

# Construction of Justice at the Street Level

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## Abstract

By conceptualizing street-level bureaucrats (SLBs) as the ultimate policy makers, Michael Lipsky (1980) focused attention on the interaction between citizens and the state at the organizational front lines. In subsequent years, research on SLBs provided significant insight into the interactions of SLBs and citizens. In particular, scholarship has focused on the inherently autonomous nature of street-level work and the discretion these agents of the state possess. Work in this area has traditionally relied on teachers, social workers, and police officers as sources for empirical study of how formal and informal social structures influence the use of discretion by SLBs. Recent scholarship, and coverage of New York City's stop and frisk policy, has renewed interest in the role that SLBs play in constructing justice for the citizens they encounter. In this review, we consider the street-level-bureaucracy scholarship and articulate how insights from this literature inform our current understanding of investigatory police stops, such as those stemming from the stop and frisk policy in place in New York.

## INTRODUCTION

The introduction of street-level-bureaucracy theory (SLBT) turned the study of organizations on its head. Rather than thinking of organizations as simply top-down enterprises, with frontline<sup>1</sup> workers as cogs at the bottom of rationally functioning hierarchical organizations, Michael Lipsky (1980) invited us to consider discretion and autonomy as two key mechanisms street-level bureaucrats (SLBs) use to employ judgment and power from the bottom up. Lipsky discussed discretion as the elaboration of rules or instructions applied to situations in practice. Additionally, SLBs possess autonomy—the freedom to make decisions without complete oversight—as they operate in the street or at the boundaries of organizations, with limited direct supervision.

Armed with these mechanisms and positioned at the front lines of state–citizen interaction, SLBs become the ultimate policy makers in both a temporal and a substantive sense when they implement and adapt policy in their work practices. Lipsky’s insight bridges work on discretion and policy implementation recognizing that policy is definable only in its application within specific contexts. SLBT moves beyond the discussions of hierarchical principal–agent theory (exploring the compliance or subversion of policy by SLBs) by discussing frontline workers as powerful state agents working at the boundaries of organizations to determine who gets what and when in policy implementation (Brodin 2012). SLBs serve as policy makers constructing justice or injustice for the citizens they interact with by fully elaborating abstract policies and mandates into practice (Musheno 1986).

In this review, we first discuss the advent of SLBT. We then consider the inherent autonomy and discretion of the SLB. We follow that with a discussion of scholarship focused on formal and informal social structures that shape the use of discretion by SLBs. Finally, we look at a current policy issue involving SLBs: New York City’s stop and frisk policy. We conclude with a discussion of how SLBs construct justice (or injustice) for the citizens they interact with and what this means for scholarship and practice.

## STREET-LEVEL-BUREAUCRACY THEORY

In the classic Weberian model, large bureaucracies operate as rationally structured enterprises distinct from other forms of social organization in their adherence to formal hierarchy, written records, merit-based hiring, and standard operating procedures. Weber (1946, p. 221) argued that public and private bureaucracies concentrate the “means of management in the hands” of top executives (“masters”), thus constituting powerful tools for government. Almost as soon as scholars became familiar with the Weberian model, they began noticing that organizational members do not act uniformly in accordance with formal rules and procedures. Instead, individuals pursue interests and express feelings from the bottom up that can constrain, facilitate, or transform formal organizational systems into complex congeries marked by informal cultures and shadow structures (Morrill 2008). It was within this realm that decision-making theory and, later, SLBT found life.

The origins of SLBT trace back to Lipsky’s (1980) foundational work, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Service*. Although organizational theorists before Lipsky wrestled with understanding the influence of many of the same constraints Lipsky considered, he applied these concerns to the organizational front lines. He recognized that the broader tensions manifesting within administrative organizations magnify at the front lines, where bureaucrats at the lowest level of the organizational hierarchy interact directly with citizens. As SLBT developed,

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<sup>1</sup>Consistent with other scholars writing in this area, we use the terms street level and front line interchangeably. Both terms indicate a worker’s role at the bottom of an organizational hierarchy and as a main point of contact with the public.

