

## **Do Cops Still Care? A Phenomenological Exploration of Narcotics (De)Criminalization and Officer Discretion in Southern California**

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### **ABSTRACT**

*The purpose of this transcendental phenomenological study was to explore how law enforcement officers in Los Angeles County described their lived experiences of engaging in discretionary enforcement behaviors when policing narcotics crimes. Rational choice theory was utilized as the theoretical lens for the study. Convenience sampling was used to recruit 15 active law enforcement officers in Los Angeles County. Data were collected through open-ended surveys, semi-structured interviews, and reflexive memos. The data were coded utilizing thematic analysis with the assistance of NVivo 12 Plus. Three primary themes were evident from the data: (1) positive reinforcement-motivators, (2) justifications for reduced narcotics enforcement, and (3) methods of reduced enforcement. Findings revealed law enforcement officers, much like offenders' criminal behaviors in rational choice theory, can be dissuaded from discretionary enforcement behaviors with adequate negative reinforcement. Implications of the study's findings, limitations, and recommendations for future research are discussed.*

**KEYWORDS:** rational choice theory, discretion, narcotics, deterrence, Proposition 47, defelonization.

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Police officers possess a significant amount of discretion, and deciding which laws to enforce often lies with the individual officer (Phillips, 2016). With many different personality types and job interests, officers decide which crimes they should direct their focus toward addressing. Some focus on curtailing illegal narcotics offenses through increased enforcement in that arena, while other officers may choose a directed focus on other areas, such as speed enforcement, to prevent traffic collisions. Regardless of their chosen area, officers are limited to the organizational and legislative tools at their disposal.

The law enforcement occupation is inherently discretionary. Managers and supervisors do not always ride in a police car with the officers they oversee. Officers determine the nature and frequency of their self-initiated enforcement (Huff, 2021). Some crimes result in the offender's arrest and subsequent booking into jail. Others only require the officer to talk to the parties involved

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and perhaps issue a warning to adjudicate the matter. When California legislators enacted Proposition 47, the Safer Neighborhoods and Schools Act, in 2014, the law removed many enforcement tools for narcotics and theft crimes (Bird, Nguyen, & Grattet, 2020; Grattet et al., 2017). Defelonization of narcotics and theft crimes introduced discretion into situations that previously mandated arrests. This newfound discretion is especially significant in jurisdictions that previously required their officers to make arrests for felonies but allowed discretion to warn or cite for misdemeanors (Grattet et al., 2017). Proposition 47 introduced previously unavailable discretion when officers were confronted with narcotics-related crimes.

## **Background**

Many factors inform a law enforcement officer's decision matrix when it comes to engaging members of the public or initiating enforcement activities with suspected law violators. Prior to the enactment of California's Proposition 47, the method of enforcement and prosecution of narcotics possession cases involved taking suspects into custody for the felony crime of 11350(a) of the California Health and Safety Code (Grattet et al., 2017). The suspect would then be booked into a local jail to await arraignment. This process was identical to the steps taken when an officer detected any other felonious violation of the law. Misdemeanor violations afford police officers more discretion and options than felonious crimes.

Since California voters passed Proposition 47, the classification for 11350(a) of the California Health and Safety Code and certain other crimes like theft changed (Mooney, Neilands, Giannella, et al., 2019). Those crimes that California law previously listed as felonies now became reclassified as misdemeanors. Since the associated penalties and enforcement options gave law enforcement officers further discretion, behaviors were apt to change as well (Bird, Nguyen, & Grattet, 2020). Knowing how law enforcement officers respond to similar amendments in the law is crucial to understanding police officer decision processes.

## **Social Implications**

While Proposition 47's supporters intended to benefit the Californian populace, many consequences were unforeseen (Kail, 2017; Woods, 2016). One of the most significant effects of narcotics defelonization was on the California Drug Courts, which coordinated mandated rehabilitation programs to curtail further criminality through the addiction treatment of offenders (Woods, 2016). Mooney, Giannella, Glymour, et al. (2018) found there were conflicting viewpoints on the efficacy of Proposition 47 in the realm of drug treatment. Further research is required to determine whether defelonization removes an offender's incentive to elect treatment over a trial without the leverage of a pending felony. Mooney, Neilands, Giannella, et al. (2019) expressed concern that Proposition 47 removed any incentive for drug users to opt for rehabilitation instead of quickly pleading guilty to a misdemeanor. Still, Mooney, Neilands, Giannella, et al. (2019) also determined that the reduction of felony convictions would not have occurred without Proposition 47.

Kail (2017) found Proposition 47's unintended consequences already demonstrated a significant impact in just the first year after it passed. These repercussions included an increase in crime rates, a decrease in arrests, and a reduction in rehabilitative efforts. The immediate period post-Proposition 47 saw a significant decrease in the number of arrests for the crimes associated with defelonization, specifically theft and narcotics crimes. Although reclassification did not decriminalize these offenses, many officers now elected to cite and release an offender or not to arrest at all (Grattet et al., 2017). Woods (2016) found the necessity for narcotics addicts to

experience consequences and accountability as the best rehabilitation method, and there are indications that the legislative intent of Proposition 47 may have challenges in comporting with these findings.

With the penalty reduction for the specified offenses, law enforcement officers seemed to experience a proportional reduction in the motivation to arrest offenders (Bird, Nguyen, & Grattet, 2020; Grattet et al., 2017). These results may seem to align with the voters' wishes since they passed Proposition 47 with a 60% vote (Austin, 2016). Unfortunately, the reduction in arrests had another unintended consequence. California law allows jailors to extract buccal DNA swabs from those who are arrested for felony crimes, even before conviction (Austin, 2016). With Proposition 47's defelonization, California's DNA database experienced significantly reduced submissions (Kail, 2017).

