. Hypothesis #1, although correct in asserting a significant difference, was not correct on the specified directions of the relationship. This category should have shown a higher prevalence for violence, but it in fact does not vary by much.

It is possible that many of the cases within the variable CHARGES initially involved some type of physical confrontation with another individual. Unfortunately, these 49 cases only recorded a resisting charge and the

original reason for the incident was not recorded. This discrepancy in data could explain why those who commit crimes against persons were under represented in the resisting arrest category, but this aspect would have to be further analyzed at another time using qualitative data from the police report narratives.

Property and Paper Crimes. Paper crimes, in law enforcement circles, are designated as any crime involving fraud, credit cards, forgery, counterfeiting, embezzlement, etc. Property crimes are burglary, vandalism, arson, etc. The difference within the categories of resisting and complying for those who committed paper or property crimes showed the largest variation, with paper and property offenders four times more likely to comply than resist (70.9% of the offenders complied, compared to only 29.1% that resisted). These types of crimes made up the second highest category for overall arrests at 25.8%, surpassing crimes against persons by 1.5%.

A large proportion of these cases were made up of teenage shoplifters, arrested by non-sworn loss-prevention officers at the Ontario Mills mall. The mall has a very active security force, committed to arresting those who violate any law on mall property. Many of the stores have a zero-tolerance policy for shoplifting as well. This

reason is perhaps why paper and property crimes were a higher proportion of arrests than the other traditional types of calls that officers receive, like calls involving drugs or crimes against persons. Paper and property crimes tend not to be punished as harshly as crimes against persons, and juvenile offenders tend not to resist arrest as they understand they simply receive a citation and are on their way home. It was not surprising that offenders within this category were far more likely to comply than resist, but it is believed that this was due to the makeup of the sample and the types of private enforcement utilized by stores at the Ontario Mills mall.

#### Type of Contact

Hypothesis #2 suggested a relationship between the dynamics surrounding the contact and the likelihood of violence. Specifically, it was proposed that crimes-in-progress would be more likely to result in violence than self-initiated contacts by officers. The relationship between the variable INCIDENT and the dependent variable was significant.

General Disturbances. The most significant finding was that calls of physical altercations or general disturbances made up the largest percentage of overall arrests (33.5%), the largest percentage of those who

resisted arrest (40%), and were twice as likely to resist arrest than to comply. These results were expected, partially due to the intense emotions that can be invoked when people are involved in a physical fight. Also, if a physical or even general disturbance is already existent, it is in the officers' best interest to control the situation. Usually, arrest is the most viable option. Offenders understand this, and that may be why this category, consistent with previous findings, makes up the most violent calls for police officers.

Another possibility that general disturbances are so dangerous, is that physically fighting and becoming embroiled in a heated argument to such a degree that police have to be called indicates a loss of self-control, or at the very minimum, the inability to express anger outside of illegal physical conflict. It would seem also that when an officer arrives, some of the hostility may be transferred to the authority figure, and that is perhaps why this category is so over-represented among offenders who resisted arrest.

A large number of these violent arrests within the general disturbance category included domestic violence. California law mandates an arrest be made if injuries are present. The officer has no discretion, and can actually



be prosecuted for failing to act. Domestic violence situations range from heated battles initiated by one party, mutual combat, or are sometimes completely fabricated. Sometimes people attempt to involve police by creating a story of domestic violence believing that it may bolster their custody case, in a bitter divorce. With all of these possibilities involved, officers need to make the best decisions they can, and arrest whom they identify through statements and injuries as the "primary aggressor." This action is often resented not only by the offender, but can also be resented by the victim, who did not want an arrest to be made but was unaware that when police are called arrest is mandatory. It is no surprise, then, that these encounters tend to turn violent. The large number of domestic violence cases in this category may account for the high overall rate of resisting arrest.

Officer Initiated Contacts. Contacts which were initiated by officers were the most non-violent, and made up 42.3% of the total arrests in this study. Within the traffic stop category, offenders were more likely to resist than comply. Specifically, 59.6% complied, while 40.4% resisted. Conversely, those offenders contacted on a pedestrian check were more likely to resist than comply. Here, 53.3% resisted, while 46.7% complied. These findings

within the self-initiated category are consistent with the previous findings involving the variable CHARGES, which showed drug offenders as the most violent overall. On self-initiated pedestrian checks, there is rarely probable cause, and the entire contact is based on a consensual encounter. Additionally, the reason for the contact is most often to find drugs or make an arrest for being under the influence. Due to the fact that pedestrian checks were more violent than traffic stops, the findings of the CHARGES variable are better supported.