it highlighted several main process and outcome themes, most notably the autonomy inherent in the work of SLBs and their use of discretion in their everyday work. The SLB articulates the normative implications of state power via policy implementation, delineating the relationship between the citizenry and the state.<sup>2</sup>

## Inherent Autonomy

Early scholarship on SLBs focuses on direct-service casework, often discussing frontline workers and managers as two separate and even antagonistic categories (Evans 2011). SLBs are often in the field or the first point of contact in an organization, interacting with citizens without significant oversight from their supervisors. Police officers are on patrol, deciding which car to pull over or pedestrian to question. Social workers must decide which case gets attention first and how to prioritize the use of their limited resources in the community. Hill (2005, p. 237, emphasis in original) observes, “Given their direct interaction with citizens, SLBs are very often not just working *in* organizations but are essentially located *at their* boundaries.” SLBs are gatekeepers; they are intermediaries between organizations and the people they serve.

Although most social workers or police officers operate in rule-saturated environments, they also have extensive autonomy in policy implementation. In their, often unobserved, interactions with citizens, they must choose which policy to apply and how. It is in the field that a police officer decides whether to deem an action a crime and arrest a suspect to bring him or her into the criminal justice system. It is in the classroom, often as the sole adult, that a teacher delivers lesson plans and prepares students for standardized tests. The nature and numbers of frontline positions make constant accountability to supervisors challenging. Even with new technologies such as cameras in patrol cars or the smartphones of citizens police interact with, supervisors and the public cannot monitor every decision SLBs make. The saturation of rules into this environment is paradoxical as well. With more rules in place, SLBs have greater discretion to determine which rule(s) to apply in a given situation. More, and contradictory, rules leave more options available for application and lessen the ability to monitor their application (Hasenfeld 2000, Prottas 1979).

In many ways, the inherent autonomy that is always present in the world of SLBs is a form of power. As noted above, these individuals are the state agents answering the classic political question of who gets what and when. Serving as the gatekeepers of organizations and doing it outside of the view of supervisors, they have significant power to decide which policies to apply and how. Mechanic (1962) argued that successful organizational subordinates exercise power by making the organizational superiors reliant on them for information and policy implementation. This is the role of SLBs; often operating without supervision, they are responsible for information and policy implementation decisions their organizational superiors rely on.

There is, however, some disagreement in the literature about the degree of power SLBs possess. For example, Hudson (1989, p. 43, emphasis in original) notes,

Street level bureaucrats . . . end up making policy in circumstances which are not of their own choosing and which impel them to devise strategies to protect their working environment. In this way, Lipsky is addressing the process whereby zeal is eclipsed and idealism corrupted. It is significant that Lipsky's title refers not to the *power* but to the *dilemma* of the street-level bureaucrat.

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<sup>2</sup>Although Lipsky originally theorized about the relationship between the citizenry and the state, he also considered how the hollowing of the state through contracting and privatization alters this relationship (Smith & Lipsky 1993). The hollowing of the state continues to be a salient topic for scholars considering the role of public organizations and how those organizations provide goods and services (see, for examples, Amirkhanyan 2010, Bozeman 2007, and Van Slyke 2002).

The inherent autonomy of SLBs is constrained by the limited resources and high demands they face in the day-to-day operation of their work. “Resources provided to street-level bureaucracies are rarely adequate – even barely adequate – to respond effectively to the needs identified in policy mandates” (Maynard-Moody & Portillo 2010, p. 260). SLBs operate with significant power and little oversight, implementing policy as state agents interacting directly with citizens, but they do so constrained by limited resources and in interactions that are often not of their choosing.

## Discretion

As noted above, although SLBs often operate autonomously, outside of the purview of their supervisors or colleagues, they also operate with significant discretion. SLBs decide how, when, and where to implement policies. A police officer has the discretion to decide if erratic driving rises to the level of reckless driving, as defined in policy. Using their judgment, officers choose whom to pull over and how to structure that interaction. In a rule-saturated environment, they choose which rule or policy to apply in a particular situation. In many ways, SLBs have the discretion to decide how citizens interact with the state; they mold the encounter, operating as the authority figure, that is, the state agent in that interaction. Although scholarship on the interaction between citizens and bureaucratic states predated Lipsky’s (1980) development of SLBT, SLBT provides an analytic structure to focus attention on discretion and routines.

