Police subculture and its influence on arrest discretion behaviour: An empirical study

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Abstract

The century old arrest law in India was amended in 2009 with a view to reduce the number of avoidable arrests. But the analysis of the official figures on arrest shows that amended law has not made any dent in the field law enforcements. The research problem arises out of this observation; if the statute, departmental guidelines, court rulings, police manual rules etc. have little influence on the arrest decision of the police, then what it is that considerably impacts such behaviour. Literature review shows that the organizational, subcultural, environmental, individual and situational determinants are at the forefront of arrest discretion behaviour. The study has empirically tested the impact of subculture on arrest discretion behaviour of police in India and its relative significance compared with organizational determinants. The study establishes that the subcultural determinants influence the arrest discretion twice as much as the organizational determinants, contrary to the popular perception that it is the organization that through statutes, rules, regulations and compliance to court directivesinfluences the arrest decision. The findings to an extent explain the existing gap between legislative intents to reduce the number of avoidable arrest and its realization on the field.

"Arrest and detention in police lock-up of a person can cause incalculable harm to the reputation and self-esteem of a person. No arrest can be made in a routine manner on a mere allegation of commission of an offence made against a person. It would be prudent for a police officer in the interest of protection of the constitutional rights of a citizen and perhaps in his own interest that no arrest should be made without a reasonable satisfaction reached after some investigation as to the genuineness and bona fides of a complaint and a reasonable belief both as to the person's complicity and even so as to the need to effect arrest. Denying a person of his liberty is a serious matter." – Supreme Court of India[1].

Of the many duties performed by police, the arrest of suspect or accused of an offence remains at the core. The "legitimacy of coercive powers of detention, arrest and search comes about by virtue of a sovereign government that is bound by social contract with its citizens". Police are expected to uphold the police are expected to uphold the obligations of social contract (Young, 2011).

[1] Joginder vs. State of UP.

Because, it is argued that the "authority of police is derived from the people through the social contract. The power is held in public trust" (Moll, 2006). The police authority is a creation of such social contract to preserve life, liberty and pursuit of happiness of majority in the society by keeping the criminal and deviant characters at bay. Arrest is one such legitimate authority of police which is subject matter of intense debate and controversy since the creation of modern police in the mid-nineteenth century. Law makers and courts across the globe have been working over a century now with new laws and rulings on how to regulate this power and put restraint on the arrest decision of police with more accountability.

1. Police Subculture

The informal organisational culture refers to the "unwritten culture comprised of individual values and tradition that are communicated informally across from officer to officer"(Walker& Katz, 2005). This may be referred to as police subculture.As a subject, police subculture has attracted lots of attention from researchers and practitioners. It is understandable,"given that culture is noted as an obstacle to police accountability, as a reason why police reforms fail, as a cause of police abuse of authority, as a mechanism for officers to cope with the hostile and uncertain work environments, and an explanation for discretionary behaviour" (Ingram et al., 2013).

Subculture is a "culture within a broader culture that may deviate in some aspects from the broader culture and influences daily decisions" (Herbert, 1998). Anthony (2018) argues that the "culture of

the police department equates to organizational culture. The culture of police officers in the street is a subculture". As in other organisations, a police department has many of the components of organizational culture, but what differentiates police culture from other organizational cultures is the "constant potential for life-and-death encounters combined with the unique stresses and strains that originate in the policing environment" (White & Robinson, 2014). "An individual's organizational identity is related to organizational culture (Alvesson &Sveningsson, 2015), indicating that police culture has an impact on how an officer identifies and behaves".

Cox (1996) contends that the police subculture tells officers "how to go about their tasks, how hard to work, what kinds of relationships to have with their fellow officers and other categories of people with whom they interact, and how they should feel about police administrators, judges, the law, and the requirements and restrictions they impose." For example, since police officers are exposed to physical risk during their day to day functioning, they conceptualize the world as a "potentially toxic and lethal work environment". This conceptualization often leads to arbitrary behaviour (Young, 2011). Some of the myths like, "police represent the thin line between chaos and orders" ("thin blue line"), "public potential hostile and untrustworthy" ("us and them") are deeply internalized by the members across the police organizations. Several scholars (McConville and Shepherd, 1992, Reiner, 1992) and Commission Reports (Wood, 1997, Mollen, 1994) confirm that "secrecy becomes protective armor shielding the

force as a whole from public knowledge of infraction." "Code of silence" is something that applies to the rank and file. These discrete set of values are woven together to form a perceptual net that guides individual decisions (Brown, 1988).