#### Neighborhood Dynamics

Structural Influences. Hypothesis #3 suggested a relationship between the area in which an officer patrols and the likelihood of resisting arrest. It was believed that the areas characterized by a higher crime rate, a higher population density, high concentrations of minority populations, and areas where socioeconomic status is low would have greater percentages of resisting arrest. The results for this variable were significant, and thus show that demographic characteristics influence violence against the police.

The City of Ontario is divided up into eight separate sections, and the police department has the highest calls for service in beat six. Beat six is also mostly

characterized by drug and gang activity, as well as highly populated by minorities, and those of a lower socioeconomic status. Beat six makes up the south central portion of the city, and greatest variation across the resisting and complying, with offenders from this sector two times more likely to resist than comply. Overall, 64.6% resisted arrest while only 35.4% complied.

Beat four makes up the Eastern portion of the city, and with the exception of the Ontario Mills mall and the Ontario International Airport, beat four is mostly industrial, with no low-income housing. There are no gang problems. The effect in this portion of the city was the exact opposite of beat six, and it showed offenders two times more likely to comply than resist (69.1% complied and 30.9% resisted). This is probably due to the high number of juvenile arrests that occur at the mall, where most merchants have a zero tolerance policy for any kind of shoplifting. The youngest offenders in the data were teenagers, as are most of the teenage offenders at the mall. Most teenagers simply don't fight the police, especially for petty offenses, and this most likely is the reason that the results turned out the way they did.

In the other beats, there is not much difference between resisting and complying. Beats one and two, which

make up the Northwestern portion of the city, have some of the most expensive properties in the entire city, most of the schools, and a few businesses. Beat five is a diverse mixture in terms of race, but the extreme Southern portion of the sector has expensive horse properties and borders high-priced homes in the neighboring cities. There are some businesses, but it is mostly small stores. Beat eight is all agricultural with a few scattered farm homes, and borders beat seven, which is similar to beat five, but characterized by even higher priced housing, brand-new single family homes, and a less ethnically diverse population. All of these beats showed that offenders were more likely to comply than resist, and the only outliers were beats five and one, which were evenly split between resisting and complying.

Beat three had the highest number of arrests overall at 21.1%, and the percentage of offenders that resisted was 10% higher than those who complied. Beat eight had the greatest difference, with 71.4% of the offenders resisting, and 28.6% complying. This would not follow the pattern of the other beats, and the explanation lies in the nature of beat eight.

The agricultural preserve was patrolled by the San Bernardino County Sheriff's Department until a few years

ago. The resources of the county are scarce, and unless a citizen called for service, the area was left alone. This allowed for a high population of Hispanic immigrant workers on the dairies to start large methamphetamine labs, store stolen property and vehicles without interference, and provide a huge amount of assistance to local drug dealers by transporting narcotics cargo through the agricultural preserve undetected. When Ontario Police took over the preserve, the Narcotics Unit as well as individual officers took a very proactive approach in drug enforcement in the area.

The data show that 71.4% in beat eight resisted arrest, but it needs to be pointed out that these cases only made up 7.5% of the total number of cases for resisting arrest. Overall, beat eight only accounted for 5.3% of the total arrests. Additionally, most of the cases here that fell within the resisting arrest category started out as vehicle pursuits as a result of drug enforcement, and ended up as foot chases where the suspect eventually taken into custody. The difference in enforcement practices, the nature of criminal activity, and the living conditions in the agricultural preserve account for the deviation from the pattern discovered in the rest of this study.

Delinquency and Areas. In examining the results of BEAT on resisting arrest, it appears that those areas within and closest to the central business district, beats three and six, are the most violent. Likewise, those farthest from the central business district, beats one, two, five, four and seven, are less violent and more stable. These beats and the discoveries in this study seem to support the ideas consistent with the Chicago School, or socio-ecological perspective, on crime and delinquency.