Scholarship on SLBs and the citizenry often focuses on how SLBs use discretion and power during interactions with individual citizens. Early scholarship conceptualized discretion as either on or off—SLBs were either rule following or rule breaking; however, SLBT has developed beyond that. Now SLBT focuses on the nuanced ways that discretion is used when following, bending, and breaking rules. Discretion is about not just rule adherence, but also how rules are implemented for the citizens SLBs interact with. Discretion is omnipresent in the work of SLBs, and current SLBT considers the contextual elements of discretion as neither good nor bad. Whereas early discussions of discretion attempted to present it as something only rogue bureaucrats exercised, or something bureaucrats could use to go above and beyond the call of duty to help clients, more recently scholars have moved away from normative judgments about discretion. It is viewed as an opportunity for either professionalism or an abuse of professional power (Evans & Harris 2004). It is not discretion that is good or bad, but rather how SLBs exercise that discretion.

This scholarship not only delves into the nuances of how discretion is exercised but also finds that extraordinary discretion is the exception, not the norm. SLBs often develop specific routines to handle their workloads, categorizing citizens based on their judgment and their experience in the field (Van Maanen 1978). They use, for example, contextual clues about citizens being “out of place” in particular neighborhoods or presenting as criminals based on their clothing, car, or visible tattoos. In empirical work on SLBs’ interactions with individuals, Brown (1981), studying police officers, argued that SLBs develop patterns or routines regarding how they exercise discretion. They consider the unique nature of each encounter but rely on patterns of behavior developed over time in dealing with situational similarities. Emerson (1983) echoes this work, describing “holistic” effects of decision making by frontline social control agents. He asserts that case decisions are rarely isolated. Rather, there are structural and reputational constraints on decision making in individual case decisions. For example, an officer may be seen as lenient by colleagues if he or she routinely uses discretion to let cars with brake lights out go by without pulling them over to search for contraband. Not only do SLBs develop and

implement routines for themselves, but they must also bear in mind external, reputational effects when making decisions about particular types of cases. Similarly, Hasenfeld (2000) describes “theories of practice” developed by social workers. These denote highly predictable patterns of behavior, highlighting the consistency within which SLBs use their discretionary judgment. The main contribution of this foundational work around discretion is another core paradox of SLBT: Some discretionary decisions tie to SLBs’ personal judgments about individuals, but the discretion of their positions is structural in nature and focused mainly on patterns of encounters with individuals.

Ultimately, scholarship focused on the organizational front lines recognizes that much of SLBs’ work is routine rather than discretionary (Hasenfeld 2000, Moore 1987, Sandfort 2000). SLBs process cases through bureaucratic agencies in largely standardized ways. Cases are seen as similar and processed in similar ways. SLBs develop patterns of behavior based on socialization, training, and experience. The ways they use discretion, however, remain a salient area of scholarship (Skolnick & Fyfe 1993). Discretionary decision making that falls outside of intended policy or rule-bound categories may not be the norm, but it does have implications for how citizens experience the state in many state–citizen interactions, particularly when considering questions of equity, asymmetries in power, and constructions of justice. For example, as more citizens begin recording encounters with police officers on their smartphones, encounters that are outside of the norm garner significant public attention and outcry. Thus, discretion remains at the forefront of sociolegal scholarship on SLBs.

Brehm & Gates (1997) discuss how organizational culture and norms often rein in SLBs’ discretion through socialization and service predispositions. Using a principal–agent model, which focuses on the mandates of political actors (principals) and how they are carried out by bureaucrats (agents), to explore democratic control of street-level work, the authors find that democratic principals have relatively little control over the actions of frontline agents. SLBs do not respond to specific supervisory demands for policy implementation. Rather, they carry out policy in ways consistent with broader policy-oriented goals and their predisposition to public service. Fortunately, for the public and political decision makers, the choices individual SLBs make often align with broader organizational goals. Rather than thinking of political principals controlling bureaucratic agents, Brehm & Gates (1997, p. 202) invite us to consider frontline workers as “principled agents” with considerable agency and control over their own actions. Rather than there being direct political control over SLBs, SLBs themselves are making decisions aligned with political goals.