The police often have to work in a potentially hostile environment for long hours within the constraints of resources and with an objective to maintain order in the society. Researches have established that the members of the police organization are guided by their own set of beliefs, attitudes and behaviour, what can be termed as police subculture.According to Westley (1970), "the police subculture is a crucial concept in the explanation of police behaviour and attitudes. The subculture, in his view, characterizes public as hostile, not to be trusted, and potentially violent; this outlook requires secrecy, mutual support, and unity on the part of the police". Manning (1977) suggested that the "inherent uncertainty of the police work, combined with the need for information control, leads to police team work, which in turn generates collective ties and mutual dependency".Scaramella et al (2011) contends that "police officers are influenced by the formal organizational structures and expressed organizational values and also by informal values, beliefs, norms, rituals, and expectations of the other police officers that are passed through the organizational culture and from one generation of police officers to another". The influence begins early in the career when the officer is told by the seniors and more experienced colleagues to unlearn what is taught in the training institute as they are irrelevant to real police work (Bayley &

Bittner, 1989). Sparrow et al (1992) argued that the "police subculture creates a set of truth, according to which the officers are expected to live". It may be noted that there is some basis for each of these subcultural truths and each alienates police from the citizens.

- War on crimes cannot be won without bending the rules
- Public are potentially hostile and untrustworthy.
- Citizens are unsupportive and make unreasonable demands.
- The police are the only real crime fighters.
- Loyalty to colleague counts more than anything else.
- No one understands the nature of police work except the fellow officers.

Researchers have gone into details of these subcultural truths and come out with interesting findings and phenomena. The first of these perceived truths is what sociologist Carl B Klockers (1980) terms as "Dirty Harry dilemma" which rationalizes vigilante justice. Klockers got it from the 1971 Warner Brothers film that dramatized a fundamental problem for police.A morally good end can employ whatever means necessary to accomplish the objective. The relevance and influence of this dilemma in every day police operations including in arrests is significant. Police officers generally perceive the criminal justice system is too liberal or ineffectual to deal with the hardened criminals.

The citizens being perceived as chief source of danger, the police officers gradually distance themselves from the public. Thus, the police officers rely more on each other for protection from a hostile and dangerous work setting, tend to develop an *"us versus them"* attitude towards public and a strong sense loyalty towards fellow officers (Terril, Paolin, & Manning, 2003).

Yet another distinct subculture that perpetuates in the organization is the feeling and belief that police are the real crime fighters. The thin line between order and chaos is held by them. Once police withdraw from the scene, disorder will descend and chaos will prevail. In the 1950s Bill Parker, the Chief of LAPD, coined the term "thin blue line" to reinforce the role of LAPD in fighting crime and maintaining order in Los Angeles. As Parker explained the thin blue line, representing the LAPD, is "the barrier between law and order and social and civil anarchy" (Lasley, 2012). The sentiments are echoed by the police organisations in India during stakeholders' meeting with the Law Commission of India for its 177th Report on "Law relating to arrest"[i]. In response to the consultation paper the state of Odisha justified the pre-amendment powers of arrest by police in cognisable offences by advocating that "the aggrieved public have come to see arrests of the culprits by the police as the first step in their yearning for justice. Any curtailment of this power will result in loss of public faith in the criminal justice system". It was furthered argued that "Indian society is generally perceived to be meek and relies considerably upon the armed police to keep order and hence police should not be

weakened." Haryana, another Indian state, was of the view that "Indian public do not expect the police to release the offender immediately after arrest. They would accuse the police of collusion in most such cases." The state police expressed grave concern on the proposed amendment stating that "the proposal to limit the power to arrest an accused in bailable offences, if implemented, would cause tremendous damage to maintenance of public order in the society." These strong sentiments of police organizations in India against liberal arrest laws betray the deep-seated ethos of this subculture across the police organizations. However, the term in the Indian context the term may be re-phrased as 'thin khaki line", having regard to the shade of the uniforms donned by the Indian police.

"Code of silence" is a strong subcultural ethos in policing to denote the informal rule of secrecy that exists among the police officers not to report on colleague's errors, misconduct or brutality. Caldero et al (2004) argues that "secrecy is a set of working tenets that loosely couple the police to accountability, that allow them to do their work and protect each other in the face of oversight interference". This ethos compliments the "us versus them" mind-set and "Dirty Harry" dilemma. Because police perceive the public as non-cooperative, unappreciative and are critical of their work, and because the "rules are to be bent" for espousing a greater social cause, the loyalty to a fellow colleague acts as a premium against the professional hazards one encounters in career advancement. The perceived feeling of protection from colleagues against the abuse of power,

particularly against illegal arrests or excesses during arrest, gives a sense immunity to the officer and influences his discretionary powers.

