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# Rule Breaking, Bending, and Workarounds: Police Officers and Chiefs' Coercion-Discretion of Enforcing State Executive Orders

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## ABSTRACT

This study examines rule non-compliance from police officers and managers who decide not to enforce certain public health edicts and decrees. It examines rule non-compliance from police officers and managers who decide not to enforce certain public health edicts and decrees. The locus of our study is the severity of the consequences for rule non-compliance for citizens. We test to see whether rules with severe punishments for citizens are broken, bent, or worked around by the police more often than expected in Bozeman observations. Thirty-seven police chiefs and managers were interviewed. Sixteen focus groups totaling 149 police officers were held in 15 municipalities in a Canadian province. Non-compliance related to police officers not enforcing 1556 Canadian dollars (US\$1260; 1082€) fines was high. This study provides credence that workaround is a flexible concept explaining how discretion is used on the frontlines of public service.

## KEYWORDS

Policy stringency; rule bending; rule breaking; rule non-compliance; workaround

## Introduction

Rules are “sometimes obeyed,” but often “broken, bent, ignored, misinterpreted” (Bozeman, 2022, p. 36). The state-agent narrative of equal treatment of every case framed by laws and predictable processes sustaining our democratic systems outlines an aspiration, not the front lines of public services (Maynard-Moody & Musheno, 2003, p. 4). Applebaum describes a telling case of rule non-compliance by wardens of Soviet gulags:

One set of rules written in 1939 reminded camp commanders that “all prisoners, without exception, are forbidden to live outside the zone in villages, private apartments, or houses belonging to the camp.” Theoretically, camps needed to get special permission even to let inmates live in a guarded accommodation, if it was outside the zona. In practice, these rules were frequently disregarded. Despite the edict of 1939, inspectors’ reports written long after that date list a wide variety of violations. (Applebaum, 2003, pp. 187–188)

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This article has been corrected with minor changes. These changes do not impact the academic content of the article.

Stalin could bypass democratic processes altogether. Additionally, he had at his disposal cadres who could, and often did, send prison camp commanders to become prisoners themselves on the thinnest evidence of insubordination or conspiring against the U.S.S.R. Yet, they could not enforce all rules, all the time.

Rule breaking is recognized as a problem because unwarranted granted exceptions both sidestep decisions taken by high-ranking officials and undermine a core value of depersonalized equity long-taken for granted in modern states (Weißmüller et al., 2022, p. 262). Rule bending was observed repeatedly during a yearlong ethnographic study of French police officers (Monties & Gagnon, 2022, p. 14). Among the many insights of Street-level Bureaucracy Theory (Lipsky, 2010[1980]) are that governments and policy ask too much from street-level bureaucrats. Because of limited resources, time, and empathy, “police officers cannot arrest everyone who commits and infraction—they exert discretion in deciding which offenses to pursue and which to ignore” (Zacka, 2017, p. 52). This surfeit of demands, often under the form of rules and guidelines, creates a space in which street-level bureaucrats decide which rules to follow or enforce, and which rules to ignore (Maynard-Moody & Portillo, 2010).

Nickels (2007) notes that police powers exist in five dimensions, each of which is linked to a type of discretion: surveillance-discretion, responses-discretion, record-discretion, seizure discretion, and coercion-discretion (p. 576). Curley and Federman (2020, p. 624) categorized state executive orders during the pandemic between restrictions, suspensions, and enforcements. Our study focuses primarily on coercion-discretion of enforcement of state executive orders. Coercion-discretion “refers to police use or threat of non-consensual force in order to induce cooperation or deter unwanted behaviors on the part of members of the public” (Nickels, 2007, p. 576). Enforcements prescribe actions regarding reporting and punishment of individuals, businesses that are not complying with rules, with the threats of fines that Curley and Federman (2020, p. 624) chronicled in the fifty American states as being between \$50 and \$1000 US. The rules considered in much of Public Administration non-compliance and discretion studies tend to be generic. The locus of our study is the severity of the consequences for citizens. The \$1556 Canadian dollars (US\$1260; 1082€) fines—often rounded down to \$1500 in discussions—is mentioned several times in the discussions we had with police chiefs, police managers, and police officers in their explanations on enforcing or not state executive orders. The 1556\$/1500\$ fines appeared hundreds of times in interviews and focus group transcripts. The severity of fines is a key contextual element of our study, as one of the most stringent out of the sixty states and provinces in North America seen as less used to draconian policies as other regions

(Chen et al., 2022, p. 931). Related to assumptions, boundary conditions are limits containing theories (Byron & Thatcher, 2016, p. 3). They are important to test the applicability of concepts.