Brehm & Gates’s (1997) work is in line with earlier findings by Mashaw (1983) regarding an “internal law of administration.” In this work, Mashaw finds that frontline workers develop an internal law to guide their actions in stable and consistent ways. Although this internal law indirectly ties to organizational rules or structures, it is generally consistent with stated policy. In many ways, SLBs follow the spirit more than the letter of specific policy mandates. More recently, scholars have considered the multiple relationships to which SLBs respond (Pollitt 2003). Rather than having direct accountability to immediate supervisors, SLBs work in networked environments where the diversity of their settings shapes their discretion and accountability to organizational goals (Pollitt 2003). So rather than a single, direct line of supervisory reporting, SLBs respond to the multiple relationships within their organization and policy environment. They manage these networked relationships in an effort to fulfill policy mandates.

Notwithstanding early calls for organizations to eliminate or control SLBs’ discretion, scholars largely agree that eliminating street-level discretion is impossible and ill advised (Brodkin 1997, Chaney & Saltzstein 1998, Handler 1990, Lipsky 1980, Maynard-Moody & Portillo 2010,

Sandfort 2000).<sup>3</sup> The policies SLBs implement are necessarily ambiguous—rules cannot describe every scenario SLBs face when interacting with people and cases (Brown 1981). In this regard, Sandfort (2000) argues that rules designed to rein in discretion miss organizational socialization. Collective understandings and day-to-day individual actions within organizations, not formal rules or structures imposed from outside, influence discretion. Likewise, Hupe & Hill (2007) find that discretion fills in gaps left by organizational rules. SLBs collectively set norms regarding how to handle cases and carry out organizational goals. As resources are often scarce and demands high (Lipsky 1980), SLBs “[d]o not do just what they want, or just what they are told to want. They do what they can” (Brodtkin 1997, p. 24). Others argue that it is not as simple as organizational functionality. SLBs process the vast majority of cases—doing what they can with what they have, but also going out on a limb for those they deem morally worthy, using judgment based not on organizational factors, but rather on broader social understandings (Maynard-Moody & Musheno 2003). In this way, it may not be discretion but rather agency that SLBs are displaying (Maynard-Moody & Musheno 2012). Musheno & Maynard-Moody (2014) argue that agency is inherent in individuals, rather than derived from rules or formal structures of organizations. The concept of agency recognizes SLBs’ ability to use judgment and take action, while still positioning them within broader social systems.

### Formal and Informal Structures Contextualizing SLBs’ Behavior

Much of the early work in SLBT focused on interactions between SLBs and their organizations, including managers and supervisors. This work examined the structures that shape street-level practices among SLBs. Specifically, this work explored the rules that constrained discretion and the relationship between SLBs and their supervisors. According to this line of research, SLBs often vastly outnumber their supervisors, and this creates irreducible power and autonomy visible through SLB interactions with citizens. However, SLBs are also “rewarded the least, valued the least, and considered the most expendable and replaceable” (Kanter & Stein 1979, p. 176). SLBs are often the most junior members of an organization, and turnover is often expected. Yet, SLBs manifest significant power with respect to autonomy and discretion regarding policy implementation.

Scholarship focusing on the interaction between SLBs and their organizations also highlights the structural features constraining SLBs. This scholarship has shed light on our understanding of how organizations interact with their environments. Organizations operate within their specific environments and necessarily adapt to their surroundings and social contexts (Handler 1986). Rather than thinking of organizations as impenetrable structures that implement policies, laws, and rules like conveyor belts of formal rationality, Handler (1986) describes porous organizational boundaries and adaptation of informal social expectations. The organizations themselves must adapt to the expectations of their environments, shifting the context of work for SLBs. For example, organizations have become more diverse as we have seen more women enter the workforce and more people of color ascend in organizational hierarchies.

