“Driver’s License, Military ID, and Proof of Registration and Insurance, Please”: Officer Discretion Surrounding Traffic Stops On an Air Force Installation

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ABSTRACT

Officer discretion is an oft-debated topic in American culture today. A plethora of research has been conducted on how local, county, and state law enforcement officers use their discretionary authority specific to enforcement of moving violations and the initiation of traffic stops, however to date, no such work has been conducted on a policing entity within the United States military. Through observational ride alongs and unstructured discussion with participants, this study breaks that barrier and assesses how one particular Air Force installation's law enforcement officers exercise their authority.

Introduction

Traffic stops are the most common form of police-citizen encounters across America. Approximately, 42 percent of all citizen encounters with the police occurred because of traffic stops, amounting to nearly 26.5 million recorded traffic stop encounters nationwide (Langston & Durose, 2016). These traffic stop encounters are not black-and-white, however, and are instead highly discretionary practices performed by police officers (Schafer & Mastrofski, 2005). The concept 'officer discretion' can be defined as the flexibility of police officers to make their own choices as to how they shall proceed with their job (Nowacki, 2015), or the difference between full enforcement and what police are practically capable of doing in reality (Goldstein, 1963; Joh, 2007). Regarding traffic stops, discretion allows police officers to personally decide on whom and when a traffic stop will be initiated, how long it will last, and how the stop will be concluded.

Law enforcement officials use their discretionary power in many ways throughout every shift. Many people tend to believe that when speeding only slightly, the police will not pull them over. This notion exists only because of an officer's discretionary authority; without it, police officers would be required to maintain a policy of full enforcement (Goldstein, 1963). Thus, traveling only one mile-per-hour over the posted speed limit would result in a traffic stop and citation every time because the police would have no power or authority to be lenient towards the infractions they observe. Through their discretionary power, however, police officers can instead observe a speeding car and decide not to stop it for a variety of reasons (both legal and extra-legal), or decide not to write a traffic citation after initiating a stop.

A large body of literature has accumulated where researchers have investigated possible relationships between how police officers use (whether through appropriate or inappropriate means) their discretionary authority relating to traffic stops and a driver's race, gender, age, characteristics of the vehicle being driven, police officer characteristics and demographics, as well as situational and environmental characteristics (see for example Allen & Monk-Turner, 2010; Brown & Frank, 2005;

Farrell, 2015; Leinfelt, 2006; Lundman, 2009; Petrocelli, Piquero, & Smith, 2003; Phillips, 2009; Phillips & Sobol, 2012; Schafer, Carter, & Katz-Bannister, 2004; Schafer, Carter, Katz-Bannister, & Wells, 2006; Schafer & Mastrofski, 2005; Tillyer, & Engel, 2012, 2013; Tillyer, & Klahm, 2011). Despite this, no prior research has evaluated how military policing entities utilize their discretionary power and how it plays a role in traffic stop encounters. This is a very large population that has otherwise been untouched through the myriad of previous studies; the purpose of this research was to address this void by observing how Air Force Security Forces patrolmen utilize their discretionary authority in traffic stops.

Literature review

For decades, academics, the media, and citizens alike have scrutinized police officers' discretionary authority. Some believe the lack of supervision and desire for self-gain drive officers towards corruption, while remaining under the protective umbrella of their discretionary authority (Goldstein, 1963; Klockars, 1999). Here, professional courtesies only exacerbate this argument. The misuse of authority is not a hard argument to make when police officers allow their peers to get by with offenses for which other citizens are sanctioned. Others criticize this authority because of the possibilities for officers to insert their biases in their daily performance and cling to discretion for protection (Joh, 2007). One example of this is the pretextual traffic stop. Pretextual stops are initiated for one reason (the official reason), but ulterior motives for the traffic stop exist and were, in reality, the actual reason for the initiation of said traffic stop. Critics of these stops believe this type of power allows police officers to racially profile drivers and ultimately leads to differential policing practices (Allen & Monk-Turner, 2010).

Contrary to this assertion, other research has shown a decline in driver characteristics playing a role in traffic stops. Instead, decisions appear to be made from contextual and situational details as well as the police officer's prior experiences and level or extent of training (Schafer et al., 2004, 2006; Schafer & Mastrofski, 2005). Such research supports the notion that it is in the best interest of the police not to take part in discretionary misconduct (Goldstein, 1963). Together, this specific body of work asserts that unique and/or exigent circumstances, situational and environmental factors, and training and the individual experiences are more likely to shape the officer's discretionary decision-making.

Driver characteristics

A driver's race, age and gender have been commonly evaluated variables to explain how police use their discretionary power. The most prevalent is the evaluation of racial and/or ethnic disparities, with numerous studies specifically examining the idea of racial profiling, 'Driving While Black,' and 'Driving While Brown' (see, for example, Allen & Monk-Turner, 2010; Alpert, Dunham, & Smith, 2007; Brown & Frank, 2005; Farrell, 2015; Gaines, 2006; Joh, 2007; Leinfelt, 2006; Lundman, 2009; Miller,

2009; Petrocelli et al., 2003; Phillips, 2009; Phillips & Sobol, 2012; Schafer et al., 2006; Tillyer & Engel, 2012, 2013; Tillyer & Klahm, 2011; Vito & Walsh, 2007).

As for age, younger drivers are commonly found to be stopped and/or cited more frequently than their older counterparts (Brown & Frank, 2005; Farrell, 2015; Leinfelt, 2006; Lundman, 2009; Lundman & Kaufman, 2003; Phillips & Sobol, 2012). Empirically, Tillyer and Engel (2012) reported that younger drivers were 1.1 times more likely to speed than middle-aged drivers in their study. In turn, these middle-aged drivers were 1.4 times more likely to speed compared to older drivers. Lundman and Kaufman (2003) and Phillips and Sobol (2012) found that younger drivers were more likely to be pulled over irrespective of justification for the stop. Further, younger drivers have also been found to be more likely to receive a traffic citation at the conclusion of their stop (Brown & Frank, 2005; Farrell, 2015; Lundman, 2009).