Shaw and McKay (1931) defined several zones within the City of Chicago in an attempt to explain why crime occurs. The City of Ontario crime patterns resemble the zones described by Shaw and McKay. The central business district in Ontario is small, but is centered in beats three and six. As one moves out to the Northern portion of beat three and the southern portion of beat six, the zone in transition described by Shaw and McKay is evident, as the areas are characterized by residential deterioration, homelessness, high concentrations of minorities, multi-family and low-income housing, socioeconomically disadvantaged residents, high immigrant populations, and a higher overall crime rate.

The beats which have the least crime and where offenders are less likely to resist arrest were the beats

farthest away from the central business district and the zone in transition, which were characterized by higher income housing, better overall neighborhood conditions, and mostly residential areas. It appears that utilizing the structural and socio-ecological approach to crime may be beneficial in the future when looking at police-citizen violence.

#### Community Roots

Hypothesis #4 suggested a relationship between the area in which an offender lives and the likelihood of resisting arrest. This is a variable that had not received much attention in previous literature, and the results of this study demonstrate why. Offenders were defined as either an Ontario resident, not an Ontario resident, or a transient. The results showed no significant difference. It was believed that those who lived inside the city would be more likely to comply than resist, as they had a greater likelihood of having to deal with the police as a resident, and theoretically had more of a stake in the community. The results actually showed the opposite effect, with Ontario residents more likely to resist than comply, but overall were not significant.

The difference in the area of residency and resisting arrest may be found in the examination of other variables.

For example, since most arrests were made in the high crime areas, and most were calls of crimes-in-progress, it is clear that the dynamics of those situations may overshadow the importance of where the offender lives, and thereby contribute more to the decision to use violence during arrest. Also, it is important to recognize the fact that Ontario has a certain population of people, especially within the high-crime beats, that may be residents but are not firmly grounded in the community. While it is not suggested that future research should ignore this variable, it is clear that because of other variables at work and trouble with defining a true "resident," more careful operationalization and a multivariate statistical analysis may be more appropriate.

#### Offender Race

Hypothesis #5 suggested a significant difference between the race of the offender and the likelihood of resisting arrest. The significance of offender race and its relationship to violence proved to be the strongest, supporting much of the previous research in examining racial and ethnic interaction in law enforcement.

First, all 400 cases included only categories of Black, Hispanic, and White. There were no missing cases. There was definite independence among the cells within the



contingency table when race was compared to resisting and complying with arrest. It is commonplace today to accuse police departments of engaging in racial profiling, where officers target members of certain races and effect an arrest. This study does not support that theory.

Black Offenders. Black offenders accounted for only 22.3% of the overall arrests, but had the highest rate of resisting arrest. While Black offenders account for only 8.0% of the entire population in the city, in the instances where they were contacted and arrested by officers, two out of every three resisted (67.4%). Black offenders were the least likely to comply, making up only 14.5% of the total arrests within the compliance category.

Hispanic Offenders. Hispanic offenders were almost equal with regards to resisting and complying, differing by only 0.5%. Hispanics did make up the highest percentage of offenders within the resisting category at 48.0%, but when compared to those who complied, Hispanics were almost equal in both categories. Within the compliance category overall, Hispanics complied more often than any other race, making up 48.5% of all complaint arrests.

White Offenders. White offenders were the exact opposite of Black offenders. 62.7% of those offenders identified as White complied, compared to only 37.3% who

resisted. Overall, white citizens accounted for 29.5% of the total arrests, second to Hispanics, who made up the largest number of arrests at 48.3%.

More Than Just Race? The race of the offender proved to be strong in relation to resisting arrest. A three-way analysis obviously provides more information than simple contingency tables, so OFFENDER RACE was analyzed with OFFICER RACE, INCIDENT, and CHARGES. The effects on resisting arrest when the other three variables were brought in demonstrated that offender race is a strong predictor of resisting arrest.

The race of the officer alone was not significant with resisting arrest. When the race of the officer was compared to the offender race, no significant relationship was found with resisting arrest. This further supports the idea that it is the race of the offender, not the race of the officer, that is related to violence in police-citizen contacts. For both Black and White offenders, when the officer was of a different race, there was almost no difference between the resisting arrest and compliance categories. Hispanic offenders remained approximately the same in all categories.