1.1. Subculture as a determinant of arrest discretion

One of the most cited definitions of discretion is that offered by Kenneth Culp Davis (1969). He states that a "public officer has discretion whenever the effective limit on his power leave him free to make a choice among possible courses of action or inaction". This is a very broad definition of discretion that does not "distinguish between acceptable and unacceptable bases for discretion". Accordingly, Davis went on to point out that the "discretion allowed to officials is typically structured or fettered by policies or guidelines designed to ensure the acceptable exercises of discretion". According to Davis, "discretion is not limited what is authorized or what is legal but includes all that is within the effective limits of officer's power". This phraseology is necessary because a good deal of discretion is illegal or has questionable legality. Another facet of the definition is that a choice to do nothing; "perhaps inaction decisions are ten or twenty times as frequent as action decisions" (Palmiotto, Unitthan, ibid). Discretion is not confined to substantive choices but extends to methods, procedures, timing, and many other related factors.

The path breaking research of American Bar Foundation in the 50's and 60's brought about a paradigm shift in understanding the discretion in criminal justice system[ii]. The result shows that "the idea that police, for example, made arrest decisions simply on the basis of whether or not a law has been violated – as a generation of police leaders led the public to believe – was simply an inaccurate portrayal of how police worked. The police work is complex, that police use enormous amount of discretion, that discretion is at the core of police function" (Kelling. 1999). Davis (1969), one of the prominent legal scholars on discretion, observed that "the police are among the most important policy makers of our entire society. And they are far more discretionary determinations in individual cases than any other class of administrators; I know of no close second". Having accepted that discretion is inescapable and unavoidable part of policing, the law makers, courts and the police organizations have been grappling with the issues of regulating and taming discretion so that decisions are principled rather than arbitrary and they respect human and civil rights (Bronnit&Stenning, 2011).

Literature review establishes that factors like organizational, situational, subcultural, environmental and individual determinants are at the forefront of influencing the arrest decision on behalf of the law enforcement (Gaines &Kappeler, 2003, Groeneveld, 2005, Hidayet, 2011). The organization through its policy, process, value and training create a structure that influences the arrest decision (Groeneveld, 2005). Subculture is a culture within a broader culture that may deviate in some aspects from the broader culture and

influences daily decisions (Herbert, 1998). Anthony (2018) argues that the culture of the police department equates to organizational culture. The culture of police officers in the street is a subculture. Subcultural ethos is intangible and many of the subcultural ethos negatively influence the decision. In a democratic set up the police functions in an environment where the media, public opinion, public reaction and political culture create a complex maze within which the police take decisions. Each of these components either independently or in combination influence decision making processes of police. Literature review suggests that individual characteristics of officers on one hand and officers' value, belief and attitudes on the other are seen as correlates of police decision (Hidayet, 2011). Finally, study establishes that situational determinants have considerable influence on arrest decision (Black, 1971, Hidayet, 2011). Some of the situational variables are; seriousness of crime, prior criminal record, demeanor of the offender, individual officer characteristics etc. (Gaines &Kappeler, 2003; Walker & Katz, 2005).

Out of the five determinants – organizational, situational, subcultural, environmental and individual – the first one comprises legal variables like statute, court directives, departmental guidelines, manual rules while the situational determinants are partly guided by legal factors like seriousness of the offence, offender's criminal record etc. and partly by some extralegal factors like demeanor of the offender and individual officer's characteristics. Rest of the determinants are extralegal[iii], complex and intangible in nature while considerably influencing the arrest decision. While the empirical research leaves little doubt that legal factors significantly influence arrest outcomes, arrest decision is not solely influenced by law, and that "policing is for the most part extralegal, for while officers work within the constraints of law, they seldom invoke law in performing police work" (Worden, 1989).