The last, and the most incongruent, of the driver characteristics is gender. Some studies (such as Farrell, 2015; Lundman, 2009; Schafer et al., 2006) present data showing men are stopped and/or cited more frequently than women; however others present evidence demonstrating the opposite (Lundman & Kaufman, 2003). Males have been shown to be arrested more often than females as an outcome of traffic stops (Brown & Frank, 2005). Tillyer and Klahm (2011) and Schafer et al. (2006) found that men were more likely to be searched and/or have their vehicles searched than women. Despite these statistically significant findings, other studies have not been able to find any association between gender and traffic stops (Leinfelt, 2006; Phillips & Sobol, 2012). These latter studies cited police officers making their decisions regarding initiating traffic stops and sanctions based on driving behavior alone.

Infraction details

Several studies have identified a connection between moving violations and an increased likelihood of being pulled over (Leinfelt, 2006; Phillips, 2009; Phillips & Sobol, 2012). Phillips (2009) and Phillips and Sobol (2012) show significant relationships between speeding violations and a driver's likelihood of being pulled over. Leinfelt's (2006) study indicated that 71 percent of all stops were initiated due to driving violations, 49 percent of which resulted in a warning for the driver, while 42 percent resulted in a citation. The likelihood of receiving a citation for speeding does also appear to increase as the driver's speed increases (Farrell, 2015). Conversely, registration and equipment violations are more likely to be met with a warning from the officer conducting the stop (Schafer et al., 2006).

Furthermore, Schafer et al. (2004) posit that as the number of infractions increases, or as the severity of the observed violation(s) increase(s), police officers are more likely to initiate traffic stops. They hypothesize that the more severe an officer believes an offense to be, the less likely that officer will be to allow it to go unchecked. Similarly, when drivers disregard traffic codes and laws to a degree where

multiple infractions can be easily observed at once, officers would be less likely to demonstrate leniency. Finally, there is data in opposition of these previously mentioned studies. Lundman (2009) found no differences between stops initiated due to speeding compared to all other reasons. In this study, speeding violations were treated the same as any other stop in terms of the likelihood of being stopped and the variability in the officer's sanctioning decision.

Relevance of military police studies

The aforementioned studies have focused on how local, county, and state police agencies use discretionary authority in their decisions to initiate traffic stops. Despite long standing traditions of police agencies targeting military veterans as recruits for their own agencies (Goldstein, 1963), no studies were found that focused on, or even considered, how military law enforcement agencies act in similar situations. Depending on the study, military veterans account for between 19 percent and 27 percent of sworn police officers within various local, county, and state police agencies (Castaneda & Ridgeway, 2010; Tsimekles, 2006; Weichselbaum & Schwartzapfel, 2017). Furthermore, police agencies also provide preference to recruits and applicants that have prior law enforcement experience. Of the sworn officers with military experience, between 28 percent and 34 percent also have law enforcement experience before being hired in their current agency, usually from their time in the military (International Association of Chiefs of Police, 2009). Additionally, the federal government has also implemented financial incentives for police agencies to hire military veterans (U.S. Department of Justice [USDOJ], 2012).

Though civilian and military policing can be similar in many ways, the overarching mission and focus of these two entities are quite different in terms of mission and organizational focus (Campbell & Campbell, 2010). Thus, these assertions do not suggest that these two types of organizations can be compared equally; it is to illustrate the level of influence military police veterans can have in local departments. The dearth of scholarship concerning this overlap is brought to light here because although internal administrative rules, regulations, and supervisory styles can impact (through either constraint or liberty) the amount and type of discretion a police officer has, the authority to utilize officer discretion is still a conscious act derived from officers' thoughts, attitudes, and motives (Nowacki, 2015; Vito & Walsh, 2007).

It can be reasonably assumed that these thoughts, attitudes, and motives can likely be the same after a civil police academy as they were while the individual was in the military. Thus observing discretion within the military can aid in the collective knowledge of how police officer discretion is utilized and how it potentially affects individuals and certain aspects of the officer's job, both in and out of the military context. The bottom line is that military veterans tend to have clear advantages in police officer application processes, yet no attention has been given to studying these military policing units and the impact they may have on an officer's behavior in a civilian context.

Methodology

Security forces' primary responsibilities and organizational structure

The United States' Air Force's Security Forces career field is the primary force protection entity on an Air Force base or installation.¹ Among other duties, they perform all law enforcement, confinement (jail), K-9, resource security, and entry control functions on the base. Those in the career field, commonly referred to as "Defenders" (the same way city police officers are commonly referred to as "cops"), perform these tasks as well as others while assigned to installations within the United States, overseas, and in deployed environments. The responsibility of maintaining the safety and security of all personnel, facilities, and resources within the boundaries of an Air Force installation ultimately falls on Defenders.

Like most Air Force career fields, Security Forces consists of both commissioned officers and enlisted personnel (the two rank tiers within the Air Force). In Security Forces units, the commissioned officers can be considered roughly equivalent to white-collar managers and leaders in the civil sector. At the same time, the enlisted personnel can be compared to the blue-collar workers. In the Air Force, the type of unit observed in this study is called a *Squadron*; the leader of a squadron is called the *Squadron Commander*. He or she is the highest-ranking officer in the squadron. He or she is advised, assisted, and guided by the *Security Forces Manager*, the highest-ranking (by tenure, rank, or both) enlisted member in the Security Forces Squadron. Beneath the commander is another commissioned officer known as the *Operations Officer*, and another enlisted Defender with the duty title of *Operations Superintendent*. Together, these two oversee the *Flights* that make up the Squadron. Flights are one level below the squadron in terms of organizational structure and consist of the men and women that work each shift. Compared to a local police department, the personnel assigned to these Flights would be patrol sergeants and patrolmen. There is one Flight working for each shift, covering all security and law enforcement operations needed on their installation; therefore, there is always one Flight on duty. A commissioned officer, called a *Flight Commander*, or a *Flight Chief* (the enlisted equivalent to a Flight Commander) lead each flight (see Figure 1 below for a hierarchical illustration of this organizational structure, duty titles, and typical associated pay grades).