Violent crime is not the only concern when researchers examine Proposition 47 or defelonization. San Francisco Police Chief Greg Suhr alleged a correlation between narcotics usage and property crime during an interview in 2015. He lauded the reduction in jail overcrowding while simultaneously lamenting the increase in property crime (Woods, 2016). San Francisco District Attorney George Gascon, who proposed Proposition 47, posited a contrasting point of view (Dooley-Sammuli et al., 2015; Woods, 2016). He expressed a desire to end the cycling of drug offenders through the jail system that forced taxpayers to fund the failing system, and he saw no benefit to public safety in this process (Woods, 2016). Bartos and Kubrin (2018) studied crime rates before and after Proposition 47 and found no significant increase in homicides, rapes, aggravated assaults, robberies, or burglaries.

### **Problem Statement**

Today's social climate is experiencing more calls for criminal justice reform than ever before, while the justice system remains the visible representation of racial inequality (Gutierrez & Pettit, 2020). The national discussion of prison overcrowding revolves around two subjects: taxpayer cost (Kantorowicz-Reznichenko, 2018) and the overrepresentation of certain minority groups, primarily Black males, exacerbated by a perceived causal relationship with systemic racism (Bohn & Morreale, 2018). In the U.S., narcotics offenses and the subsequent so-called "war on drugs" have been identified as significant contributors to overcrowding (Rosen, 2021). Criminal justice reform advocates have called for the legal reclassification of narcotic offenses (Elderbroom & Durnan, 2019).

In California, proponents of Proposition 47 lauded the potential to reduce costs, both financially and in social justice, to the public (Woods, 2016). Researchers noted the existence of unintended consequences of the legislation (Kail, 2017; Mooney, Neilands, Giannella, et al., 2019; Woods, 2016). One of the most troubling consequences may be that many officers seem to be electing to cite and release or not to arrest narcotics offenders at all (Bird, Nguyen, & Grattet, 2020; Grattet et al., 2017). The problem is that the unintended consequences of reclassification may have altered the enforcement methods among law enforcement officers when addressing narcotics crime in California.

Studies related to Proposition 47 have explored its effects on crime rates and arrest rates (R. R. Johnson & LaFrance, 2016; Vitkauskas, 2017) and predictably found significant reductions in felony arrests after narcotics crimes were defelonized. There is scant published literature that explores how Proposition 47 has affected officers' decisions to engage in narcotics investigations once most narcotics crimes were reclassified as a misdemeanor.

## Literature Review

### Theoretical Underpinning

Rational choice theory was initially introduced in 1789 by Jeremy Bentham and theorized that offenders conduct a cost-benefit analysis of their criminal opportunities before deciding whether to commit an act (Hassan et al., 2015). Punishment may deter criminal behavior, but the punishment should be swift enough to provide the desired effects of specific deterrence (Tomlinson, 2016). The additional welcomed aspect of deterrence is known as general deterrence, the way others are discouraged from engaging in unwanted behavior when they see timely punishment of offenders (Tomlinson, 2016). While rational choice is commonly associated with the decision to offend, the current study utilized it as a lens to explore law enforcement officers' choices and approaches to police narcotics crimes.

When viewing rational choice theory from the lens of classical works on the topic of discretion, the decision to enforce laws is neither binding nor always beneficial (Becker, 1968; Von Neumann & Morgenstern, 1944). In many cases, the mathematical cost-benefit analysis associated with discretion is not the primary motivating factor, as social loss can drive the decision-making process of officers (Becker, 1968; Thomas & Loughran, 2014). Additionally, the utilitarian aspects of discretion and rational choice theory discussed in seminal and classical works do not reference long-term considerations (Beccaria & Voltaire, 1764; Bentham, 1789; Tversky & Kahneman, 1989; Von Neumann & Morgenstern, 1944).

Given the broad discretion that law enforcement officers wield when performing their duties, it should come as no surprise that the introduction of Proposition 47 influenced their enforcement decision-making through rational choice (Bird, Nguyen, & Grattet, 2020). By nature, those who enforce the law exercise discretion to engage offenders or not, which aligns with rational choice (Chanin & Sheats, 2018). Unlike many other occupations where supervisors maintain more control over their employees, police work is inherently autonomous (Phillips, 2016). Huff (2021) found that many factors, including demographics, location, and call type can influence officer discretion. Officers have the choice to engage in certain enforcement behaviors or not. They can initiate proactivity or patrol specific crime-ridden neighborhoods (Phillips, 2016). Officers choose to take action on minor offenses in the United States as many as 13.2 million times each year (Stevenson & Mayson, 2018).

After the enactment of Proposition 47, the effects were evident. Law enforcement officers made fewer arrests (Bird, Grattet, & Nguyen, 2017). Bird, Grattet, and Nguyen (2017) further noted that there were subsequently fewer convictions, jail staff released more offenders before trial, and the length of stay diminished. These actions reduced California's incarceration rate from 702 per 100,000 in the 1990s to 329 per 100,000, far below the U.S. average of 458 (Bartos & Kubrin, 2018).

Evidence has shown that outside stimuli can negatively affect police behaviors (Nix & Wolfe, 2017). The political climate, changes in the law, and discretion all contribute to this effect (Adams, 2019; Nix & Wolfe, 2017; Wolfe & Nix, 2016). Many minor violations upon which law enforcement officers act can result in sentences as low as time served. These offenses cause officers to pause before deciding if their enforcement is worth the time and effort of processing (Gerstein & Prescott, 2014).

## Summary of Prior Research

California's Proposition 47, also known as the Safer Neighborhoods and Schools Act, was enacted in 2014. Through this legislative defelonization, law enforcement officers are met with new challenges in their decision-making as it applies to discretionary enforcement options (Buvik, 2016; Pearson et al., 2018). Several U.S. states have already begun the process of decriminalizing or legalizing certain narcotics other than cannabis (Elderbroom & Durnan, 2019; Grucza et al., 2018; Stemen, 2017). Currently, five states (Alaska, Connecticut, California, Oklahoma, and Utah) have enacted legislation to reduce drug crimes from felonies to misdemeanors (Elderbroom & Durnan, 2019). The impetus for decriminalization in the United States was the overwhelming support for embracing treatment over mere incarceration (Russell et al., 2018; Stemen, 2017).