When the INCIDENT variable was compared with RACE, it was also not significant. While Hispanics again remained

almost equal between resisting and complying, all offenders still were more likely to resist arrest on calls as opposed to contacts initiated by officers. Black and White offenders were again a mirror image, with Black offenders more likely to resist than comply in any type of contact, and White offenders more likely to comply whether it was a call or a self-initiated contact.

Finally, when CHARGES was brought in and analyzed with OFFENDER RACE, there was a significant relationship with resisting arrest. Specifically, it showed that all races were more likely to resist when the charges involved drugs. The greatest difference was between Black and White offenders with regard to crimes against persons. 78.6% of the Black offenders resisted, compared with only 39.1% of White offenders. This suggests that the type of charges involved may have a different effect on offenders of different races, and this relationship is significantly related to resisting arrest.

Possible Explanations. What are some possible explanations for the racial patterns involved with police-citizen violence? Hispanics made up the largest population in the city, so it was no surprise that they were the most represented race in both compliance and resisting categories. The lack of discrimination between the

resisting and compliance categories was possibly due to the cultural values held by Hispanics. In many Hispanic countries, the police forces are federal, do not operate with any type of professionalism, are known to be violent and corrupt, and the citizens are not protected by any type of constitution. The Hispanic population contains a large number of people who have been in the United States only a few years. This creates a certain fear of the police, and it is possible that their immigration status or knowledge of police forces in their own country induces compliance when confronted with arrest.

White offenders were more likely to comply than resist, and this is possibly due to the nature of the educational system in the United States, and the feeling that results can be achieved if an injustice is perceived, without the use of violence. Many white Americans enjoy middle-class upbringing plentiful with opportunity. They know how to seek civil remedy if something occurs that they don't agree with. White offenders overall may not view themselves as having suffered as a result of inequality in the past, even though it did exist in severe forms, and thus may not have as much of a problem with authority as members of other races. While there may not be more of a respect for the law and legal process among white offenders

as opposed to other races, there may be more of a feeling that they will be treated fairly in the entire system of justice.

Black offenders are the most represented in prison populations, and are the most represented in citizen's complaints against the police (Kappeler, 2001). While it is obvious that there are always exceptions to the rule, there exists a distinct difference in the perceptions of authority between Black and White Offenders. Kleck (1981) suggests that overt discrimination against minority defendants, disregard for minority crime victims, class discrimination, economic discrimination, and institutional racism affect attitudes of Black offenders. Black offenders may also refuse to acknowledge the authority of a White officer simply because that officer does not share the same cultural norms. This is referred to as deference reversal (Lanza-Kaduce & Greenleaf, 1994). All of these forces may explain the results with regard to Black offenders in this study.

Other research has also shown that state laws, legal practices, and criminal justice policy have no effect on disparities among races in imprisonment (Bridges & Beretta, 1994). Because there is conflicting research on offender race, it is safe to say that while race is an important

variable to examine within the context of police-citizen violence, a much deeper statistical analysis is needed to get a better picture of what motivates certain offenders to resist arrest.

#### Offender Age

Finally, hypothesis #6 suggested a significant relationship between age and resisting arrest. Specifically, it was thought that offenders who were older would be more likely to comply than resist. The t-test did not find any significant difference between the two groups, indicating that there is more involved with regard to the likelihood of violence than age alone. Age may become significant when examined with other variables, but this is an area that will be left to future study.

#### Summary

The purpose of this study was to examine the relationship between selected variables and the likelihood of police-citizen violence. It utilized data collected from official police reports, categorized the data, and then tested for significance primarily through the use of the chi-square statistic. It also examined relationships between variables by comparing the percentages yielded in the contingency tables. The variables included in the

study covered offender characteristics, officer characteristics, situational and structural dynamics.

The study produced a number of significant findings. The analysis of the charges involved clearly demonstrated that the type of call an officer responds to plays a major role in the likelihood of violence during arrest. Calls involving a disturbance are by far, the most dangerous for police officers to respond to. Additionally, while the fact that calls are more dangerous than self-initiated contacts, results suggest that officers contacting pedestrians should utilize extra care, as pedestrians proved to be more dangerous than traffic stops.