Figure 1. Hierarchical illustration with typical pay grades

Study setting

Falcon Air Force Base (FAFB) is located in a southwestern state.² This base, dating back to the early 1940s, is on the outskirts of what is now a large metropolitan city and encompasses nearly 14,000 acres of land. The base employs nearly 15,000 military and civilian employees. Due to the sensitivity of the information, the total number of personnel assigned to the Security Forces Squadron cannot be listed. An estimate for the total military population, including dependents (these are family members of military personnel) and retirees within the surrounding area reaches 40,000. Falcon Air Force Base is accustomed to regular visits from the local retired and dependent population as well as visiting international and sister-service military members taking part in the base's daily operations. This base does have an active training mission and is considered a focal point for various advanced training courses. Because of this, FAFB also maintains a steady flow of military members in "training" or "student" status that are not permanently assigned to the base (amounting to an approximate total of 1,200 every day).

As with most cities, FAFB can be divided into five distinctly zoned areas. Being that it is an Air Force Base, there is the airfield area. This area consists of the flight line, aircraft parking areas, and a plethora of aircraft hangers and awnings used for maintenance and additional parking. Next to this area is the primary "business" area. This area houses the multitude of units assigned to the base and is thus filled with office buildings and other types of work centers. On the outskirts of this area is a small commercial/retail zone which includes the mini-mall, gas station, grocery store, fast-food establishments, and convenience stores, as well as the chapel. Abutting this area is the residential sector that includes several school buildings, a few daycare facilities, and a medical facility. It is also worth noting that this residential area is split in half by a major local thoroughfare, thereby requiring drivers to leave and re-enter the base if traveling from one end to the other. Together, this residential area and the business zone consume the majority of the base. The opposite edge of the business area

leads to two more rural areas for personnel traveling out to the two additional, secluded business areas. The roads leading out to these sites are several miles in length and appear to lead to nowhere if unfamiliar with the area.

These rural-like roads and the residential areas are prone to speeding behavior. The rural-like roads because of the absence of surroundings; the residential area because the posted speed limit throughout this zone is 15 miles per hour, yet looks like any other neighborhood consisting of both long winding roads as well as short, choppy cul-de-sacs. Likewise, because of the number of intersections and stop signs within the business area, it is prone to have drivers run through (or at least commit the infamous "California Stop") stop signs and fail to signal their turns at intersections.

Also in line with most business or industrial areas around the country, the activity level and traffic density follow typical business hours. Consequently, the residential areas of the base have more motor and foot traffic outside of business hours until later in the evening, again, just as a typical residential area in any city. Traffic in and around the commercial areas of the base also fluctuates throughout the week, similar to the way it does in cities across the country.

Data collection

Data for this study were collected through observational "ride-alongs" from 15 patrolmen (some consenting to multiple observation periods) within the Security Forces Squadron. During this time, one author visited the unit and sat in on their regular pre-shift briefing, called *Guardmount*, and introduced themselves, the purpose of them being there, as well as the purpose of the study. Interested volunteers were asked to see the researcher after the formation ended at which point the eligibility screening and consent process began. This process took approximately 10 minutes to complete and never interfered with their official duties. Eligibility for this study only required the volunteers to be posted as a law enforcement patrolman and be an Active Duty Air Force member.³ Once eligibility was confirmed and the subject provided consent, the patrolman was observed from within his or her patrol vehicle for the duration of their shift.⁴ Throughout this study period, observations took place each day of the week and across all shifts in the unit's duty schedule.

During these 19 observations a standardized observation checklist, created to collect data, annotating when, where, why, and upon whom traffic stops were and were not conducted, was utilized. Due to limitations placed upon this study by the Air Force, patrolmen could not be interviewed or otherwise asked questions on their perceptions, attitudes, beliefs, or opinions. At the conclusion of each observed traffic violation, however, a short debrief with the patrolman was conducted to verify that the information collected was accurate and to collect any data missed during the observation interaction.

Due to the importance in prior civil sector studies, the items of interest evaluated throughout these observations fell within four categories: situational, infraction, individual demographics, and vehicle characteristics. Situational variables included the time (the exact time of the observation, as well as the patrolman's time on duty and time remaining on duty, both rounded to the nearest quarter-hour), weather, temperature, and whether there were any passengers or bystanders present at the time of the observed traffic violation. The specific infraction(s) observed was also recorded. The patrolman's and driver's race, gender, age, military status (Active Duty, Guard, Reserves, Dependent, Retired), the driver's or their sponsor's pay grade (pay grade is a standardized rank system used across the entire Department of Defense), the military service the driver is affiliated with, and finally, whether the driver was searched or not were collected. Lastly, the vehicle category included items such as the condition and type of vehicle, the color, age category, whether it had tinted windows, and whether it was searched as part of the stop (if initiated).

If a traffic stop did not occur following an observed traffic violation, the researcher recorded their perception of what the attribute would have been. For example, if a traffic stop did not occur, there would have been no way to know the driver's age; in this instance, the researcher recorded what they believed to be the driver's age and verified with the patrolman during the debrief. Alternatively, items of interest that were not discernable, such as the branch of military or pay grade, were left blank. Finally, any observations as to the patrolman's or violator's actions or demeanor surrounding the violation and stop, as well as statements the patrolman and violator made regarding the observed violation(s) and during the stop, were recorded on this form as well.