As the context of street-level work continues to evolve, this scholarship moves beyond many of the early debates in the field. Presently, scholars rarely revisit the false dichotomy of rule of law or discretion, noting that some discretion is irreducible. Rather, much of the current work on SLBs

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<sup>3</sup>Early discussions concerning discretion and SLBs largely echo the foundational debates in public administration between Carl Friedrich and Herman Finer in *Public Administration Review* in the 1940s. The Friedrich–Finer debates centered on discussions of public service and whether public servants should be held accountable to specific mandates and rules or more broadly responsible for ensuring the public good. For an overview of these early contributions and their reverberating effects, see Jackson (2009).

explores how informal social structures, work contexts, and situational factors influence SLBs' discretion (Maynard-Moody & Musheno 2012). Here, Maynard-Moody & Musheno (2003) move the field forward by exploring how SLBs use their judgment to frame discretion. These authors argue that SLBs judiciously use discretion, going beyond bending or breaking rules for clients deemed worthy. Based on interviews with and stories/narratives from police officers, teachers, and rehabilitation counselors, they explore the tension between two metaidentities: state-agent and citizen-agent. State-agent is the state-imposed identity of a strict rule enforcer; citizen-agent is the self-assumed identity of a resourceful user of discretion. In this thinking, SLBs move between these two identities based on their judgment of their clients. When an SLB deems a client worthy, using her or his own moral judgment, s/he assumes the role of citizen-agent so that discretion is employed to marshal resources and bend or break rules to assist clients. SLBs move fluidly between these two metaidentities, which remain in tension with each other. Both identities, however, involve an assertion of the authority and power SLBs maintain as agents of the state with government-sanctioned authority and resources.

Akin to this work, Oberfield (2010) extends our understanding of SLB identities, exploring the rule-following or rule-breaking identities of police officers and welfare workers. Oberfield argues, "Although bureaucrats have the potential to act as rule followers or rule deviators in any situation, they may consistently choose one identity" (p. 739). He links the discussion of discretion to a rich tradition of scholarship on bureaucratic personality (see Merton 1940) and moves it forward by integrating current psychological understandings of socialization and personality. Oberfield (2010) blends current discussions of organizational theory around socialization into long-standing discussions of personality continuity in psychology. Although he finds that internal organizational efforts and dynamics may shift or shape frontline workers' approaches to rule following and discretion, long-standing predispositions to rule following are not easily shifted. In a way, although the organization may be able to shape and mold the SLB, the SLB also brings a personal viewpoint and personality to his or her work.

Expanding on the exploration around rules and identity, Portillo's (2012) work explores how social identities shape bureaucrats' views and use of rules. Building on a tradition of scholarship exploring social power and rule following (Green & Melnick 1950, Kanter 1977, Portillo & DeHart-Davis 2009, Thompson 1977), she argues that bureaucrats discuss rules as more important and broader than any single incident invoking rules. She finds the use of rules paradoxical in nature, noting that "[t]hey are immediately adhered to when discussed and incredibly powerful as a base of authority, but they bring negative consequences when an official is seen as an enforcer or too rule bound" (Portillo 2012, p. 104). Although middle-aged and older white men discuss rules as providing an edge to their authority, they rarely discuss rules directly, as invoking them limits or constrains the discretion they could then employ. Women, people of color, and young people, by contrast, regularly discuss rules and use formal statements of bureaucratic authority as the foundation of their organizational authority. This direct engagement with rules provides SLBs with powerful resources to mobilize authority (Portillo 2010), but it also constrains discretion in ways unique to SLBs' social status (Portillo 2012). The formal rules of organizations are invoked and used differently by SLBs based on each SLB's social identity.

Additionally, Watkins-Hayes (2011) brings together work on representative bureaucracy and SLBT—bridging organizational and social identity contexts in SLB work. She argues that racial/ethnic and gender diversity in public organizations matters but that for representative bureaucracy to function in responsive ways, institutions must be supportive. Ultimately she concludes that the most significant color within a bureaucracy is red, referring to red tape. Similar to Portillo (2010), Watkins-Hayes (2011) argues that SLBs are often constrained by bureaucratic structure and must adhere to strict interpretations of rules in order to assert professional legitimacy. The



ways social identity and institutional affiliation intersect may be more complicated than previously recognized by the representative bureaucracy or SLB literatures. Informal social structures such as race/ethnicity and other forms of social identity and status interact with the formal structures of the bureaucracy to create unique experiences for SLBs.