Police work is a constant process of exercising judgment or choices and conducting discretionary assessments (Buvik, 2016; Phillips, 2016). When law enforcement managers remove the autonomy and discretion of officers, job satisfaction suffers (Phillips, 2016). Organizational leadership is not the only contributor to organizational change in law enforcement; legislators drive policy change through the passage of laws (Egnell et al., 2019; Graca, 2017; Kivisto et al., 2017).

Policy-driven motivation is comparable to Garcia et al.'s (2017) finding that officer motivation will increase when their directed tasks align with the values and culture of their agencies. Pelfrey and Keener (2016) explored this topic from the perspective of body-worn camera policies in a study of police officers and managers. They found that officers demonstrated motivation to protect the privacy of medical patients and sexual assault victims, and this desire aligned with the organization's goal of protecting citizens. Not limited to any one region, the study of law enforcement decision-making and discretion is global (Andersen & Gustafsberg, 2016; Green et al., 2020; Mears et al., 2017; Ramey & Steidley, 2018; Wentz & Keimig, 2019). When officers representing an organization are afforded discretion at the enforcement level, individual decisions can have devastating fiscal and trust effects (A. D. Johnson & Vaughn, 2016; Ray, 2020).

Grattet et al. (2017) analyzed arrest rates in California post-Proposition 47 and AB 109. They found that the penalty reduction for the specified narcotics crimes may have demotivated law enforcement officers from arresting drug offenders. Bartos and Kubrin (2018) expanded the research in this field to study crime rates outside of the specified narcotic offenses. Using the Federal Bureau of Investigation's (FBI) Part I crimes (robbery, homicide, larceny, etc.), they examined if fewer drug arrests led to an increase in Part I crimes. They found no evidence that reclassification from a felony to a misdemeanor caused an increase in crime.

Maier et al. (2017) studied the effects of cannabis decriminalization. Through an examination of Uniform Crime Reporting (UCR) data from the FBI, they studied the relationship between cannabis decriminalization and crime rates, specifically, murder, robbery, rape, burglary, motor vehicle theft, or drug abuse arrests between 2010–2014. Maier et al. (2017) found that the rates of these specific crimes, except homicide, declined during this time, despite any state's decision to decriminalize cannabis.

In reviewing the research on decision-making, several studies demonstrate, not surprisingly, that all officers do not behave the same (Buvik, 2016; R. R. Johnson & Lafrance, 2016). The research indicates the period of an officer's career or current assignment can significantly impact their decision-making matrix. Buvik (2016) studied police officers assigned to an area with a nightlife atmosphere and were confronted with frequent incidents involving intoxicated persons. While not inherently malicious, those under the influence of alcohol can require discretion when engaging in enforcement behavior. Buvik found offender variables play a substantial role in arrest decisions, much like Mears et al. (2017) found. An accurate understanding of police work in this setting cannot strictly come from quantifiable crime and arrest data alone

(Buvik, 2016). It is crucial to add depth to the empirical literature related to decriminalization. Officers' enforcement decisions varied considerably among the participants assigned to police party atmospheres. A pattern emerged when Buvik examined the length of service and found an inverse proportionality between the number of arrests and years of service.

The extant literature shows that the lived experiences of officers play a crucial role in decision-making. Brouwer et al. (2018) studied street-level decisions of law enforcement officers. Through observations and interviews, the researchers found participants often made decisions with insufficient information. Questions regarding an agency's policies and the jurisdiction's law led to split-second decisions determining which suspected offenders to contact (Brouwer et al., 2018).

Pearson et al. (2018) expounded on Garcia et al.'s (2017) research when they examined how officers were motivated to act when they received the legal allowance for autonomy. They found discretion did not guarantee a variety of resolutions. Officers tended to be motivated to continue their previous behaviors and discount the newer alternative options even after legislative changes (Pearson et al., 2018). This motivation for officers to resist change comports with Buvik (2016), who found officers inclined to embrace the enforcement path of least resistance.

Grattet et al. (2017) researched the influence of legislative decriminalization on officer motivation. Through a comparative analysis of incarceration rates among various California jurisdictions, they found direct proportionality between the penalties associated with a specific crime and the officers' motivation to arrest offenders committing those crimes. When given additional options, officers were motivated to choose resolutions other than arrest after the implementation of Proposition 47 and AB 109 (Grattet et al., 2017). These findings conflict with Pearson et al. (2018) and Green et al. (2020). Given the differing findings between Pearson et al., Green et al., and Grattet et al., there is a need to understand officer motivations directly impacting these arrest rates. The authors of the current study aim to make unique contributions in this regard.

## **Purpose Statement**

The purpose of this qualitative study was to explore how law enforcement officers in Los Angeles County described their lived experiences and perceptions of engaging in discretionary enforcement behaviors when policing narcotics crimes. The objective of this inquiry was to explore the challenges of police officers as it related to their experiences before and after Proposition 47 was ratified. For the purposes of this study, discretionary policing behaviors are defined as those enforcement options afforded to police officers when no decision is mandated (Hoffman et al., 2018; Wooditch et al., 2016).

## **Research Question**

The intent of the research question was to explore the influence Proposition 47 had, if any, on the lived experiences of law enforcement officers in Los Angeles County. The participants provided information through interviews that allowed the researchers to examine how reclassification of drug offenses changed the way officers engage in enforcement behaviors, if any, specifically as they apply to narcotics investigations. The research question was: What do law enforcement officers in Los Angeles County share as challenges when policing narcotic offenses in their communities after the ratification of Proposition 47?