Observer effects

A common critique of the qualitative methodology is that by infiltrating the natural environment, researchers alter the reliability and validity of their findings due to observer effects (Monahan & Fisher, 2010). The notion behind this effect is that participants will behave differently when observed in order to appear better or provide the researcher with the data the participant believes they want. Interestingly, Monahan and Fisher (2010) believe that through their experiences working with this methodology, the simple presence of a researcher does not automatically adjust the participant's behavior. For instance, a researcher's status with the organization being observed or simply creating relationships with participants can negate these observer effects. This was the case in the present study.

While the researcher was not going to withhold the truth if specifically asked, they did not intend to openly advertise their status as an Air Force Defender. It quickly became known amongst participants, however, that the researcher was, in fact, a Defender. This was partly due to the unit's leadership informing the flight's leadership why the "random guy in civilian clothes" was hanging around their people. Through no mistake of their own, when giving this notification to the flight leadership, the

unit leadership informed them the researcher was an Active Duty Defender looking to collect data on the career field. In the end, this assisted the researcher in opening the lines of communication with the participants and allowed for more realistic data to be captured. During the first few observations, participants were somewhat hesitant when the researcher first got in the patrol vehicle with them. They were completely willing to take part in the study but were cautious in what they did or said. Once the conversation began and the inevitable question, "So, what do you do?" came up, they realized the researcher was essentially the same as them and the tension faded away.

This may be attributed to the *brotherhood* or *thin blue line* commonly referred to among civil police officers. Much like civil police officers, Defenders look out for each other and form a family wherever they go. Once the researcher shared their background information with the patrolmen participating in the study, it became a benefit for data collection. From the point of initial contact on, the first few questions received once in the patrol car shifted from, "Who are you?" and "What do you do?" to "So, where have you been stationed?" or "How long have you been in?" This type of conversation is commonplace in Security Forces units when a new person moves in. During some of the observations, the patrolmen appeared to welcome the researcher as an insider so much that they asked if they were going to assist them during their assigned calls for service and traffic stops. Similarly, there were instances when patrolmen being observed partook in blatant policy infractions, or simply sat back and let the time pass without attempting to "impress" the researcher. Therefore, rather than seeing any negative impacts of sensitization, building rapport and being recognized as an insider instead aided in data collection.

Another possible concern regarding data collection centered on the researcher's rank in relation to the rank of those being observed. The researcher falls within the officer rank tier, while all patrolmen observed held enlisted rank. In the military, enlisted members report to officers in the chain of command or supervisory line. The possible concern is that the patrolmen would feel the pressure of a superior watching their every move and therefore be hesitant to fully open up or conduct themselves as usual. While this is certainly a possibility, several patrolmen made specific comments about how they would appreciate their leadership riding around and "doing the job" with them. One patrolman stated that he had never had a meaningful conversation with an officer before, let alone for how long he did. This patrolman stated that he enjoyed asking questions about the career field and certain decisions that had been made throughout his career while searching for a more senior-level perspective. As he put it, he is the "ground pounder"—he does what he is told and does not get to see the big picture. The time with the researcher in the vehicle, answering his questions, allowed him to see how the bigger picture works and why certain things have to be done a specific way. With these unsolicited responses, and the previously mentioned behaviors of patrolmen during their shifts, it appears negative observer effects were minimal or nonexistent.

Findings

During the observational phase of this study, a total of 81 observed violators committed a total of 109 traffic infractions. Of those 81, only 46 resulted in some form of a traffic stop being initiated by the patrolman under observation. The most common violation witnessed was failure to stop at a posted stop sign, followed by expired registration and failure to signal a turn or lane change (27, 15, and 14 instances, respectively). Similarly, the most common reason for a patrolman to initiate a stop was for failure to stop at a posted stop sign and expired registration (18 and 14 instances, respectively). The 46 traffic stops resulted in a total of 72 individual violations, of which 40 received citations, 17 received verbal warnings, 8 were ignored or not noticed by the patrolman, 2 were met with written warnings, and another 5 ended in apprehension.⁵

Interestingly, the day of the week did appear to have an effect on whether a violator would be stopped, whereas the amount of time the patrolman was on duty did not. Violators committing their infraction between Tuesday and Thursday were stopped at or below 50% of the time, while Friday, Saturday, and Sunday violators were stopped at least 75% of the time (80%, 75%, 80%, respectively). The majority of the traffic stops occurred around the middle of the patrolman's shift (between 3 and 5 hours into an 8-hour shift), but the likelihood of being stopped at any point during the shift for all of the observed patrolmen was fairly consistent.

The weather may have played a small role in the patrolmen's decision. Violators that committed their infraction during daylight periods (Sunny, Dusk/Dawn, or Partly Cloudy) were more likely to be stopped than those occurring under darker conditions such as night time or cloudy conditions. Temperatures, however, did not seem to have any effect. Despite Patrolman Halstead's (all Patrolmen names are pseudonyms) comment alluding to the discomfort of getting out of his patrol car when he said violators were getting a ticket if he had to get out of the car, the temperatures for when stops did and did not occur did not present a trend. Approximately 75% of the violations observed when it was 40-45 degrees resulted in traffic stops, and 71% of the observed traffic stops occurred when the temperature was between 76 and 80 degrees. However, in temperatures between those two extremes, traffic stops were inconsistent, and no patterns could be discerned.