2. Statement of Problem

The century old arrest law of India was amended in the year 2009 on the basis of recommendations of the Law Commission of India in its 177th Report[iv]. The objective was to reduce the number of avoidable arrests. The amended Section 41 Criminal Procedure Code[v] introduced a new provision of "service of notice" instead of formal arrest of an accused person for the offences punishable with imprisonment for less than or up to seven years. Analysis of substantive laws in India shows that the offences which prescribe punishment up to or less than seven years is two-third of the total penal offences. Following the new amendment, the arrest figures in India should have been reduced by two-third as similar proportion of offences are punishable up to or less than seven years of imprisonment in the substantive laws of India. But a study of arrest figures for the pre- and post-amendment periods shows that there has been very insignificant reduction in the arrest figures (1.18 arrest per offence in the post-amendment period as against 1.19 in the pre-amendment period[vi]). The inquiry further delves into the question if the statute, departmental guidelines, court rulings, police manual rules etc. have little

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influence on the arrest decision of the police, then what it is that considerably impact such behaviour.

If in spite of the amended provision of the procedural law on arrest and with catena of court directives and departmental guidelines, the arrest figures in India do not show any appreciable decline, defeating the legislative intent, the inescapable conclusion that follows is the dominating role played by the complex set of extralegal factors in arrest decision. Sub-cultural factors are extralegal in nature, not regulated or sanctioned by law.In the absence of literature on police discretion and study on the subject in India, this research intends to explore these extralegal factors, particularly embedded within the conceptual space ofpolice subculture, its influence on arrest discretion with empirical investigation on Indian context on the basis of literature available internationally. The relative importance of the subcultural determinants over organizational determinants on arrest discretion needs to be empirically tested to arrive at any conclusion.

3. Objective of the study

With this background, the objectives of the study have been set; first, to find out if the subcultural determinant of arrest discretion collected on the basis of literature review from the West has validation in the Indian context; second, what is the relative importance of the sub-cultural determinant in influencing the arrest discretion behaviour of police compared with the organizational determinants which are legalistic and structured to ensure that the discretion is exercised within the boundaries of rules and

statutes; third, the study aims to be interpretive, which means the researcher intends to provide explanations for the results obtained in this study through analysis of background study of Indian policing, laws and policies in India and by considering the interplay of variables in this study; fourth, on the basis of study findings some recommendations can be generated and may be interest to the policy makers, police leaders, practitioners and police researchers in India; fifth, the study has potential to contribute to the literature on subcultural influence on arrest decision behaviour being the first of its kind in the Indian context.

4. Research Question

Having set the research objective against the background of the research problem, the following research questions have been developed

RQ 1. Is the subcultural determinant of arrest discretion behaviour found in the Western literature significant for police in India?

RQ 2. Does the extralegal determinant like subculture impact the arrest discretion behaviour of police in India?

RQ 3. What is the relative importance of subcultural determinant as compared with the organisational determinant?

Research Method and Design

The major approach in this study is quantitative data analysis. The variables under each determinant have been operationalized with appropriate response statements and respondents have been asked to express their degree of agreement or disagreement with each item on a

classical Likert scales with five choices. A total of 222 police respondents from Odisha police and 138 officers from Indian Police Service from different states of India have participated in the study as random samples. Multiple regression analysis, combination of simple frequency table and cross tabulation have been employed for data analysis by adopting SPSS software[vii].

5. Study Variable

From the preceding discussions ixteenvariables representing the dimensions under organizational (four each for policy, process and values), and subcultural determinants have been selected from literature review for their operationalization in the context of India police. Table 1 shows the study variables under three dimensions of organizational determinant and under subcultural determinant.

Table 1 Study Variables

A. Organizational Determinants:

1. *Policy Dimensions*
   a. *Specific Statutory Guidelines*
   b. *Court Pronouncement e.g., Arnesh Kumar guidelines*
   c. *Extensiveness of arrest policy e.g., Crime Branch Circular*
   d. *Internal Review*

2. *Process dimensions*
   a. *Supervisory monitoring*
   b. *Weightage to supervisory instructions over personal judgement*
   c. *Discovery of procedural violations*
   d. *Departmental /legal actions*

3. *Value Dimensions*
   a. *Independence*
   b. *Discretionary Choices*
   c. *Training*

   d. *Community Policing*

B. Subcultural Determinants:

a. *"Dirty Harry Dilemma" (criminal justice system is ineffectual)*
b. *"Us versus them" (public potentially hostile and untrustworthy)*
c. *"Thin Blue Line" (thin line between order and chaos)*
d. *"Code of Silence" (to maintain solidarity & protect each other)*

Each indicator needs to be different from other indicators in that each measures a different aspect of the specified dimension. This is consistent with the statistical notion that indicators should be additive, such that the accumulation of the indicators individually captures different aspects of the dimensions and collectively they represent the conceptual space defined by the dimension (Groeneveld, 2005).