## Methods

A qualitative approach proved to be the most appropriate based on the problem statement and goals of the study in seeking to explore participants' lived experiences and perceptions of engaging in discretionary enforcement behaviors when policing narcotics crimes. Quantitative methods would not have provided the thick-rich data necessary to understand the data with contextual detail (Bareham et al., 2020). While previous research analyzed Proposition 47's impact on crime and arrest rates (Bird, Nguyen, & Grattet, 2020; Grattet, 2017; Kail, 2017), the goal of the current inquiry was conceptualized in the broader framework of understanding the genesis of the decision-making process that led to those subsequent arrests.

## Participants

Participants were recruited from a single municipal police department from 45 law enforcement agencies in Los Angeles County (FBI, 2019). A factor in choosing sample size is exploring how past researchers in the field have addressed the issue. In examining previous qualitative research, several studies aligned with the current study regarding the general topic and participant selection (e.g., law enforcement officers). The need for data saturation is also a crucial factor in choosing the sample size. Saturation is widely accepted as a methodological principle in qualitative research and is defined as the point at which no new information is surfacing in the data being collected (Saunders et al., 2018). With this goal in mind, Collins and Rocco (2018) conducted this study wherein they utilized a sample size of 12 when they examined law enforcement officers and their closeted homosexual experiences. Additionally, Broomé and Russell (2018) utilized a sample size of 15 participants when studying law enforcement officers and their active shooter experience. Each of the preceding studies paralleled the authors' research in populations consisting of law enforcement officers or a research topic of decriminalization. Considering Creswell (1998) recommended between five and 25 participants for a phenomenological study and most studies utilizing a qualitative approach have between nine and 17 participants (Bartholomew et al., 2012; Hennink & Kaiswer, 2022), our goal was to interview 12 to 15 law enforcement officers who met the established criteria for participation. As seen in Table 1, participant demographic information was obtained during each semi-structured interview. The inclusion criteria of this study included the following:

- Have at least 10 years of combined continuous law enforcement employment within Los Angeles County before and after the implementation of Proposition 47.
- Have been assigned to a non-supervisory patrol capacity before and after the enactment of Proposition 47 in 2014. Patrol is defined as the default assignment for a police officer whose primary responsibility is answering calls for service compared to an assignment to a specialized enforcement unit (e.g., vice, narcotics, etc.).

## Procedures

Participant recruitment and subsequent data collection were conducted after approval from the Institutional Review Board at our academic institution (IRB No. FY20-21-848). Researchers provided a recruitment flyer to police officer labor union representatives, who subsequently distributed them to the population. Informed consent forms were provided to participants who responded to the recruitment flyer. Social media was further utilized to recruit participants.

Semi-structured interviews were conducted via Zoom video conferencing software. Each interview lasted between 30 and 60 minutes. Each participant was instructed to log into Zoom using a pseudonym they selected to ensure their anonymity. The participants were also directed to leave their cameras off during the interview, so Zoom’s recording function could be used to memorialize the interview without recording the participants’ likenesses.

Participants also completed an open-ended questionnaire. The answers provided by participants in the questionnaire informed the subsequent semi-structured interviews. Data from both collection methods were reviewed in similar methods of thematic analysis but allowed the participants an opportunity to relay their experiences in multiple modalities. Using these two data collection methods, thick-rich descriptions of the participants’ lived experiences in addressing challenges law enforcement officers face in engaging in discretionary narcotics enforcement behaviors were obtained. Based on the researchers’ use of rational choice theory as the theoretical framework, we designed the interview guide to solicit the participants’ motivations and demotivation, specifically as they apply to the phenomenon of the way in which officers could be dissuaded from enforcing the law. These dissuasion factors mirror the offenders’ rational choice when deciding whether to break the law or not.

**Table 1**  
*Participant Demographics*

Participant	Gender	Age Range	Ethnicity	Highest Level of Education	Law Enforcement Experience
Adam	Male	40–49	Other	Associate's	16–20 years
Bob	Male	30–39	Hispanic	Bachelor's	11–15 years
Charles	Male	40–49	White	some college	11–15 years
Chris	Male	30–39	White	some college	11–15 years
Guy	Male	40–49	Other	Master's	21–25 years
Kung	Male	50–59	Asian	Bachelor's	21–25 years
Melissa	Female	50–59	White	Bachelor's	21–25 years
RCB	Male	40–49	White	Associate's	16–20 years
Rick	Male	40–49	White	some college	16–20 years
RWC	Male	30–39	White	some college	16–20 years
Sean	Male	40–49	Hispanic	Bachelor's	11–15 years
Steed	Male	40–49	White	some college	21–25 years
Steve	Male	50–59	White	Bachelor's	29–30 years
Suzanne	Female	30–39	Hispanic	Bachelor's	11–15 years
Thomas	Male	30–39	White	Bachelor's	16–20 years

**Data Analysis**

Participants described their experience with enforcing narcotics laws after the legislative influence of Proposition 47. Before data analysis, each audio-recorded interview was transcribed into written form through the Temi.com transcription service. This service uses artificial intelligence to transcribe audio interviews into written documents but allows users to verify audio and written accuracy (Tate et al., 2021; Whalen & Paez, 2021). Once transcribed, transcripts were verified by the authors for accuracy. NVivo 12 Plus was utilized to aid in organizing and analyzing the data. A total of 138 raw pages of data (transcripts) were obtained, organized, transcribed, and examined. Reflexive memos acted as a method to unpack conscious and unconscious biases that



may have been present due to the researchers' previous participation in law enforcement (Mayor, 2022).

### **Trustworthiness/Rigor**

Trustworthiness in qualitative research comes from methods that ensure precision and consistency in data collection (Nowell et al., 2017). The categories that qualify data, and the associated research, as trustworthy include *credibility*, *dependability*, *confirmability*, and *transferability* (Lincoln & Guba, 1985; Ravitch & Carl, 2016). Not only do these measuring metrics qualify a study's rigor/validity and goodness, but they also verify ethical considerations are addressed in a manner prescribed by accepted practice (FitzPatrick, 2019).

Nowell et al. (2017) described *credibility* as a fit between the participants' views and the researcher's representations. Member checks were utilized to ensure the credibility of the current inquiry (Birt et al., 2016) as well as member checking of all interview transcripts.