The last trend to note here before discussing the observational themes, is the breakdown of whom it was that received citations. While it would be improper to try and compare data from Air Force members with members of other services because of how little other services appeared in the study (there was only one member each for the Army and Navy and no representation from the Marine Corps), three trends emerged amongst Air Force affiliated individuals and those with no military affiliation. First, individuals with no military affiliation at all (commercial delivery drivers, for example) were least likely (12%) of all categories to be stopped for their violations. Second, and along the same lines, if the violator was affiliated with the military (active or retired service member), they

were far more likely to receive a citation over any other disposition and in comparison to any other group. Finally, of the 45 traffic stops, 10 of the violators were Air Force personnel that held a higher rank than the patrolman being observed. While the citation rate for those equal or lesser in rank was 59%, those outranking the patrolmen received citations 80% of the time. All three of these trends appear to show a higher expectation and harsher reactions towards military service members. This could be related to the indoctrination of the Air Force's core values that all Defenders go through when they join, as well as the expectation that higher-ranking individuals are supposed to set the example for all to follow (which also ties to the core values). Two of those core values are *Integrity First* and *Excellence in All You Do*. By violating traffic code or law, that driver has lost integrity, even if just for that short moment, and by making that poor decision has accepted less than excellence. Considering this, these patrolmen could have a higher standard for military members, past or present, that led them to initiate more traffic stops on and writing more citations for this subgroup of motorists.

Observational themes

Out of the observations made in this study, five themes also emerged from the patrolmen's comments and conduct.⁶ The first of these was the existence of a policy within the unit and/or career field limiting the use of the patrolman's discretion. The second was the concept of patrolmen creating personal, mental checklists with criteria necessary for their intervention regarding certain infractions. Third was the concept that as the seriousness of the violation or violations increased, so too did the response from the patrolmen increase. Fourth was the way patrolmen viewed the demeanor or attitude of the violator. Lastly, patrolmen's moods and beliefs continuously shaped how they reacted to certain situations. Of note, none of these themes are original to this study, as all of them have previously been explicated in prior works surrounding the discretionary decisions surrounding civil traffic stops.

Limitation of discretion through policy

This theme presented itself in two specific manners. The first dealt with abandoned vehicles and the actions the patrolmen were permitted to take with them. Local unit policy directed that when patrolmen are confronted with a suspected abandoned vehicle, they were limited to only citing it for that, nothing more, if further infractions were identified during their investigation. For instance, when Patrolman Halstead stopped to investigate a motorcycle he believed was abandoned and found it had expired registration, insurance, and appeared to have been stolen at some point, he was limited to leaving a citation for the abandoned vehicle notification. Therefore, this policy prohibited him from investigating whether it was stolen or further citing the owner for the expired registration and insurance.

The other situation involved when patrolmen confronted speeders. Because of standing policy, each patrolman had to go through training to use the RADAR and LIDAR speed measuring devices at this particular base, regardless of whether the training had been accomplished earlier in their career at another base. Similarly, using what the patrolmen know as "follow speed" is also prohibited. This method is used when a patrolman follows a suspected speeder and matches their speed; the violator's speed is then recorded as the speed on the patrolman's speedometer. As many of the patrolmen in this particular unit were new to the unit at the time of the observation, and because calibration issues were being addressed with some of the RADAR devices, many instances presented where patrolmen believed drivers were speeding, but had no legal course of action to take.

This theme is discussed at length in Joh's (2007) work on "discretionless" policing. That study looked at how local or higher policy can curtail or otherwise direct officer discretion-based decisions. In the present study, patrolmen were restricted from writing citations for otherwise serious offenses on base simply because it was believed the vehicle was abandoned. Similarly, another patrolman believed a citation he issued would be trashed internally before being processed simply because of to whom the citation was written. These types of policies, whatever their intent, limit the discretion patrolmen have at their disposal and can easily tie their hands. On the one hand, the unit was pushing for patrolmen to tighten up on expired registration and insurance (the reason so many parking lot patrols took place, and likely why the number of expired registration infractions were observed), yet when presented with an opportunity to write a citation for it, the patrolman was kept from doing so because of another unit policy. It is for this reason that officer discretion exists in the first place. Strict policies cannot be applied in every situation equally, nor can every situation be described or covered by policy.

This is the argument Joh (2007) makes in her work through explaining an impressively large proposal to limit the interaction, and thus opportunity, for police to make discretionary traffic stops on public roads. She states that even with such a massive plan, there would still be the opportunity for discretionary decisions to abound, thereby essentially nullifying the proposal's intended goal. Creating a policy to curb incorrect behavior, whether that behavior is incorrectly/insufficiently completing traffic citations (supposed reason for the abandoned vehicle policy) or letting personal biases dictate the patrolman's decisions, stifles the job patrolmen are able to do. In the instance of the motorcycle Patrolman Halstead encountered, it is fair to assert that a stolen motorcycle is more severe of an infraction worthy of at least a cursory investigation than expired registration or the suspicion of abandonment. Yet because this policy did not account for every potential situation patrolmen could face in a shift, Patrolman Halstead lost his discretionary ability, was forced to ignore the warning flags he was seeing, and thus unable to potentially address an ongoing, more serious problem. Therefore, the effects of these types of policies on Defenders' ability to perform their duties are paralleled to the effects local police officers are faced with when presented with similar policies.

Patrolmen's criterion-related checklists

Kent and Regoeczi (2015) evaluated what has previously been termed working rules and how they pertain to officers' discretionary decisions. That study defined working rules as strategies, beliefs, and/or tactics used by police officers to aid or determine how discretionary decisions will be made. These are essentially the mental checklists observed in the patrolmen in the present study. Here, Patrolman Dangle commented on how, despite his understanding of the legal definition of a stop, he has his own criteria of what must occur at a stop sign in order for him to respond. He feels that "as long as the driver attempts to stop, yields to pedestrians, and doesn't jump their turn, I say they're good to go." Therefore, a driver that is alone at an intersection and slows, but clearly does not stop, could be ignored by Patrolman Dangle because he or she did not violate any of his criteria. He expressed an understanding of when an infraction was "excusable," such as not fully stopping at a stop sign in order to beat oncoming traffic. In this instance, the driver slowed at the intersection (attempt at a stop) and did not jump their turn because oncoming traffic did not have to stop; thus because there were no pedestrians present, none of the criteria was broken and the driver was not stopped.