The severity of fines acts as a theory-boundary test of the prevalence of the latest concept derived from the robust Street-level Bureaucracy Theory: workarounds. A workaround is a subtype of rule bending (Bozeman, 2022, p. 39). The current research will test the theoretical boundaries of non-compliance and unsanctioned behaviors on the part of street-level bureaucrats when the rules have severe repercussions for citizens. This reappraisal of Bozeman et al. (2021) study uses the same analyses but a different population. As such, it is an extension (Gerring, 2020, p. 341). In Bozeman et al. study, the consequences of getting caught not complying with a rule impacts the academic researcher themselves. Our empirical context is the (non)enforcement of public health State Executive Orders by 15 police departments in the Canadian province of Québec. An analysis of New York Times articles during the pandemic finds that stories about frontline workers were rare for police officers (Musheno et al., 2021, p. 34). Canada's response has largely been outside the scope of public administrationists (see Hu & Liu, 2022). Police officers not enforcing public health decrees risk little consequences for themselves. Rather, they mostly do not want to burden most citizens with heavy fines. Unlike other researchers (Campbell, 2020; Davis & Pink-Harper, 2016; Kaufmann et al., 2022), we do not look into how citizens perceive rule-breaking/performance nexus, or what drives perceptions of red tape. We only look at the point of view of street-level bureaucrats and their managers. That is an improvement from much of the existing literature, which typically focuses on one or the other, but rarely both. After presenting relevant aspects of past research on rule non-compliance, we will present our data and the results stemming from our analyses. As this is an extension, we stay clear of research on coping (Tummers et al., 2015) or behaviors explained by Street-level Bureaucracy Theory other than rule breaking, bending, and workaround. For a compact narrative review of SLB theory applied during the COVID crisis, we suggest Gofen and Lotta (2021). We will not stray far from the original study introducing workarounds in Public Administration: Bozeman et al. (2021).

In their study of 116 professors in the Southeastern U.S. dealing with grant rules, Bozeman et al. (2021, p. 539) posited that workarounds are a specific kind of stratagem used when breaking or bending rules. They are not one offs. They seek to remedy the perceived flaws of a given rule's objectives. Bozeman et al. (2021, p. 529) reflect that the objectives replacing the rule's official objectives might stem from "the organization's intended objectives, but they may also relate to the individual's personal objectives or objectives of stakeholders valued by the individual." Bozeman et al.

(2021, p. 530) argue that understanding workarounds can deepen our theoretical understanding of workaround behavior, but also “shed light on why, in general, individuals comply or fail to comply with rules.” They interviewed 116 principal investigators with active NSF grants. Their interviews lasted 30 min on average. Bozeman et al. (2021, pp. 543–544) structured their qualitative studies around four research questions. We use the same questions as the study we are replicating.

*Research Question 1:* How common is workaround behavior compared with other aspects of compliant and non-compliant behavior?

*Research Question 2:* What are the areas of non-compliance?

*Research Question 3:* How egregious is the non-compliance and workarounds?

*Research Question 4:* What motivates non-compliance and workarounds?

By studying at the same time managers and workers, we add a layer to their design, by talking to street-level bureaucrats ( $n = 149$ ) and their supervisors ( $n = 37$ ). The rest of this qualitative study presents in turn: the previous studies that inform ours, what feeds the analyses and how these were performed, what we found, and how these results connect with the previous state of knowledge.