*Dependability* is defined as an assurance that the research process is logical and well-documented (Nowell et al., 2017). In an effort to enhance our research dependability, our research process was well-documented, recorded, and organized, as suggested by Polit and Beck (2014). Further, triangulation was utilized to increase dependability through the use of multiple data collection methods. By using questionnaires and semi-structured interviews, we collected data in different forms, but the addition of reflexive memos created a two-fold opportunity to collect data and document the research process (Nowell et al., 2017).

*Confirmability* is a process that verifies that research findings remain consistent between researchers and can be replicated (Haven & Van Grootel, 2019). Phenomenology requires the methods of bracketing and epoché as crucial elements of reducing presumptions and biases about participants' experiences (Moustakas, 1994). Bracketing our own biases and experiences using reflexive memos proved to be an effective way of aiding confirmability through duplication and reflexive commentary (Rogers, 2018).

*Transferability* is the ability of professionals in other settings to use the findings of a study (Mansouri et al., 2023; Nouri et al., 2022). Descriptions that are detailed and thorough are necessary to ensure transferability (Levitt, 2021). We provided a rich description of the participants' experiences and provided direct quotations as much as possible to help a reader decide if the information would be useful in their setting. While this study examined the effects of Proposition 47 on law enforcement officers' policing behaviors in Los Angeles County, the genesis of Proposition 47 research is decriminalization. The legislative strategies and unintended consequences are universal throughout the law enforcement community. Thus, the effects of decriminalization are likely to be transferable from southern California to any other setting wherein discretionary enforcement behaviors are affected by legislation.

## **Results**

### **Themes**

Several themes and subthemes emerged during data analysis and subsequent coding. Thematic analysis revealed lived experiences of the participants regarding their challenges in enforcing narcotics post-defelonization. Three primary themes and eight subthemes emerged associated with officers' motivation before Proposition 47 and their subsequent decision and implementation of reduced enforcement post-defelonization.

## **Theme One: Positive Reinforcement (Motivators)**

During thematic analysis, the theme of motivating factors emerged in the form of positive reinforcement. Participants were eager to share their lived experiences with the factors that incentivized them to enforce narcotics laws, especially before the implementation of Proposition 47. Officers discussed their motivation to prevent future crime by enforcing narcotics laws and incapacitating the offender through incarceration.

Of the 15 participants, 13 discussed the idea of preventing crime through incarceration. Thomas explained that he learned this strategy early in his career. “The people that were using narcotics were the ones that were breaking into houses, breaking into cars. So, if you could take the user off the street, it would have an impact on reducing those types of crimes.” Thomas continued describing this experience by stating, “It would have a correlation. It would have that effect that the crime would go down because there’s not as many people out and about committing those crimes because you’ve taken them off the streets because of the drugs.”

### ***Breaking the Cycle of Narcotics and Crime***

The connection between crime, especially property crimes, and narcotics use was a common experience shared amongst participants. Nine participants discussed the experience and described how the commission of property crimes could result from offenders’ need to fund narcotics addiction.

Steve identified the cyclical nature of addiction and crime when he stated, “You know, to me, [satisfaction] had to do with you knew there would be a chance that you might be preventing further crime, that you might interrupt the cycle of addiction and crime.” RWC specifically addressed the idea that arrests can have a positive impact on the cycle of narcotics and crime:

*I might not be able to make an arrest of somebody breaking into a house or victimizing the community in that way, but I was able to make the arrest on the narcotics, and that would put that person, at least in custody for a little bit to stop that rash of burglaries or robberies.*

### ***Helping the Addict***

One of the most common rationales for the participants to choose a career in law enforcement was their desire to help people. Of the 15 participants, 14 made statements supporting this motivation. Accordingly, the idea of helping the offender recover from narcotics addiction was identified as a shared lived experience amongst participants. Steed addressed the phenomenon from a personal perspective discussing his sister’s journey through addiction and how that informed his motivations. Steed stated, “My sister struggled with addiction. I knew that it wasn’t just armies of shitbags out there doing dope. It could attack anybody. . . I came from having a little bit more understanding than a lot of other coppers.” Kung discussed the effect of lengthy incarceration and its positive impact on addiction treatment when he stated that prison provides an opportunity for “some type of rehabilitation or be off drugs for at least six months to a year. But if you’re arrested, not prosecuted, and you’re out the next day, it only helps to increase their drug habit.”

### *Ego*

Participants described ego as a desire to be respected and acknowledged by their supervisors and peers. Eight of the 15 participants alluded to ego or respect when describing felonious arrests. There was a commonality amongst participants in using terms like *good arrest* and *atta boy* to describe the quality of their enforcement efforts and the acknowledgments, respectively. Adam described the combination of pride and fun associated with policing when he stated:

*You know, it's a pride thing. It's something where you're trying to show the bigger dogs or the people in the yard. You're just trying to show everybody like, Hey, listen, I can do it too. Because you hear stories of people hooking and booking and chasing people and doing the things that you came on the job for. Most of us came on the job to have fun, but do a good job doing it.*

Charles succinctly addressed the pride of accomplishment in quality police work when he stated, "It's going to look good all around. We stopped the problem. Guys walk through a station with pride. I got a drug dealer, drug user, whatever it is, off the streets and have pride in the work they do." Guy introduced the idea of taking pride in meeting the performance measures of law enforcement officers. He stated, "Police officers who make the most felony arrests are typically more respected by virtue of those investigations gaining the most training experience and that facilitates other interests in the profession as one is moving through one's career." Steed identified the connection between accomplishing the tasks he was trained to do and the pride that comes with that accomplishment:

*It was just that feeling of I made a difference today. I made a difference in people's lives today. And it was just really gratifying. I guess part of its ego, but part of it is also you're doing the task that you were trained to do. And there's just something about that. Nobody goes to the police academy and says, oh, I'm going to be the best ticket writer there is. Everybody goes to the police academy and says, I want to put bad people in jail. Well, you know what? I had a chance to put bad people in jail today, and I had a chance to also maybe give this person the opportunity to have a better life. So that's kind of the way I felt about it.*

Finally, Thomas drew attention to the fact that ego is driven by the opportunity to brag to one's coworkers about successes. He explained it by saying, "It was just, it was fun. It was fun getting that felony arrest and being able to brag to my coworkers."