Similarly, Patrolman Schmidt has what he called a "2 in 1 rule". He explained this to mean that he'll "let two [violators] go for the same offense, but the third one for the same offense gets the ticket." He explained having this rule because he does not want to hem everybody up over every little infraction, however if a particular infraction is occurring frequently, he feels, "obviously there is a problem with that offense that needs to be addressed." Thus with his discretionary power to pull over and cite those whom he chooses, he has made the conscious decision to be lenient until the third repeat violation presents.

Despite data presented earlier, both Patrolman Schmidt and Patrolman Voight presented another example of patrolmen having a predetermined set of criteria when they addressed how drivers' rank played a role in all of their discretionary decisions. For Patrolman Schmidt, he felt that "the law is the law ... rank shouldn't matter ... rank matters nothing whatsoever." Similarly, Patrolman Voight expressed his view on drivers' rank by stating, "your rank does not put you above the law. My badge gives me the authority of the installation commander to uphold the law. Therefore my orders and decisions come with the authority of the installation commander." Contrary to the patrolman's perspective as presented earlier, however, higher-ranking violators appeared to be treated more harshly once pulled over. Nevertheless, Patrolman Halstead mentioned how he believed a citation he issued to a Major would be thrown out by his unit while being processed because she was a squadron commander. Whether or not this is true is unknown; it may have just been the patrolman's perspective, but it is a pertinent and justifiable concern of patrolmen nonetheless.

While some of the working rules reviewed and analyzed by Kent and Regoeczi (2015) are subjective or without a strong basis, not all are—the ones in this study included. When a violation is being

committed in the presence of the patrolman, the decision is being made by said patrolman that full enforcement is impractical (for further discussion on this concept, see Goldstein, 1963). From a patrolman's perspective, as long as the working rule is justifiable, fair, and equitable, there should be nothing wrong with it. Through the use of these working rules, patrolmen are essentially standardizing their patrol habits in a way that prevents full enforcement of the law but still creates a baseline for when to intervene. There are at least two benefits to this. First, it allows for an easily explainable and standardized rationale for the officer's decision if later questioned in court or otherwise. Consider how some civil jurisdictions require their officers to Mirandize suspects by reading from a card. This is not because the officer does not know the Miranda warnings; it is in case the officer is later questioned in court to explain how the suspect was Mirandized. Second, it frees the patrolman's time, thereby remaining available for other actions/responses. Security Forces Squadrons face the same challenges many municipal agencies face regarding staffing. The only difference is the Pentagon makes the decision for the squadron, not a city budget. Thus, there are not overabundances of patrolmen on duty on every base. This means that when something happens, whether it is a traffic accident, an assault, or an attack on the base, by not policing every single infraction, that patrolman is available to respond, not tied up with a traffic stop because someone did not fully stop at an otherwise empty intersection.

The seriousness of the offense and the violator's demeanor

Kent and Regoeczi's (2015) study also addressed the working rule of a violation's seriousness and the driver's demeanor, the next two themes that materialized in the present study. Similarities emerged between the two studies in that demeanor and seriousness are two of the leading sets of working rules for patrolmen/police officers. In Kent and Regoeczi's (2015) work, these two sets of rules were the most common of all 157 rules provided by officers in their study. Although there were no specific counts of how or when patrolmen asserted these two types of rules, based on comments, decisions, and observations made, they seem to be the most prevalent amongst patrolmen's justifications for their actions or inactions.

In another study, data were collected that showed formal actions are more likely when offenders present themselves with a disrespectful demeanor (Brown & Frank, 2005). Patrolmen want, and justifiably expect, to be treated decently. When drivers act in a confrontational manner because they have been pulled over, the officer is likely to think that a simple warning will not make a difference. That is, the driver's behavior may not be positively altered from a warning alone.

This notion of the violator's behavior, attitude, or demeanor impacting the patrolman's decision was the most consistently observed trend across all the patrolmen in the present study. In total, over half of the observed patrolmen made comments supporting this concept. Patrolman Schmidt clearly described that his "decision depends on the violator's attitude or demeanor." Likewise, Patrolman

Rollins summarized her decision-making process simply as, "generally I base my decision on their demeanor—if they take ownership and are understanding I just brief and release." Patrolman Dangle mentioned during one stop that "[the driver] is being nice so I'll let her go [with a warning]," and during another, "her demeanor didn't determine the outcome, but it helped me make my decision." Finally, Patrolman Dangle was confronted with an irritated, impatient driver he had stopped for running through a stop sign right in front of him. After getting the driver pulled over she exited her vehicle and began approaching his patrol car without being instructed to do so. After returning her to her car and making his way to her window, she was cooperative and understanding but did not have valid registration or insurance. Locally, both of those offenses (especially together) could easily get the vehicle towed and potentially have resulted in her apprehension. Because the driver calmed down throughout the stop and was cooperative, Patrolman Dangle chose to only cite her for each of her infractions.

When presented with a similar situation that could have resulted in the towing of a violator's car, Patrolman Halstead told his dispatcher that he would wait to make that decision until after he presented the driver with his citation. He explained that if after receiving the citation, the driver was "a dick, then he'd tow it." Similarly, although Patrolman Brown had already begun writing the citation when the violator blatantly lied to him about committing the still evident parking violation, he felt more inclined to issue the citation because of her behavior. Alternatively, Patrolman Peralta had a slightly different take on making decisions based on the driver's reactions and statements. In one stop where the violator openly admitted to committing the violation (running a stop sign), Patrolman Peralta felt it necessary to enforce the fullest sanction and issue him a citation because of their conscious disregard for the law.