The sixteen indicators must be translated into research terms to effectively measure the concept. This presents a measurement challenge. Since the determinants and indicators developed in this study are constructed to be additive, the appropriate scaling technique is that of Summated Ratings and scale is "Likert scales". It assumes that each scale item is a statement, either positive or negative, related to the concept of interest, that the statements are additive in nature and that the respondents will be asked to express their degree of agreement or disagreement with each item. The process of scoring the scale is achieved by assigning numeric value to the response format. The classical Likert scales with five choices, stating

from "Strongly Agree" to "Strongly Disagree" have been chosen for this study. The response format is worded such that strong agreement or disagreement with the item indicates higher degree of influence with respect to the indicator. Accordingly, a value of 5 has been assigned to "strongly agree" and each item choice after is numerically smaller until a "strongly disagree" receives a value of 1.

Each variable under a major a determinant or concept needs to be qualified with a statement which should be meaningful to the "world of experience" and collectively they must represent the concept. To take the example of influence of sub-culture on arrest discretion behaviour, the conceptual space of "sub-culture" is intended to be represented collectively by (i)"Dirty Harry dilemma" (criminal justice system is ineffectual), (ii)"us versus them" (public potentially hostile and untrustworthy), (iii)"thin blue/khaki line" (thin line between order and chaos), (iv)"code of silence" (to maintain solidarity and protect each other). Each necessarily needs to be qualified with a statement which the respondent must be able to relate to the "world of experience" and when responded must indicate the degree of his/her agreement or disagreement. The following is an example of Likert scales used for this study to operationalize "dirty Harry dilemma" and "specific statutory guidelines"

Table 2   Response Format Example

"Dirty Harry dilemma"

"Arrest and pre-trial custody during investigation is the only punishment meted out to anti-social and rowdy elements as they are most likely to get acquitted"

"Specific statutory guidelines"

"The amended provisions of Sec 41 Cr PC (arrest in cognizable offences) are very specific and provide detailed guidelines on arrest in cognizable cases"

Strongly Agree	Agree	Cannot Say	Disagree	Strongly Disagree
5	4	3	2	1

6. Sampling Technique

The study has been undertaken in the context of Indian police.Despite 29 state police and 7 union territory police organizations and diversity in police forces, there is good deal of commonality among the organizations. "This is due to four main reasons:

1. The structure and working of the State Police Forces are governed by the Police Act of 1861, which is applicable in most parts of the country, or by the State Police Acts modelled mostly on the 1861 legislation.

2. Major criminal laws, like the Indian Penal Code, the Code of Criminal Procedure, the Indian Evidence Act etc. are uniformly applicable to almost all parts of the country.

3. The Indian Police Service (IPS) is an All India Service, which is recruited, trained and managed by the Union Government and which provides the bulk of senior officers to the State Police Forces.

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4. The quasi-federal character of the Indian polity, with specific provisions in the Constitution, allows a coordinating and counselling role for the Centre in police matters and even authorizes it to set up certain central police organisations." (CHRI, 2002)

5. The rulings of the Supreme Court of India on police matters are applicable and binding to all state and union territory police organisations

In this study, the state of Odisha is taken as a universe. Besides, random selection of senior officers from India Police Service from across different states and union territory polices of the country on senior training course at SVP National Police Academy, Hyderabad have been taken as respondents to make the study more broad based. Therefore, inductively, the research findings are expected to mirror pan Indian characteristics of police discretion behaviour in making arrests in cognizable offences. A total of 360 respondents, both from Odisha state police (222) and senior members of Indian Police Service from other state and union territory polices (138) have participated in this study.

7. Data Analysis Technique

One of the analytical goals of the study is to characterize and examine how far and to what extent the organisational and sub-cultural determinants influence arrest discretion behaviour. In situation like this, where the research focuses on examining the impact of several independent variables (all the dimensions and determinants) on a single dependent variable (arrest discretion behaviour of police), multiple regression is the appropriate analysis technique. This approach is used as a means of quantifying both the amount of variance explained by relative importance of each independent variable and by all the independent variable acting together on the dependent variable.