The results involving the area in which the offender was arrested show that Routine Activities theory, which links the convergence of motivated offenders, suitable targets, and the lack of suitable guardians to crime, may be involved. Definitely, socioeconomically depressed areas had higher crime rates, as well as higher incidents of resisting arrest. Similarly, areas with higher concentrations of minority populations, greater population density, and low-income housing saw both higher arrest rates and higher rates of resisting arrest. Structural dynamics of the community clearly are clearly important variables in police-citizen violence.

Officer characteristics played no role in the likelihood of resisting arrest. It should be pointed out here that the only data available from the police reports was the officer's name and race, and all other personal information was outside the scope of this project. While it can be said with confidence that the officers race was not significantly related to resisting arrest, any other individual officer characteristics and their effect on police-citizen violence are unknown.

Offender characteristics were significantly related to the likelihood of resisting arrest with regard to race; however, age and the offender's city of residency played no role in the likelihood of violence. This sample contained 400 cases, and offenders were Black, White, or Hispanic. This study supports the hypothesis that certain ethnic groups are more likely to use violence during an arrest, and that police officer race is not a predictor. It may, therefore, be wise to focus more attention in the future on offender characteristics as opposed to officer characteristics, especially when it comes to race.

The theoretical base for this study was supported in some cases but not in others. All of the hypotheses represented some sort of component of Rational Choice theory and the Classical School of thought; some turned out



to be significant, others did not. What was demonstrated through data analysis was that crimes in progress, which represent almost a certainty of arrest, were significantly related to police-citizen violence. When the seriousness of the crime was compared to resisting and complying with arrest, however, the most serious crime did not show the highest rate of resisting. It seems that the lack of support for Rational Choice theory in this study may have been due to the research design, but the few hypotheses that were supported suggests that the door should not be closed completely on Rational Choice when it comes to exploring police-citizen violence.

#### Theoretical Integration

Rational Choice is a valid theory, but it functions better as a compliment to other theoretical models that focus on individual propensities in the etiology of offending (Tibbetts & Gibson, 2002). Even deterrence, a major idea of the Classical School of thought, can only be tested when the offenders' perceptions are taken into account since general deterrence arises out of the perceived threat or fear of the punishment itself (Williams & Hawkins, 1986). Rational Choice theory would be no different.

It has been suggested that in depth case studies utilizing an interview process be used in order to test the true cost-benefit analysis that an offender uses when deciding whether or not to commit a crime (Williams & Hawkins, 1986.) This research design may be very beneficial to study the interaction between police officers and citizens in the incidents where arrests turned violent. It is unknown, however, how willing offenders would be to comply with such a study, as resisting arrest already shows a defiance for authority. Nevertheless, using survey or interviewing methods may be more beneficial than analyzing archival data.

Previous research on Rational Choice and Deterrence theory has tended to focus only on physical and material deprivations by the justice system, and their effect on offending. Grasmick and Bursick (1990) have argued that attachments to others and normal standards of behavior function as potential influences on criminality, and that these ideas should be included in studies on the etiology of offending. Specifically, they suggest three types of potential costs be used to evaluate offender perceptions: state imposed physical and material deprivations, self-imposed shame, and socially imposed embarrassment. Since there is much more going on in an offenders' mind than just

whether or not to commit a crime, incorporating social and behavioral constructs in a research model are the only way to test offender perception, and therefore the only way to explore police-citizen violence.

While most research in Classical Criminology looks only at the effect of punishment on crime, Sherman (1993) believes that the better area for research is under what conditions each type of criminal sanction influences future crimes. In recognizing that Deterrence, Labeling, and Social Control Theory alone do not explain individual patterns of offending, he incorporated the constructs of several theories into a new theory that is designed specifically for looking at why certain crimes occur: Defiance Theory.

Defiance Theory combines Braithwaite's Reintegrative Shaming theory, Tyler's Procedural Justice theory, Scheff & Retzinger's Sociology of Emotions, and Black's theory of Social Control. Together, they test the criminality of individuals based upon perceptions of the offender, as well as dynamics surrounding the arrest. When it comes to police-citizen violence, Sherman describes the act of resisting arrest as direct defiance, where the offender commits a crime against a sanctioning agent.