## **The rule non-compliance literature**

Many related concepts are derived from Street-level Bureaucracy Theory (Lipsky, 2010[1980]; Maynard-Moody & Portillo, 2010). In recent research, one can see them at play with EMS workers’ rule abidance and deviation from protocols toward patients (Henderson, 2013), Midwestern municipal employees, and German police officers’ unbureaucratic behavior toward citizens (Brockmann, 2017; DeHart-Davis, 2007), Pennsylvanian paramedics and European students’ prosocial rule breaking (Borry & Henderson, 2020; Weißmüller et al., 2022), and more recently, workarounds from academic researchers (Bozeman et al., 2021). These studies study rule non-compliance at several levels in the rule implementation chain, from legislators to the citizens. It spans over supervisors not enforcing rules to public employees, and public servants not enforcing rules on citizens. There are gaps in this otherwise comprehensive conceptual tapestry. Rule bending and breaking will look differently for social services like education, social work, and health—dubbed the left hand of the state (Bourdieu, 1993, p. 221)—and coercive services like justice, correctional and prison services, and the police -the right hand of the state (extended by Wacquant, 2009, p. 286, originally from Bourdieu, 1993, p. 221). Breaking or bending rules by the former will mean more social service for the user; for the former, it

could mean not enforcing a coercive rule and regulations, that is letting a citizen go with a warning for a punishable offense.

The debate between what is compliance *vs.* what is non-compliance is not settled. Some find a difference between rule bending and rule breaking, reflected by how much of a rule is flaunted (DeHart-Davis, 2007, p. 62). That debate was crystalized in Maynard-Moody and Portillo (2010) repeated calls to reject the dichotomous rule abidance *vs.* discretion position. Some, like Fleming (2020, p. 1194) where there would be no difference between rule bending and rule breaking because making exceptions and following a rule would be binary: anything less than full compliance is rule breaking. A similar position is offered by Borry (2017, p. 80), who does not make a distinction between rule breaking and rule bending, because the perceptions of when a rule is broken varies from one person to the next. According to Borry, it all falls under rule bending. A more recent conceptual article (Bozeman, 2022, p. 44) declines compliance choice motives for (full)-compliance motives-nice motives, including acceptance of rules' objectives, partial compliance motives, 14 motives, including insufficient resources, and non-compliance motives, 14 motives, including organizational nihilism. We will weigh on this debate after presenting our results.

Table 1 is the conceptual framework used in this research.

The propensity of non-compliance with rules can stem from what DeHart-Davis (2007) dubbed an unbureaucratic personality. From the 90 interviews she performed in four municipalities, she observed that “city employees make judgments about bending the rules based on their perceptions of rule effectiveness, with ineffective rules regarded as justifiability—albeit clandestinely—bent” (DeHart-Davis, 2007, p. 897). Clear formalized rules would be abided more often than ambiguous or complex rules (Kaufmann et al., 2019, p. 242). A study of Chinese local security employees found that managerial communication increases perceived rule clarity,

**Table 1.** Types of Rules Non-compliance and Unsanctioned Behavior.

Gradations of rule non-compliance		Definition
Rule breaking		Self-conscious non-compliance with a formal rule, by any means, for any reason. Includes not acting at all when a behavior is required
Rule bending	Rule bending	A form of non-compliance that takes advantage of loopholes in rules or a rule's lack of clarity and, thus, possibilities for multiple interpretations
	Workaround	A self-conscious and calculated unsanctioned action taken by an employee to address a perceived shortcoming of the rule with respect to one or more of the employee's objectives (which may or may not be consistent with the rule's objectives)

Source: So slightly adapted from Bozeman et al. (2021, p. 537).

which in turn increases the self-reported willingness to follow these rules (Zhang et al., 2021, p. 301).

Closer to the subject of this study, Schulenberg (2015) ran quantitative analyses from 234 Criminal code offenses, during 179 of the 402 encounters she coded from a backseat of police cruisers during 72 ride alongs covering 637 h in three medium-sized Canadian police departments. She found that “Officer sex, the presence of bystanders, citizen sex, age, prior record, and prior citations remain non-significant” (Schulenberg, 2015, p. 260). She added that single sociodemographic variables predict discretion well (Schulenberg, 2015, p. 262), and that quantitative analyses cannot account for “the cognitive aspect of decision-making processes’ on how officers decide which strategy is appropriate” (Schulenberg, 2015, p. 264). Hence, in this study, we do not cover individual-level variations stemming from sociodemographic characteristics.