### **Theme Two: Justifications for Reduced Narcotics Enforcement**

The next theme present during data analysis was justifications for reduced narcotics enforcement. This theme was nearly universal, with 14 of the 15 participants addressing this rationale. This theme is described as a perceived waning desire to enforce narcotics violations of law, prompted primarily by the enactment of Proposition 47. Since drug crimes were a felony before its enactment and a misdemeanor after, the participants discussed how this change became a justification for their personal reduced enforcement. Charles addressed the cost-benefit analysis

between making a misdemeanor arrest and the logistics associated with the arrest. He stated, “Guys on the job are just kind of over it. I’m going to go do all this for a misdemeanor? Why am I going to do all this? I have all this paper to do just for this misdemeanor.”

### *Apathy*

Participants described their experiences feeling and observing a dwindling desire to enforce laws. Proposition 47 seemed to play a significant role in how apathy was manifested in discretionary decision-making. Adam described the phenomenon using the word *lazy* to acknowledge the impropriety of reducing enforcement efforts. He stated, “You don’t have that desire to want to just stop people, and it’s Prop 47 that’s a major contributor to that. . . . However, I think specifically with Prop 47 though, it’s just made people lazier.” Bob used slang for responding to calls slowly, hoping the problem would be solved during the lengthy response time. He described this as *Officer Time*. He stated, “The whole thing is just frustrating. It makes you just not even want to do it. . . . As the old phrase goes, let Officer Time handle.”

### *No Consequences*

Participants described their lived experiences of seeing perceived behavioral changes in offenders based on the lack of significant consequences after the defeloning of narcotics crimes. This perception led to the officers’ descriptions that justified their decision to reduce their enforcement efforts. Charles rationalized the reduced effort by asking a rhetorical question: “This guy’s going to be back out. Why should I do it?” Thomas addressed the decision based on the speed at which offenders are released. He stated that when Proposition 47 was enacted, “the revolving door was installed in the city, and you would start seeing these people all the time. It became such a nuisance dealing with everybody. That’s when narcotics-related arrests kind of took a back seat.” Bob admitted there was a decline in initiating detentions of offenders because of the level of consequence when he explained, “The lack of consequences has led to a decline in stopping potential offenders through officer-initiated contacts.” Bob also asked a question that seemed to more clearly define the effect of consequences on the justification for reduced enforcement. He asked, “What would be the point of enforcing a law that nobody will ever face consequences for?”

### *Not Worth the Effort*

During the discussion of reduced enforcement behaviors and subsequent justifications, the participants verbalized the cost-benefit analysis they conduct when making discretionary enforcement decisions. During participants’ analysis, they assigned effort as the potential cost and several other factors as potential benefits that rarely outweighed the cost. Rick addressed the cost in terms of resources and logistics. He stated, “It’s not cost-effective to enforce those laws now, due to it being a revolving door where it’s a catch and release. That amount of time of doing all the paperwork, booking evidence, and stuff like that is still there.”

Steed did not hesitate to share his perspective on the subject of his cost-benefit analysis. Not only did the effort of enforcement factor into his decision, but also his inability to ensure rehabilitative treatment for the addicted offenders. Steed stated:

*I’ll tell you and I’ll be really bluntly honest. We don’t care. Like they’ve completely stripped away our ability to really do anything about it. So, say I do watch a guy go in and I see him come out and as he’s leaving, he gives*

*me probable cause to jam him up to stop and pull him out of his car. Something like that. What that does now is it creates two to three hours of paperwork for me. In order for me to just give him a ticket and have to book his dope. And I'll be honest with you. I'm not going to put that level of work into something where one, the person's not getting arrested. They're not going to be compelled to go to treatment. They're not going to get any better. All they're going to do is find another homeless encampment to buy their dope from the next day.*

It could be assumed that themes one and two are opposites; however, this is inaccurate. The first theme addresses the factors that motivated officers to enforce the law. The second theme describes the way officers rationalized the decision to use discretion in choosing not to enforce the law.

### **Theme Three: Methods of Reduced Narcotics Enforcement**

The final theme discussed in this study was identified through the discussion of post-Proposition 47 decisions made by the participants. All 15 participants discussed the justifications for reduced enforcement, and every officer admitted they made different discretionary decisions after the enactment of Proposition 47. This section transitions to the practical applications of their amended decisions to reduce narcotics enforcement.

#### ***Ignore***

The sub-theme of ignore is described as the participant overlooking narcotics violations they observed. Once Proposition 47 defeloned drug crimes, the officers were afforded additional discretion in enforcement decisions. Bob explained his tactic for ignoring potential narcotics violators when he stated, "I don't police narcotics offenses [post-Proposition 47] . . . [When I see narcotics suspects after Prop 47, I] smile and wave." Melissa described the way she would react when she saw a narcotics offender. She explained, "A pedestrian acting all crazy in the street where we would normally have in the past stopped them, you might just turn the corner and drive away now."

#### ***Stop Looking***

This subtheme described the technique to reduce the amount of narcotics enforcement in which officers engage by no longer seeking narcotics offenders. While this choice allowed them to enforce violations if they found themselves facing one, they were not proactive in their efforts to find drug offenders. Chris explained it by discussing the phenomenon of discovering narcotics without intending to do so. Chris stated:

*[Proposition 47] changed [narcotics policing] drastically. It's a last resort type of enforcement that I'll take. I'm not out there looking for it. If it comes across through another investigation that I'm conducting, obviously I'll deal with it when it falls into my lap, so to speak, but I'm not actively looking for narcotics users during my daily patrol duties.*

Kung used similar phrasing to address the phenomenon of discovering narcotics without the specific intent to investigate that particular crime. Kung stated, “Unless it really fell in my lap. I stopped looking for it. It just wasn’t worth it for me having an effort. I don’t know how much more simpler maybe can I put it.”