For defiance to exist, the offender must perceive the criminal sanction as unfair, must be poorly bonded to the community, must define the sanction as stigmatizing, must refuse to acknowledge the shame, and perceive the process overall as unfair. It is specifically recommended that this theory be tested with criminals in field settings, longitudinal cohort designs, interviews with offenders immediately after arrest, and subsequent interviews with families and romantic partners of offenders. Clearly, Defiance Theory bridges the gap between Rational Choice and behavioral models of offending, and should be considered an integral part of future research in the area of police-citizen violence.

#### Methodological Weaknesses

Several items arose during the study that could have been improved upon. First, although the sample was quite large, a larger sample would have allowed for more discrimination among the variables that were determined to be significant, especially in the area of associated charges and reason for the contact.

Second, there were a large number of cases that included only the resisting charge. The narrative portion of the police report may contain additional information that details the initial reason for the call, which would

create more discrimination in the general disturbance category. A method should be designed that does not take into consideration what was charged, since that was the officer's discretion, and instead should be a qualitative review of the written investigation, which would yield much more information than the booking sheet alone.

Third, when it came to analyzing the occurrences of resisting arrest by beat location, the data would have been much more effective if the city was broken down into beats based upon socioeconomic status, demographics, low-income housing prevalence, and crime rate. Although the city has beats that, as a matter of chance, are basically arranged around these factors, the results would be much more valid with a better defined variable.

Finally, within the context of the incident dynamics, there was a somewhat large number of calls that fell within the "other" category. These calls represented non-traditional types of calls such as warrant services, sting operations, and property crimes. It was not believed that these calls would have made up such a large portion of the variable, so there was a number of activities that were grouped together that could have been separated out and created a better picture of what is really going on with this significant variable.

## Policy Implications

### Police Procedures

The main policy implications as a result of this study are in the area of police procedures and practices. The most important goal of policy changes is to create a safer and more effective work environment for the officers, which overall helps the police department function more efficiently.

It is clear by looking at the study results that at least two officers should always be dispatched on disturbance calls. The Ontario Police Department currently uses this practice. Many times officers proceed to the call themselves, and fail to wait for their backing unit. This study suggests that officers should not proceed to a call alone, especially if it is a disturbance, or crime-in-progress. Although some might argue that failing to arrive quickly places the department in a position for liability claims, responding alone and having to use force to effect the arrest does as well. I believe the better trade-off between the two is to wait for a backing officer on all calls of this nature, and then proceed with caution, together.

The current practice of most police departments is to place officers in beats around the city, in equal

proportion, with no regard for crime rates, population density, and no consideration of socio-economic status. This study demonstrated that this practice may be an unwise use of resources, especially when it comes to officer safety and public service. Proper deployment of resources should include placing more officers in these violence-prone areas, and only sending them out of the area when a high-priority call comes in and there are no other officers closer to provide back-up. While other beats may become busy with minor report calls, or non-violent civil disputes, these calls can will be handled in time. Officers need to be where they are needed most, and that means deploying them in areas where there are higher crime rates, and where they have a greater chance of needing expedient assistance from other officers if an arrest turns violent. The report calls can wait.

#### Data Collection

Along the same lines, police departments may want to consider better record keeping practices in the cases where violence against officers occurs in order to form more effective and up to date responses. As stated previously, many arrests only had the resisting charge on the booking sheet. Often times, this is because the offender resisted simply as a matter of conflict, even though there was no

initial reason to support an arrest. Had the offender simply waited for the officer to complete the investigation, arrest may not have occurred. Because these cases do not include any additional charges, it would be beneficial to have a form that is anonymous, not identified with the case in any way, but inclusive of information relevant to police-citizen violence that is not contained in the police report. It will be used for police department analysis only in order to use resources more effectively, and not released to the media or public.

#### Police-Minority Relations

Finally, an alternative to cultural sensitivity training must be found, as it is evident that the offender characteristics play more of a role in violence than officer characteristics. Cultural sensitivity classes for officers has been the traditional management approach in order to cover the agency from liability when civil rights lawsuits are filed. The officers, at least a majority of them, are not the problem (Weitzer, 1999).

The data here show that the tensions between the police and minority communities may be in the cultural differences of the minority communities, not in the insensitivity or behavior of the officers. Additionally, it is inconceivable that officers should be expected to



treat members of different races in different ways. It is members of the community who must learn that police officers are there to do a job, and that by yelling, resisting, and using violence, that job becomes harder. Nobody wins.