Despite a growing understanding about how social structures and social constructions such as race and gender influence a variety of organizational and individual factors, we still know relatively little about how social identities influence an SLB's full experience. In another empirical example, Chetkovich (1997) discusses the role race and sex play in the experiences of frontline firefighters. She argues that social constructs such as race and gender shape the opportunities and choices available to people, influencing behavior from birth. They also shape the ways society perceives particular individuals and occupations. These social constructs have important influence on lives outside organizations, but they also matter for how peers perceive frontline workers as they socialize with them, for how supervisors supervise them, and for how citizens interact with them.

As the context of street-level work evolved, so did scholarship exploring the interaction between SLBs and individuals—in particular, the evolving role of technology. Discussions around street-level bureaucracy turn here to “screen-level” bureaucracy (Bovens & Zouridis 2002) and pay homage to SLBs and the gadgets that pervade their working world. Although the role of technology in street-level encounters continues to garner interest, there is still relatively little empirical support that these changes shift the outcomes of interactions or the goals of organizations (Keiser 2010). What has shifted, however, is the process SLBs go through to interact with clients. Some scholars speculate that this may alter the importance of cultural attributes—such as the role of applicants' gender in unemployment insurance claims (Wenger & Wilkins 2009). With automated encounters, the role of client assessment is downplayed in the interaction between SLBs and the people they serve (Keiser 2010).

The ways in which personalities, social identities, social structures, and organizational efforts shape the development of routine practices, practice ideologies, or discretion remain interesting questions within SLB research. As the context of street-level work continues to evolve and social constructs such as race and gender continue to change, efforts to explore how power, sociopolitical factors, and cultural forces influence organizations and SLBs must continue to progress as well. What remains consistently salient throughout the maturation of street-level-bureaucracy scholarship is the focus on the interaction between the citizen and the state. The interaction between citizens and SLBs is a crucial mechanism for understanding how citizens experience the state in their daily lives. SLBs wield enormous power in shaping citizens' understandings of their relationship with the state and the justice or injustice created within that interaction. Scholars have empirically demonstrated the implicit normative implications of SLB decision making; they also have the opportunity to explicitly explore the normative implications for SLBT.

## **STREET-LEVEL-BUREAUCRAT ARCHETYPES**

In his foundational work, Lipsky (1980) focused our attention on the front lines of organizations using teachers, social workers, and police officers as archetypes with which to theorize about the role of the SLB. Members of each of these occupations regularly interact with the public and often represent the face of the administrative state for clients/communities. Each of these occupations also deals with some of the most socially vulnerable members of the population, highlighting the power discrepancy between individuals and state action. These are also public service careers in which resources rarely match demands. The number of cases and the amount of need nearly always outstrip the number of SLBs and available resources.



Once Lipsky focused the study of organizations on the front lines via these archetype SLBs, other foundational SLBT scholarship followed suit (see, e.g., Brown 1981, Hasenfeld 2000, Mashaw 1983). And although they are not the only types of SLBs, scholars continue to use them as examples with which to theorize about the interaction between the citizenry and the state.

Work focused on police officers, in particular, has played a central role in the development of SLBT. Police officers are often the face of state power on the front lines of social control agencies. Scholarship about police officers as SLBs, with particular emphasis on their discretionary decision-making role, includes the early works of Goldstein (1960) and Bittner (1967). These scholars and others (e.g., Davis 1969, Van Maanen 1978, Walker 1993) explore the process and form discretion takes within the context of police work with respect to general and specific citizen populations. A number of groundbreaking, large-scale studies, including those of Black & Reiss (1970), Sykes and colleagues (e.g., Sykes & Brent 1980, Sykes & Clar 1975), Mastrofski and colleagues (1987, 1995), and Frank et al. (2005), use police as SLBs, primarily to consider discretionary decision making during police–citizen encounters. This work views police officers as powerful SLBs possessing autonomy and interpretive decision-making authority to use their knowledge and understanding of law and policies to inform their actions in real-world situations. Many of these studies point to organizational, contextual, and environmental/community-level factors as important determinants of police behaviors (Mastrofski et al. 1995, Worden 1989), while focusing less on interactional dynamics, organizational factors, and sociopolitical contexts. In this work, police officers represent Lipsky’s SLBs, as they work in complicated jobs with limited resources and must use humanistic responses to solve imminent and complex issues. It is within this context that today’s stop and frisk policies are best viewed—as top-down policies that are interpreted and implemented at the street level.