## **Discussion and Conclusions**

This transcendental phenomenological study explored how law enforcement officers in Los Angeles County described their lived experiences of engaging in discretionary enforcement behaviors when policing narcotics crimes. Within the context of this qualitative inquiry, we aimed to understand the challenges to police officers as it related to their experiences before and after Proposition 47 was ratified. To reiterate, the purpose of this study was to explore the impact, if any, Proposition 47 had on the lived experiences of law enforcement officers in Los Angeles County.

Of the 15 participants, 13 provided descriptive lived experiences in which they perceived offenders were no longer fearful of violating the law. Additionally, the sub-theme of lack of consequences emerged. Twelve participants described that the punitive exposure was not significant enough after Proposition 47 to prevent increased crime. The leverage of incarceration informed the participants’ decision to enforce narcotics laws. This finding supports the findings of Grattet et al. (2017). They found that reducing penalties may have led to a corresponding lack of motivation to make arrests for those associated crimes.

Although the perceived leverage enabled by punitive exposure affected officer motivations, the manifestation of those motivations was a more significant concept. While offenders and officers maintain the ability to make rational decisions, many participants elected to reduce their enforcement efforts. Ten participants expressed an onset of apathy that led to reduced enforcement. This finding is contrary to previous research findings in which officers tended to be motivated to continue their previous behaviors and discount alternative solutions regardless of legislative changes (Pearson et al., 2018). Similarly, the theoretical framework defining the officers’ discretionary decisions as a cost-benefit analysis was extended when participants described their decision methods when electing to enforce or ignore narcotics violations. Participants like Rick, Sean, and Suzanne detailed how their perception of a “revolving door” of incarceration negatively impacted their enforcement efforts. Although this reduction in enforcement was a reluctant change according to most of the data, many participants felt their choice comported with the new ideals of the community and agency. This choice to adjust their efforts to meet the organizational goals is in line with the findings of Pelfrey and Keener (2016). They also found that law enforcement officers align their employment decisions with organizational directions. Steve provided his perceptions that supervisors within his agency no longer cared about these narcotics offenses, which informed his decision to reduce their efforts.

In viewing the data through the lens of the rational choice theory, 10 of the 15 participants described how the growth of internal apathy informed their discretionary decisions when crimes occurred in their presence. Primarily, they rationalized their failure to enforce narcotics offenses by discussing the reduction in penalty and consequences. The deliberate avoidance of punitive action corroborates Grattet et al.’s (2017) findings, which found that law enforcement officers became discouraged from resorting to arrests as criminal penalties were reduced. Twelve participants described the results of their decisions to cease or outright avoid the enforcement of narcotics crimes post-Proposition 47. Participants recounted realizing that the cost of engaging in enforcement outweighed the benefits to them, their organization, and society. This realization supported the findings of Mooney, Giannella, Glymour, et al. (2018), Mooney, Neilands,

Giannella, et al. (2019), and Bird, Nguyen, and Grattet (2020), who discovered that Proposition 47 reduced re-arrests and re-convictions.

Most participants expressed their desire to reduce the rate of crimes associated with narcotics use. Property crimes were often discussed as a method of funding an offender's addiction. This finding refutes the findings of Maier et al. (2017), whose research indicated a reduction in property crime post-Proposition 47. The participants described an innate desire to make positive steps toward rehabilitating addicted offenders, even through punitive acts such as incarceration, to aid the offender in overcoming the underlying causations of addiction. This finding confirms the findings of Brouwer et al. (2018), who discovered that officers' desire to act is a powerful force. Much like Brouwer et al., this study refutes the findings of R. R. Johnson and Lafrance (2016) and Buvik (2016), who found a decrease in productivity when less labor-intensive options are available.

Many participants identified ego as a motivating factor to engage in narcotics enforcement. The felonious aspect of the crime led to the introduction of terminology like "*good arrest*" and "*atta boy*" to describe the quality of their enforcement and the acknowledgments. These findings extend the findings of R. R. Johnson and Lafrance (2016), which corroborated the research of Buvik (2016) as it related to the inversely proportional relationship between the number of arrests and career length.

Participants not only justified their rationale for diminished interest and actualization within the subject of narcotics enforcement but also provided examples of how their reduced efforts were manifest through their lived experiences of seeing narcotics violations and making the discretionary decision to continue without confronting the violator. The data suggesting officers actively ignored narcotics offenses support the findings that officers chose the easiest method of resolving police contacts (Buvik, 2016). Current peer-reviewed literature has shown reduced arrests post-Proposition 47 (Bird, Nguyen, & Grattet, 2020). The findings of the current study are consistent with the literature; however, the reduced arrest rates could be informed by the lower enforcement rates rather than reduced rates of offense.

Participants in this study described their lived experiences beyond choosing not to act on observed criminal activity; apart from ignoring violations they observed, these officers often ceased looking for narcotics violations altogether. Law enforcement officers went out of their way to avoid encountering narcotics violations post-Proposition 47. Previous research indicated that officers chose the easiest method of resolution (Buvik, 2016). Outright avoidance may point to a manifestation of this method.

## **Limitations**

Certain factors are beyond the control of a researcher. These limitations exist in every study, including the current one (Queirós et al., 2017). The participants were recruited through convenience sampling, which allowed those who volunteered to know the general nature of the study. Based on the passionate responses from many of the participants, the subject of Proposition 47 evoked powerful and primarily negative emotions. This reaction creates an opportunity for the social desirability effect and motivation bias. Heo (2021) defined the social desirability effect as "a tendency to respond as the way which people think socially desirable" (p. 969). Stratton (2021) examined the way participants can be motivated to volunteer when they hold strong interests, opinions, or are disgruntled. Proposition 47 is held with such low regard within the setting that the popular responses would necessarily be negative. Additionally, participants' motivation to volunteer to participate in a study with such passion may suggest that those who felt the strongest about the topic would be more motivated to volunteer.