Multiple regression is a technique based upon the general linear model of statistics. This statistical model is designed to examine the relationship among a number of independent variables and one dependent variable. It answers two questions about any statistical model: what is the relative importance of the independent variables in causing change in the dependent variable, and how much variance in the dependent variable is explained by the independent variables acting together. The relative importance of independent variables is assessed using the standardized regression coefficient, also known as beta (β) coefficient. It is interpreted as the amount of change in the dependent variable associated with a standardized one-unit change in the focal independent variable, controlling for the effects of all other independent variables. Beta coefficients vary between a lower anchor value of -1.0 and upper limit of +1.0. The higher the coefficient value, the greater the amount of unique change caused in the dependent variable by the focal predictor (independent variable). Consequently, greater is the relative importance

of that independent variable (Groeneveld, 2005).

Two tests are essential for meaningful interpretation of the beta coefficients. Beta coefficients are tested for statistical significance. A Student's 't' statistics is calculated to assess whether the tabulated beta coefficient is statistically significant. For the meaningful regression analysis, the predictors should be statistically significant. The other assumption is that the predictor (independent) variables are not intercorrelated. The assumption is considered critical in regression analysis because the presence of such inter-correlations -- referred to as multicollinearity -- causes significant difficulty in interpreting coefficients. Multicollinearity means one may not be able to free the influence of one independent variable from the other with which it is correlated.

The second goal is to find out from among the dimensions (predictor or independent variable) which have significant contribution towards influencing the determinants (conceptual space) – organizational and subcultural – and which among two has more contribution towards influencing arrest discretion behaviour of police. This will be achieved by multiple regression technique.

8. Key Findings

The key findings have been discussed on the basis of values of beta coefficients of individual variables operationalized to define the conceptual space of a dimension and taking the combined value of the variables to analyze the relative importance of a dimension or determinant. Besides, frequency distributions of responses have been analyzed for the significance of the variables.

8.1 Organizational Determinant

The research literature indicates that the way the organisation creates a structure for arrest discretion flows from three principal sources; official policy, process, and values. These dimensions capture the channel through which the officers can influence or constraint the arrest discretion behaviour of the officers. One of the empirical tasks is to find out which among these three has maximum impact on arrest discretion in presence of the other two. While the data analysis shows that all three are highly significant to the organisational determinant, the process dimension with highest beta coefficient of 0.569 among the three dimensions is the most sensitive predictor with maximum effect on the organisational determinants, followed by the policy dimension (0.513) and value dimension (0.444). The findings give empirical support to the hypothesis that the way the organisation creates a structure for arrest discretion flows from three principal sources; official policy, process, and values. These dimensions capture the channel through which the departmental supervisory officers can influence or constraint the arrest discretion behaviour of the officers.

8.2 Sub-culturalDeterminant

Four dimensions of informal organizational or subcultural determinants have been carefully chosen for the study— "Dirty Harry dilemma", "us versus them", "thin blue (khaki) line", and "code of silence". In course of the data analysis of the frequency tables under subcultural determinants it has been established that majority of the respondents either agreed or strongly agreed to the all four strong subcultural traits within the police organization with varying degrees of endorsement ranging from 55 to 68 percent. It is to be found out whether the dimensions capture the essence of subcultural ethos and how do they behave with one another to impact the core subcultural determinant by linear regression analysis. Table 3 shows the mean, standard deviation, t-test results, correlation coefficients and beta coefficient values of the four variables coded, X_1, X_2, X_3 and X_4 respectively.

Table 3 Regression Analysis of Subcultural Determinants

NB: The values in the parenthesis represent the standard deviation. t-test at 5% level of significance = 1,960 and for 1% level of significance = 2.576 (degree of freedom = 359)

The t-statistics for the factors considered for the study are highly significant both at 5% and 1% level of significance with values ranging from 49.465 (for X_1) to 72.091 (for X_2). The correlation coefficient ('r') value between any two factors varies from 0.13 (X_2 & X_3) to 0.25 (X_1 & X_4), which is of low value. With both presuppositions – statistical significance & absence of multicollinearity – being statistically established, the beta coefficients can be meaningfully interpreted. The factor, "Dirty Harry dilemma" with highest beta coefficient of 0.447 among the four independent variables is the most sensitive predictor within the subculture determinants with highest impact on the dependent variable i.e., subculture, followed by the factor "code of silence" (0.430). Rest two factors are also positively correlated with subculture determinants carrying values of 0.388 (thin blue/khaki line) and 0.322 (us versus them.

The empirical tests validate the research presupposition that the factors taken to represent the subcultural determinants are highly relevant, relatively independent of each other's sphere of influence and yet collectively define the conceptual space.