Perhaps more civilian police department community programs would enhance the relationship with the police department. Another solution may be to place fliers or business cards on citizens doors letting them know which officer is in charge of their area to make them feel more connected. Depending upon funding, police substations could be placed within different areas of the community, and can be staffed by civilian employees to take general reports and answer questions would make the experience of community members more pleasant. Considering that officer race was not significant in any way with resisting arrest, and offender race proved to be highly significant, sending officers to cultural sensitivity classes may not be the way for police departments to enhance minority community relations.

#### Future Directions

There is much that can be done in the area of police-citizen violence in the future. The most interesting area

is the impact of recent legislation on resisting arrest. An example would be a study on rates of offending before and after the selective incapacitation laws were implemented. The best place to study the effects of Three Strikes legislation and its effects would be in California, where the law is used on a regular basis (Worrall, 2002). Within the first nine months of California's law going into effect, justifiable homicides by police, which indirectly measures violence levels within communities, rose by almost 9.0% (Sechrest, 1996). Some believe that the threat of life in prison creates more violence, others think it creates a deterrent effect. Clearly, it is a matter for future study in police-citizen violence.

The significant findings in this study that relate to structural dynamics of the community demonstrate that a good area for future inquiry would be the incidents of violence against officers analyzed on a block level, using data from the U.S. Census Bureau and individual police department cases. At a minimum, studies could be conducted that look at the effect of different types of housing and resisting arrest, or even how the layout of the community may effect violence against officers. Any way it is studied, structural variables cannot go unexplored.

The most important area of future study is the effect of offender race on police-citizen violence. Most studies to date tend to concentrate solely on police officer behavior and practice. Race of the offender is clearly of major significance with regard to violence against police officers, and to continue to ignore its importance in the field is to fail to recognize reality. It is important to find out what the perceptual differences are within the individual races between those who resist arrest and those who do not. A field study or even a survey conducted by members of individual races may prove beneficial.

It would be a great future endeavor to use the constructs of an integrated theory to test police-citizen violence. Although the decision to resist arrest is ultimately a choice, Rational Choice theory only explains part of the puzzle. It says that costs and benefits are analyzed, but says nothing about why. An integrated theory, such as Defiance theory, encompasses several theories that all have different dynamics involved. Using an integrated theory may also help explore why there is such a significant difference in race and police-citizen violence.

## Conclusion

Even with its limitations, the importance of finding a way to protect the lives of police officers is paramount to the maintenance of a stable and civilized society. This study has called into question the past practices of focusing mostly on the behaviors, characteristics, and actions of the officer in relation to resisting arrest. It has supported the fact that the answers may be found more appropriately in the characteristics and actions of the offenders, as well as the dynamics of the situation. Enhancing officer safety through practical knowledge is the solution to more effective law enforcement, and better public service. The necessity of further study in the area of police-citizen violence is best captured in the words of J. Q. Wilson (1975):

Wicked people exist. Nothing avails except to set them apart from innocent people...When we profess to believe in the value of justice, but refuse to spend the energy and money required to produce either,...we thereby trifle with the wicked, make sport of the innocent, and encourage the calculators. Justice suffers, and so do we all. (p. 251)

## END NOTES

1. Deputy Erik Telen of the Fresno County Sheriff's Department. Deputy Telen was a sworn peace officer who started his career at the Ontario Police Department before transferring to Fresno County Sheriff's Department on May 15, 2000. His end of watch was August 21, 2001. He was 26 years old.

2. Deputy Jake Kuredjian, Los Angeles County Sheriff's Department. Deputy Kuredjian worked for the Los Angeles County Sheriff's Department since February 1, 1984. His end of watch was August 31, 2001. He was 40 years old.

APPENDIX A:  
LETTER OF REQUEST TO CHIEF OF  
POLICE FOR ACCESS TO DATA

KIMBERLY J. BELVEDERE  
CRIMINAL JUSTICE GRADUATE STUDENT  
CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

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RE: ACCESS TO POLICE REPORTS FOR MASTER'S THESIS

CHIEF SCHARF,

THANK YOU VERY MUCH FOR ALLOWING ME TO USE THE POLICE DEPARTMENT REPORTS FOR MY THESIS. AS STATED IN MY ORIGINAL REQUEST, I HAVE PREPARED A SHORT DOCUMENT FOR YOUR SIGNATURE TO DEMONSTRATE TO MY THESIS COMMITTEE THAT I HAVE ATTAINED THE PROPER PERMISSION. THE FOLLOWING POINTS ARE MY PROMISES TO YOU, AS A RESULT OF ALLOWING ME TO USE THE DATA REQUESTED.