The first example of offense seriousness in the present study comes from Patrolmen Voight and Peralta in regard to drivers not having their headlights on at night. It is customary and courteous for drivers to turn their headlights off when approaching the entrance to the base in order to not blind the entry controller working that gate. With this in mind Patrolman Voight will stop drivers for not having their lights on, as it is a safety concern. However as long as the driver is able to turn the lights on when he approaches them, he lets them go without hesitation. Similarly, Patrolman Peralta will simply flash the driver with his own high beams to remind the driver to turn on their lights. Even if Patrolman Peralta does initiate a stop for the "simple things," such as a vehicle's headlights not being on, "[he doesn't] even call it in, [he] just briefs and releases."

Patrolman Brown also showed how he believed leniency could be the best answer for more minor infractions. During his observation period, he expanded upon a driver he believed to have been talking on the phone without using a hands-free device. Although he determined she was not in fact on her phone, he had already discovered she was driving without her license in her possession. He

informed both the driver and the researcher that this offense could have resulted in her getting cited and her vehicle towed. However, because she stated she forgot her wallet on her desk, he felt "the reasonable answer for me, being that she just forgot it, was to issue the citation." He further defended his decision over not just letting her go with a warning by explaining how "[the citation will] act as a reminder to never forget it again since the next person that stops her may not be as nice."

Likewise, Patrolman Halstead (one of the few patrolmen who had been certified to use the RADAR and LIDAR devices at the time of observation) mentioned that the severity of the speed is what determined whether he would react to it. He stated, "I don't stop people for stuff I do myself. When driving, I usually go between 5 and 7 miles-per-hour over," as well as, "My limit is 10 over. If it was 9, I wouldn't have pulled him over," when referring to someone he stopped for going 13 miles-per-hour over the posted speed limit. He provided this explanation both before and after observing three violators traveling between 1 and 9 miles-per-hour over the posted speed limit.

The final example of this concept comes from Patrolman Esposito and presented itself in two ways. The first was when considering the impact of a driver's lackadaisical stop at a stop sign. Although he conducted a traffic stop, Patrolman Esposito stated that he issued a written warning over a citation because the roadway was not busy, thus implying the severity and safety of the offense was not overly high. On the other end of the spectrum, however, when faced with an individual that had committed three infractions (failure to stop, expired registration, failure to provide proof of insurance), he stated, "there were too many infractions to let go with a warning only." Thereby signaling the severity of the situation, not necessarily the individual infractions, is also weighed by some patrolmen.

Mirroring the last two patrolmen's sentiments, Kent and Regoeczi (2015) found that as the level of seriousness of the offense precipitating a traffic stop increases, the likelihood of a ticket being issued also increases. Related, consider the discussion in the previous section regarding how 15 of the 17 instances where a violator committed more than one infraction a traffic stop occurred, and 13 of those 15 traffic stops ended in a citation. One additional observation Kent and Regoeczi (2015) made was the relationship between seriousness of offense and safety of the public. While it was not a trend in the present study, there were a couple of instances where the threat to safety contributed to the patrolman's decision to initiate a stop.

The first example of this was Patrolman Halstead when he observed a speeder traveling in the opposite direction of his patrol vehicle on a narrow two-lane road. The road had light to moderate traffic on it, and while the driver was traveling fast enough to meet Patrolman Halstead's criteria for a stop, the threat to public safety coming both from the speeder as well as from Patrolman Halstead attempting to make a U-turn in the middle of the narrow road, in his opinion, did not warrant the initiation of a stop. Alternatively, Patrolman Dangle observed an individual drive straight through a stop sign, and after considering the "totality of the circumstances," decided a stop was necessary. He

too had to make a U-turn in the middle of a busy roadway to initiate this stop; however, he deemed it was necessary because the offender committed her violation adjacent to the residential area shortly after school let out, while pedestrians were around, and in the middle of a congested intersection. He stated, "she gave no regard to that sign."

Through even just these two examples, it is easy to see how patrolmen contemplate and balance both safety and severity in the same equation. Again, this enables the patrolmen to stray from the idea of full enforcement and instead focus on the more egregious infractions they observe. In doing so, these patrolmen policed their streets in a similar manner as civil law enforcement (according to findings in studies such as Kent & Regoeczi, 2015 and Brown & Frank, 2005).

The patrolman's personal mood and beliefs

At times, there was just no getting away with something in front of certain patrolmen based simply on the mood they were in, or the outlook they had on certain issues. For instance, Patrolman Atwater looks at certain infractions, such as expired registration, as pure laziness, and therefore when spotted, he was sure to issue a citation to that individual. On one occurrence of this infraction, while completing the citation, he stated in the patrol car to himself, "if I have to pay for my registration, then so do you." Later on in that stop it was discovered that the individual had in fact registered the car and received the plates but had never removed the temporary tag and affixed the permanent plates. In frustration he exclaimed, "that just makes them even more lazy ... they're really lazy."

During one particular observation, Patrolman Jenko got into the patrol car, made his way to his sector, and made a comment: "I'm in a ticketing mood today. Not because you're here but because it is the weekend. You shouldn't do anything stupid around me on the weekend." For the duration of his shift, every infraction noticed led to both a traffic stop and a citation. Therefore, the base public was at a loss in terms of receiving informal sanctions from him on this day. Similarly, Schafer and Mastrofski (2005) concluded that the officer's mood at the time of their contact with a violator greatly influenced their participants' decisions too.

Alternatively, Patrolman Dawson believes more of a focus should be made towards community policing efforts and initiatives. He explained:

I don't go after the petty stuff some of these other guys go after. Its like they like hemming up base population. Its no wonder they don't like us. ... When I pull someone over I like to make sure there are at least one or two other violations too. Then I let them off on two and cite them on the one, but it still ends the encounter somewhat positive for them. ... It's more about community policing.

With this outlook, Patrolman Dawson only conducted a traffic stop on approximately one-third of the observed infractions, and he issued no citations during that shift. Comparably, when Patrolman Hitchcock was focused on assisting his peers with finding answers to their problems in military regulations, he was, in effect, deciding that the violations occurring around him were not as important, and were therefore not addressed.