Factors (Independent variables or predictors)	Code	Mean	t-test	Correlation coefficient (r)				βcoefficient
				B X1	B X2	B X3	B X4	
Dirty Harry Dilemma	**X₁**	3.44 (±1.32)	49.465	1.00				0.447
Us versus them	**X₂**	3.61 (±0.95)	72.091	0.21	1.00			0.322
Thin Blue (khaki) line	**X₃**	3.33 (±1.15)	55.158	0.14	0.13	1.00		0.388
Code of silence	**X₄**	3.25 (±1.27)	48.619	0.25	0.16	0.24	1.00	0.430

8.3. Relative significance Organizational, and SubculturalDeterminants over Arrest Discretion

One of the key assumptions of this study is that determinants, such as, organization through its policy, process and value dimensions and subcultural ethos, operating environment within which the police function, situational and individual factors, either individually or in combination, influence the arrest discretion behaviour of the police. Out of the five such determinants, the first two determinants – organizational and subcultural – have been operationalized for statistical analysis with several anchor variables. One of the tasks is to find out the relative importance of the determinant from among the two in influencing the arrest discretion behaviour (dependent variable) and to find out which between the two determinants (independent or predictor variables) has more influence on the arrest discretion behaviour while controlling for all of the other determinant. The subcultural determinant with highest beta coefficient of 0.593 between the two determinants is the more sensitive with greater effects on arrest discretion behaviour, and organizational determinants with beta value of 0.295 is a distance second (please refer Table 4).

What could the intuitive support for subcultural determinants impacting the arrest discretion behaviour more than the organizational determinants, which are well defined with rules, regulations, statutes, departmental sanctions etc.? The answer is not far to seek. The organizational determinants are constrained by statutes, rules, departmental regulations, guidelines, and court directives, which all can be categorized as legal determinants. They are more objective and hence less likely to be susceptible to individual vagaries. Whereas, subculture determinant is intangible in nature, susceptible to individual interpretation and most importantly extralegal in characteristics. Not surprisingly, subcultural determinant is empirically proved to impact the arrest discretion behaviour more than the organizational determinant. On the other words, officers react to the organizational determinants more objectively and to the subcultural determinants more subjectively.

9. Discussions on Research Questions

Having set the research objective against the background of the research problem, the following research questions have been developed

RQ 1. Is the subcultural determinant of arrest discretion behaviour found in the Western literature significant for police in India?

RQ 2. Does the extra-legal determinant like subculture impact the arrest discretion behaviour of police in India?

RQ 3. What is the relative importance of subcultural determinant compared with the organizational determinant?

Two statistical methods have been employed for data analysis. First, frequency distributions of the responses which makes it possible for a detailed analysis of the structure of the population with respect to a given characteristics. On the basis of frequency of

agreement to a response statement a general proposition can be drawn on how much the population agrees to the existence of response predictors that influence the arrest discretion behaviour. The response format is worded such that strong agreement or disagreement with the item indicates higher degree of influence with respect to the indicator. Second, multiple regression method has been employed to examine the relationship among a number of independent variable and one independent variable. It answers two questions about any statistical model: what is the relative importance of the independent variables in causing change in the dependent variable, and how much variance in the dependent variable is explained by the independent variables acting together. The relative importance of independent variables is assessed using the standardized regression coefficient, also known as beta (β) coefficient. Beta coefficients vary between a lower anchor value of -1.0 and upper limit of +1.0. The higher the coefficient value, the greater the amount of unique change caused in the dependent variable by the focal predictor (independent variable). Consequently, greater is the relative importance of that independent variable (Groeneveld, 2005).

To answer the questions, if the determinants are significant for police in India, firstly, it must be shown that majority of the population endorse the response statements by "agreeing or "strongly agreeing" with them. On the basis of frequency of agreement to a general statement an inference can be drawn on how much the population agrees to the existence of response predictor that influence the arrest discretion. This requires simple interpretation of the frequency table. Secondly, from the regression analysis tables the study of beta coefficient values are likely to throw insight into the significance and relative importance of each independent variable in influencing the arrest discretion behaviour (the dependent variable). Table 4 contains the average frequency distribution of agreement (both "agree and "strongly agree") and the beta coefficient values of the predictor variables for the determinants; organization, and subculture. The significance of the two determinants have been shown in one Table for answering the RQ 3, which calls for relative values for comparative study.