- THE DATA ACCESSED WILL BE THAT DATA CONTAINED WITHIN THE POLICE REPORTS FOR A GIVEN TIME FRAME (TO BE DETERMINED), AND WILL BE COLLECTED RANDOMLY AND ANONYMOUSLY. THERE WILL BE NO WRITTEN NAMES, NOR WILL THERE BE ANY WAY TO IDENTIFY ANY ACTUAL INDIVIDUALS WITHIN THE POLICE DEPARTMENT OR SUBJECTS WITHIN THE REPORT. NO PHOTO COPIES OF REPORTS WILL BE MADE.
- PROPER INSTITUTIONAL APPROVAL TO USE THE DATA WILL BE OBTAINED THROUGH THE CALIFORNIA STATE UNIVERSITY INSTITUTIONAL REVIEW BOARD IN THE MANNER PRESCRIBED BY CALIFORNIA STATE UNIVERSITY POLICY.
- ONCE DATA COLLECTION BEGINS, I WILL CONDUCT MY ACTIVITIES IN SUCH A MANNER TO ASSURE THAT IT DOES NOT INTERFERE WITH POLICE DEPARTMENT OPERATIONS, AND IF AT ANY TIME YOU OR ANY SUPERVISORS FEEL THAT THERE IS SOME INTERFERENCE, I WILL ALTER MY DATA COLLECTIONS PROCESS AS YOU DEEM NECESSARY.
- I HAVE CONSULTED WITH MARY GULLY, AT THE REQUEST OF CAPTAIN ROBERTS, AND SHE HAS ADVISED ME ON LEGAL ISSUES INVOLVING DATA CONTAINED IN POLICE REPORTS.
- I WILL KEEP YOU INFORMED OF EVERY MAJOR STEP OF MY THESIS PREPARATION, AND WILL REVIEW MY PROGRESS WITH YOU AT ANY TIME UPON YOUR REQUEST. I WILL AFFORD YOU THE OPPORTUNITY TO REVIEW MY FINAL REPORT PRIOR TO SUBMISSION AND ORAL DEFENSE. IF THERE ARE ANY CHANGES THAT YOU FEEL NEED TO BE MADE DUE TO POLICE DEPARTMENT INTERESTS, THEY WILL BE MADE.
- IF PUBLICATION IN A JOURNAL EVER BECOMES A POSSIBILITY AT A LATER DATE, I WILL AGAIN AFFORD YOU THE OPPORTUNITIES TO REVIEW AND REQUEST CHANGES, AND IF FOR SOME REASON YOU DECIDE YOU DO NOT WANT THE DEPARTMENT'S NAME AFFILIATED WITH THE WORK, IT WILL BE OMITTED.
- I WILL GIVE FULL ACKNOWLEDGMENT TO YOU AND THE ONTARIO POLICE DEPARTMENT FOR YOUR ASSISTANCE IN COMPLETION OF THIS IMPORTANT PART OF MY GRADUATE PROGRAM.

I, KIMBERLY BELVEDERE, WILL FOLLOW ALL OF THE RULES OUTLINED ABOVE IN THE PREPARATION OF MY THESIS. I UNDERSTAND THAT IF, AT ANY TIME, I VIOLATE ANY PART OF THIS AGREEMENT, THAT MY ACCESS TO THE DATA REQUESTED WILL BE CEASED.

SIGNED *Kimberly J. Belvedere*

DATE 4/24/02

I, CHIEF LLOYD SCHARF, GIVE MY PERMISSION FOR KIMBERLY BELVEDERE TO USE ONTARIO POLICE DEPARTMENT POLICE REPORTS FOR PURPOSES OF PREPARING A MASTER'S THESIS IN ACCORDANCE WITH THE RULES SET FORTH IN THIS DOCUMENT.

SIGNED *Lloyd Scharf*

DATE 4-29-02

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