## **STOP AND FRISK AND THE STREET-LEVEL BUREAUCRAT**

Police officers operate at the front lines of state power. They wear an iconic blue uniform and wield the power of the state with the ability to detain, arrest, and use force when necessary. The massive discretionary power of these frontline SLBs has recently received significant scrutiny, with New York City’s stop and frisk policy at the center of much debate, including during the 2013 mayoral race. The current New York City Mayor, Bill de Blasio, blasted the policy, echoing what more than a majority of the City’s residents now believe: Stop and frisk is an invasive policy with disparate impacts. Epp & Maynard-Moody (2014) point out, however, that stop and frisk is not the only problematic policing policy in the United States. They argue that police departments across the country employ proactive policing techniques that impact citizens in disparate ways, although it is hard to pinpoint how many of these policies exist and exactly how they are implemented. What has become more apparent recently is that significant research finds unequal policing for white individuals versus people of color.

Stop and frisk and stop-and-frisk-like policies highlight one of the major principles of SLBT: Although individual officers (SLBs) have wide discretion, most actions are largely routine and developed via socialization and internal laws of practice developed by police departments (organizations). These policies result in disparate treatment for citizens interacting with the state, not through the racism of individual officers, but through systemic deployment of a policy that aims to proactively engage individuals on the street. Thus more generally, it is through routine policy deployment, rather than individual acts of discretion by SLBs, that disparate outcomes appear.

Proactive policies in policing such as stop and frisk are not new. Contextual traffic stops are well known, and even popularized in music like Jay Z’s “99 Problems,” released in the mid-2000s. The stop and frisk policy employed by the New York Police Department applies the concept of

a contextual traffic stop to pedestrians in the city. Much like with the traffic stops upon which the policies are based, however, searches resulting from stop and frisk policies rarely result in chargeable offenses. In fact, Fagan and colleagues find that the number of stops resulting in a discovery of weapons or drugs is no better than chance (Fagan et al. 2009) but that the rates at which young black and Latino men are stopped are significantly disproportionate from their population makeup or criminal activity (Gelman et al. 2007).

Although the injustice of New York's stop and frisk policy, and of investigatory stops by police officers more generally, has been discussed extensively in popular media, much of the empirical discussion around justice and the police focuses on the concept of procedural justice. Procedural justice specifically considers how decisions are made and what the process of justice looks like. Tyler and colleagues' work, in particular, argues that procedural justice is important for the public's willingness to respect the legitimacy of criminal justice institutions (Tyler 1988, Tyler & Huo 2002, Tyler & Wakslak 2004). Tyler focuses on frontline officers interacting with the public, arguing that individuals' perception of state agents' behaviors matters for procedural justice and legitimacy of public institutions (Tyler 1988, 2010). There are currently at least three distinct theories about the importance of procedural justice. Scholars exploring adjudication settings find that fair procedures are associated with fair outcomes (Thibaut & Walker 1978). Scholars exploring psychology and procedural justice find that procedural fairness is associated with reducing outcome uncertainty (Lind & Van den Bos 2002, Van den Bos & Lind 2002). Finally, scholars exploring social status and procedural justice find that individuals' assessments of levels of procedural justice in interactions with authority offer clues about their relative place within social hierarchies (Tyler & Lind 1992). Regardless of theoretical arguments about why the perceived fairness of decision-making interactions with authorities and adjudication is important, there is consensus that fair procedures matter. Individuals place high value on fairness and are motivated by perceived fair treatment from public authorities and those with decision-making power (Tyler & Wakslak 2004).