Patrolman Halstead had a belief that if he had to get out of his patrol vehicle, the driver was going to get a citation. Consequently, any traffic stop Patrolman Halstead performs should, theoretically, result in at least one citation, which was true based on his observation period. Patrolman Peralta expressed a similar outlook when he questioned some of his peers saying, "What's the point of pulling them over if you're just going to brief and release or give a [written] warning?" Patrolman Peralta feels letting drivers go with a warning, verbal or written, does little in the long run as there is little to no record of both that driver's past or punishment for committing such infractions.

Finally, because Patrolman Halstead was excited about using the "new" LIDAR equipment, he made specific efforts to locate known speeding areas within his sector and sit in wait to catch offenders. Knowing he was one of the only certified individuals in the unit, Patrolman Halstead enjoyed using this device and therefore made specific efforts to do so. Just as our mood directs how we make everyday decisions, patrolmen's moods similarly direct their decisions, whether consciously or not.

Conclusion

Military bases are essentially smaller versions of municipal towns and cities. However, the populations of military installations are usually smaller and do not typically have the proportion of criminal actors as a typical town or city. With this in mind, coupled with the homogenized populations of U.S. military bases, it was unclear how many traffic infractions were going to be able to witnessed and observed, let alone how many stops were going to occur. Absent any prior data to relate to, the initial hypothesis going into this study would have been that there would be few infractions and even fewer traffic stops—if anything, there would be greater leniency from the patrolmen.

A sizeable number of simple traffic infractions occurred. The patrolmen seem to have responded to each situation similar to how previous research depicts civil law enforcement agencies react when they observe traffic infractions. These findings do not imply, nor do they insinuate, military and civil police entities are exactly the same. Rather, the way discretionary decisions are handled in relation to traffic infractions and stops in both types of agencies can be viewed as similar, in as far as the current pool of data suggests. Further research must be done in this specific area of officer discretion in order to continue to grasp the entire picture of officer discretion, as well as to understand how a large number of civil police recruits are entering the force in terms of "practiced" discretionary backgrounds first learned in the military.

At the outset of this study, there was a logical expectation that a great deal of leniency would be given towards the drivers in traffic stop sanctions. Air Force traffic citations work differently than citations received from a local municipality. For this reason alone, it was not an expectation that many (if any) patrolmen would be willing or eager to conclude a traffic stop with a citation. In the Air Force, traffic citations are purely administrative, whereas municipal tickets come with monetary fines and usually a point system against a driver's license, Air Force citations only serve as a notification to your unit's leadership and a demerit system against the driver's base driving record, specific to that base. In reality, this means that once a citation is issued from a Defender, a copy goes to the driver and two copies go to the Reports section of the Security Forces Squadron. No fines, no court date, no driving school.

Once the Reports section receives their two copies, they process it to place the necessary demerits against your on-base driving record. As long as that driver is under the threshold of demerits against the driver's record (usually drivers are allowed 12 demerits within 12 months, though bases can be more strict and have a lower allowed limit), nothing happens from the Security Forces Squadron. One of the copies given to the Reports section is then forwarded to the driver's unit (assuming it was a military member or dependent), or the driver's employer (if in any other category of driver besides military member). The final copy gets filed in the Reports section's database. What the driver's unit does after receiving the notification is up to them; some leaders reprimand the driver, while others simply say, "don't do it again." Written warnings are even more problematic, as it is only documentation, not a demerit system. Thus again, it was expected many of the patrolmen would not want to spend the time writing citations or warnings, and would instead give a verbal warning, or what they call "brief and release." Interestingly, however, this was not the case. Instead, many of the patrolmen preferred to write citations because they viewed anything else as a waste of their time.

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Footnotes

1. One of the authors is a current member of both the United States Air Force and the Security Forces career field; the information contained within this section comes from their personal knowledge and experiences. ↵
2. In order for the study site location, and therefore the study's participants, to remain confidential, this section purposely remains uncited. All information pertaining to the base, to include military population sizes in the surrounding city, came straight from the base's official website. The population of the metropolitan city as a whole was sourced from the U.S. Census Bureau's "Quick Facts" website. Information regarding "busy" times came from observations during the study. ↵

3. This particular Security Forces Squadron at FAFB employs both military men and women as well as what are called "Department of the Air Force," or DAF, Guards. In order to avoid potential civilian employee complaints and/or union issues, while going through the approval process with the Air Force, these patrolmen were excluded from consideration for the study sample. These individuals are not military members and can be viewed as civilian cops, just working for the Air Force. Thus, the objective of this study is not limited by excluding these individuals from the sample. [↵](#)

4. Although most observations took place for the duration of the patrolman's shift, a small number of observation periods were cut short due to individual patrolmen not wanting to take part for the duration of their shift. Additionally, three observations were not observed for the entirety of the shift; one on the first day due to a mandatory meeting with unit leadership taking place during the shift's time, a second when the patrolman was tasked with non-patrol related duties, and the third on the last day when another meeting with unit leadership took place in the middle of the shift. [↵](#)

5. The apprehensions and vehicle towing were within three separate instances and took place during simulated exercises conducted by a member within the squadron authorized to test the response of posted members. Therefore, these members were not apprehended, nor were their vehicles towed, but based on the circumstances and violations committed (simulated) by these individuals, the responding patrols would have taken that course of action if it were a "real world" situation. It can be argued that a simulated exercise should not be considered in this data, however, it may conversely be argued that the patrolmen responding to the situation were free to use their discretion in the same manner as they would have during any other encounter they faced, and therefore is just as applicable as any other observation made. [↵](#)

6. The USAF did not approve the researcher to conduct interviews with or ask any opinionated or attitudinal questions of any patrolmen. Following that decision, the researcher queried the USAF to know whether unsolicited comments could be used, and they approved that request. All of the quoted and paraphrased material from the patrolmen in this section was recorded from these unsolicited explanations or conversations. [↵](#)