Determinants	Dimensions	%Agree/Strongly Agree	βcoefficient
Organizational	Policy Process Values	82.8 65.0 78.0	0.295
Subcultural		60.5	0.593

Table 4   Frequency Distribution and Beta Coefficient of the Determinants

Majority of the population endorse the response statements designed to capture the determinants or dimensions with the frequency distribution varying from 60.5 to 82.8 percent for

"agree/strongly agree" responses. This testifies empirically that majority of the population agrees to the existence of the response predictors that influence the arrest discretion. The positive values of beta coefficients signify that both the determinants are positively correlated with arrest discretion. Subculture with higher value is the more sensitive dependent determinant among the two in influencing arrest discretion behaviour. The study thus validates that the determinants of arrest discretion found from literature of West are highly significant to police in India. This answers the RQ 1.

With beta coefficient value of 0.593 (say 0.6) the subculture determinants impact the arrestdiscretion to the extent of sixty percent and organizational determinant with beta coefficient of 0.295 (say 0.3) impacts the arrest discretion to the extent of thirty percent. In other words, subcultural determinant can influence the arrest discretion behaviour twice as much as the organisational determinants. This answers the RQ 2 and 3. Now, having empirically established the research questions, it is essential to examine their implications in arrest discretion behaviour.

The findings on the face of it appears to be counter intuitive. How could the organizational determinants with statutes, rules, court directives, guidelines, regulations, disciplinary mechanism in place for violation of departmental norms etc. influence the arrest discretion behaviour to the extent of half that is by the subcultural determinants? The answer lies in explaining the legal – extralegal conundrum. The factors comprising the organizational determinants are strictly legal ones, interpreted objectively, leaving little room for subjective interpretation of a decision. Whereas, the conceptual space for subcultural determinants are captured by complex and intangible extralegal factors, not regulated or sanctioned by law. Subjectivity of an officer in addressing a situation is key here leaving little scope for objective assessment to arrive at a decision. It's the complex and intangible nature of the subcultural determinants that have the mischief potential to influence the discretion more than the organizational determinants, which arestructured and fettered by policies and guidelines and designed to ensure acceptable bases for discretion.

The study implies that suitable mechanism should be put in place by the police leadership to identify the negative effects of the subculture, decide the changes needed and support the desired changes.

10. Recommendations

This study establishes empirically that subcultural determinants play a dominant role in arrest discretion behaviour of police in India, more than the legal factors manifested by the organizational determinants. An adherence to police subculture may foster negative and cynical attitude towards citizens even the legal system (Cochran & Bromley, 2003). The 'us and them" and "Dirty Harry dilemma" are the manifestations of such subcultural ethos. Wood (1997) argues that the adherence to subculture will reinforce peer loyalty so that police misconduct is undetected because of the "code of silence". Anthony (2018) suggests that changing culture of a police organization and

of the officers requires training initiatives that will be accepted, supported and implemented by the officers. It is recommended that police leadership consider training on ethics and practice of community policing to improve the department's operational image (Mohanty & Mohanty, 2014) and to overcome the negative aspects of police culture. The police leaders should first determine the desired culture they wish to instill, compare it with the existing culture to decide the changes needed, create disaffection with the existing culture and support for the desired changes.

11. Contribution of the Study

The literature on police discretion is relatively unknown in India, not to speak of arrest discretion behaviour. This study is a maiden attempt to empirically investigate the determinants of arrest discretion behaviour of police suggested in Western literature in the context of police in India. Without any previous reference point, this study may be termed as exploratory in nature in that it provides an overall insight into how the field police officers and senior supervisory officers in India perceive the widely discussed determinants of arrest discretion. The study empirically establishes that the subcultural determinants influence the arrest discretion behaviour twice as much as the organizational determinants, contrary to the popular perception that it is the organization through statutes, rules, regulations and compliance to court directives influence the arrest decision. The findings to an extent explain the existing gap between legislative intents to reduce the number of avoidable arrest and its realization in the field law enforcement.

The components of organisational determinants are legal factors whereas those of subcultural are extralegal ones. Extralegal factors are intangible and complex, not regulated or sanctioned by law, yet have influence on shaping the final outcome of the decision. The decision making process within the discretionary boundary is a complex exercise of legal-extralegal conundrum. The colourful exercise of arrest power or abuse of arrest discretion is often clothed as a legitimate exercise because the boundary between legal and extralegal considerations is thin and not well defined. This study brings some amount of clarity into the arrest decision making process so that the police leaders can identify the factors contributing to the discretionary abuse and put proper accountability mechanism in place to prevent such abuse.

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