Procedural justice is often a key consideration for individuals in their evaluation of institutions or processes. It has also been the focus of sociolegal scholars directly addressing justice as a construct, particularly with respect to policing (Lind & Tyler 1988, Tyler & Lind 1992). Much of that literature points to an increase in perceived procedural justice when police officers interacting with the public are seen to be acting in a fair and respectful manner with quality decision making, quality treatment, and trustworthiness (Sunshine & Tyler 2003, Tyler & Huo 2002, Tyler & Wakslak 2004). This work does not necessarily condone racial profiling or investigatory stops (Tyler & Wakslak 2004), but scholars have argued that interactions between police officers and citizens are more legitimate when the officer is respectful and fair within the interaction itself. Epp et al. (2014) argue that a respectful manner may not be enough. Rather, they call for an end to investigatory stops of all kinds, positing that investigatory stops in and of themselves cannot be just. Although many of these studies focus on SLBs interacting with citizens at the boundaries or front lines of organizations, they rarely use SLBT as an analytic tool. Street-level-bureaucracy scholarship provides a possible avenue to explore broad conceptions of justice in explicit and empirical terms. The rich scholarship on SLBT indirectly highlights justice or injustice within particular SLB–citizen interactions. These interactions aggregate to demonstrate the institutionalized values of justice put forth by particular organizations and the state more broadly. SLBT positions frontline workers as the ultimate policy makers, arguing that individual discretionary decisions often conform to organizational norms—practice ideologies influenced by organizational socialization, structures, culture, and context. Understanding the role and importance of SLBs in interactions with the public will allow for a broader understanding of how justice is constructed (or not) at the street level.

## DISCUSSION AND CONCLUSION

Lipsky's (1980) understanding of SLBs as the ultimate policy makers has long-lasting implications for how scholars understand interactions between citizens and the state. SLBs exercise significant power via their autonomy and discretion. Yet, Lipsky and scholars following him note that this power rarely results in completely individualized treatment of citizens. Rather, routinization and practice ideologies operate as mechanisms for SLBs to comprehend and use policy. When police routinize stop and frisk policies, and—as Lipsky suggests—ration services, attempt to control uncertainty, husband worker resources, and manage consequences of routines, they do so within the confines of existing policy. Here, the policy and organizations do not exist in a vacuum; context matters. SLBs often mirror and propagate societal views, including the prevailing orientations toward racial and ethnic minorities and the poor, existing in the broader sociopolitical landscape. In the United States, these views continue to result in disparate impacts for groups of citizens based on race, ethnicity, and social class. Standard police practice then reflects societal interpretations, and police departments come to look and feel more like a police state than a community partner. Legitimacy is lost, and citizens rebel against the very people who are supposed to serve them.

In some ways, Lipsky's original thinking on SLBs is misapplied when used to understand the implementation of stop and frisk policies. Lipsky (1980, p. 55) defined SLBs as frontline workers with nonvoluntary clients and “nothing to lose by failing to satisfy [those] clients,” but police do not wholly fit this description. Although citizens interact with police both voluntarily (calls for service) and not (detainment as part of a traffic or investigatory stop), the larger point is that police departments have much to lose if citizens are dissatisfied. As Tyler and colleagues (e.g., Tyler 1988, 2010; Tyler & Huo 2002, Tyler & Lind 1992) argue, a loss of legitimacy for police officers may influence citizens' views of authority and law abidance. As currently applied in New York City and other places, stop and frisk policies may well cause police to lose their legitimacy. This represents a crucial challenge for police in their relationships with communities and citizens, and reactions to the policies are intimately linked to the ability of the police to investigate, solve, and deter crime. Thus, a police officer may fit the bill of an SLB in many respects, but he or she has a stronger need than most SLBs to satisfy clients—for self-preservation and for continued legitimacy and societal impact.

As a result, when stop and frisk policies receive continued attention for their sometimes unequal impacts, it is the processes by which SLBs understand, implement, and sustain these policies that best warrant scholarly attention. Moreover, police departments might consider working with local communities to lessen the need for stop and frisks and to encourage officers to include stop and frisk on a list of last resorts, rather than routine options. These policies and practices are systemic organizational issues first and community safety issues second. Michael Lipsky's SLBT shows us that discretionary decision making among frontline workers aggregates to agency policy. Understanding how SLBs routinize policies and implement them in interactions with citizens helps us to understand how justice and injustice are constructed in street-level interactions.

## DISCLOSURE STATEMENT

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