The demographic representation was a limitation in this study. When convenience sampling is used to recruit participants, the ability to ensure a diverse population can be severely reduced because the focus of recruiting is based on the ability of the participants to speak to the research questions rather than seeking cross-sectional diversity within a given population (Creswell & Poth, 2018; Stratton, 2021). Of the 15 participants in this study, only two were female, and only one possessed an advanced degree. Despite the setting's agency having a majority of Hispanic officers, eight of the 15 participants were White. While the geographic representation may initially appear to be a limitation in this study, those criteria were necessary to address the limited scope of the study's setting. Additionally, generalizability is not synonymous with transferability in studies that utilize a qualitative approach (Bhattacharya, 2017).

### **Policy Implications**

The implications of this study could be of significance to several stakeholders affected by the impact of legislative defelonization like Proposition 47. These parties include legislators, law enforcement administrators, and practitioners. Legislators are, by definition, the farthest removed from the daily impact of this legislation. By proximity and through occupational function, legislators rarely have an opportunity to see policing firsthand. Like much of the public, the policing that lawmakers see is often remarkable and newsworthy but rarely associated with the mundane discretionary decisions discussed in this study. They must rely on the information they receive from lobbyists and chief administrators.

With regard to the lobbying efforts, the concept of daily policing decisions will necessarily be biased toward the organizational motivations of those providing the information. Although the motivation to author this type of defelonization may have been a concern for over-policing and reduction of prison overpopulation, this study's findings suggest several unintended consequences due to the implementation. Legislators must address the perception of increased crime, specifically property crimes, that resulted from Proposition 47. The participants described the increase in blatant crime when offenders either do not fear the consequences or do not experience consequences, which is a phenomenon few politicians desire. While the researchers in this study do not intend to imply that arrest is the best option, the participants do not share the same elevated perspective of legislative intent as lawmakers. This can introduce conflicting worldviews between the policymakers and the enforcers of those policies.

Secondly, law enforcement administrators must understand the discretionary decisions made by their employees are significantly impacted by legislative change. The perception that Proposition 47 caused an impact that was in direct opposition to the mission of law enforcement created a feeling of apathy among the officers in this study. Law enforcement leaders would be remised if they do not address this potential. Administrators must know how apathy and the accompanying negative emotions manifest among their subordinates. By making themselves and the chain of supervision within an organization aware of the potential impacts, the justifications for reduced narcotics enforcement and subsequent methods of reduced enforcement could likely be mitigated. Consistent with managerial responsibilities, the ideals and goals of an organization are dictated by the agency's chief administrator. This vision must be passed down the chain of command to communicate and garner voluntary compliance from the subordinate employees effectively. When legislative mandates like Proposition 47 drive policy changes, support for these changes should be transparently demonstrated for the entirety of the organization to avoid some of the negative cultural reinforcements discussed by the participants. This phenomenon is most clearly observed in officers' perception of losing the admiration of supervisors when felony arrest numbers declined after defelonization.



Another implication of this study is directed toward the officers represented by the participants. Law enforcement officers must not rely on their leaders to dictate how they react to legislative change. The onus is on the individual to understand that change is inevitable in policing, showing a need for greater training around policy rather than a complete disregard for (or disagreement with) the spirit of the law. Many of these changes are driven through legislative action. Those feelings can be redirected toward positive contributions instead of embracing a perception of legislative failure that subsequently drives negative emotion. Officers who recognize the signs and symptoms of apathy as they develop among their coworkers have an opportunity to create a network of peer support as a method of preventing a spiral into reduced enforcement efforts. In jurisdictions that legally allow members of law enforcement agencies to engage in labor union activities, the recognition of potentially harmful legislation can be a catalyst for voicing dissent through lobbying efforts. Taking ownership of the occupational knowledge and educating legislators about the unintended consequences related to defelonization can create a symbiotic relationship that may prevent the perceptions the participants experienced in the current study.

### **Recommendations for Future Research**

Five states have passed defelonization legislation. These states are California, Utah, Connecticut, Alaska, and Oklahoma (Bird, Nguyen, & Grattet, 2020). It is recommended that future scholars study the lived experiences of officers in one of the other four jurisdictions affected by the defelonization of narcotics. Gender and age have been previously studied as factors in arrest rates (Mears et al., 2017; Schulenberg, 2016), but those demographics were examined as applied to the offender. Additional research should further include a population of female officers and explore the hypothesis that motivations may differ between male and female law enforcement officers. Future studies should employ participatory action research methodology in an attempt to understand police subculture further.

While research on decriminalization via Proposition 47 in California has been isolated to the immediate effects on crime and arrests, there may be a benefit in a longitudinal study to determine the effects, both quantitatively and qualitatively, over time. The current study's setting may prove qualitatively prohibitive since the introduction of Proposition 47 occurred nearly a decade ago, and the availability of participants who can provide data comparing the lived experience of enforcement decisions before and after Proposition 47 are retiring and will no longer participate in those lived experiences. A potential solution lies in conducting this research within the next jurisdiction to defelonize narcotics.

Future scholars should consider the exploration of the decriminalization of narcotics offenses in other geographic regions. The setting for the current study was located in Southern California, as it aligned with the purpose of the study. Most previous studies utilized quantitative methodologies to examine Proposition 47 from the quantitative lens of arrest and crime rates (Arredondo et al., 2017; R. R. Johnson & Lafrance, 2016; Vitkauskas, 2017; Woods, 2016). The findings from this study have shown the demotivators that resulted in the participants' claims of enforcement reductions. Future research should use quantitative methodology to examine the arrest rates of officers to explore reduced enforcement post-Proposition 47.

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