### **Workarounds**

Workaround is not used consistently in Public Administration. For example, Masood and Nisar’s (2021) study of women physicians in Lahore, Pakistan, illustrate workarounds as “what application documents are optional, who can attest documents in a hurry, which peon would bus documents for a fee” (p. 66). That is not the definition we are using in this study. Bozeman et al. (2021, pp. 531–533) efficiently summarize the sparse literature on workaround outside of Public Administration. They distinguish three ways for public servants to disobey established rules: rule breaking, rule bending, and workaround. For them, rule bending differs from rule breaking by the self-conscious action of the public servant (Bozeman et al., 2021, p. 529). Workarounds is a special case of rule bending, which is a subtype of rule breaking. All are under the umbrella of rule non-compliance. Rule non-compliance is defined as “(a)ny instance in which an organization’s employee engages in activities that go against organizational rules. Non-compliant behavior does not need to be a direct action in violation of rules, it can also entail failing to act at all when action is required by rules” (Bozeman et al., 2021, p. 535).

### **Data and method**

There are two sources of data: interviews and focus groups. There are six levels of police organizations in the province under study. Level 2 police departments have all the responsibilities of level-1 departments, plus some. This escalatory logic goes up to until level 6. Level 2 departments serve population centers from 100,000 to 249,999; level 5 departments serve

population center of 1,000,000 and up. To provide anonymity, we identify police department with letters; to provide context to the reader, we pooled together the relatively few police departments from levels 3 to 6 as level 3+. The first source of data is 37 semi-structured interviews with police chiefs or high-ranking police managers with operational, coordination, and public affairs responsibilities. Our study was less interested in the formal status of the managers in the organizational chart, but rather in how they managed the crisis. We interviewed managers who (i) relay with other police departments during weekly coordination meetings; (ii) supervised patrol officers; and (iii) oversee external and internal communications. In the large services (level 3+), most of our respondents were either service directors or senior managers with specific expertise in crisis management. Most of them were police, except for several civilians in charge of communications. In the rest of this study, we refer to them as police chiefs and managers, or managers. The sampling of police managers was systematic within police departments.

Those chiefs and managers covered large level-3 to level-6 police departments, but also level-1 and level-2 departments, which serve less populous municipalities. The police managers had the same responsibilities across departments. These interviews were held from late March to late May 2021. They averaged 63 min in length. These interviews were first transcribed by an automated service, and then checked and corrected for accuracy by research assistants. The transcripts of these 39 h of individual interviews add up to 1055 single-space pages.

The second source of data are 16 focus groups of 8–17 police officers with patrolling duties. These focus groups were organized in ten of the 16 police departments. Differences in unions' collective agreements brings variety in terms of what officers were present. Police managers offered access to officers, often at the beginning or end of a shift. Police officers could possibly opt out. As in any qualitative research, respondents are volunteers. Because of ethics concerns and regulations, unwilling subjects can opt out of a study. Respondents are recruited, not subpoenaed. As Saulnier et al. (2022, p. 310) expressed in a recent qualitative study on policing policies in Canada, producing a representative probability sample would be ethically impossible. In Canada, only 22% of police officers were women in 2019. Unsurprisingly, most participants in our study were men. Men would be more willing to bend rules than women (Pedersen & Johannsen, 2018, p. 662; Portillo & DeHart-Davis, 2009, p. 343). Focus groups were sometimes on Zoom, but mostly in person. A total of 149 police officers shared their views and experiences with us. The average focus group lasted 76 min. The 20 h of focus groups were transcribed manually. The transcriptions add up to 629 single-spaced pages (Table 2).

**Table 2.** Description of Respondents.

Police departments		Interviews with chiefs and officers	Focus groups of police officers	
Level 3+	Police dept. ID	Nb of interviews	Nb of focus groups	Nb of participants
	A	3	4	10; 8; 10; 7
	B	2	2	17; 14
	C	3	1	8
	D	2	2	11; 6
	E	3	2	7; 8
Level 2	F	2	1	11
	G	3	None	—
	H	2	None	—
	I	3	None	—
	J	2	1	7
	K	3	1	8
Level 1	L	1	None	—
	M	2	1	9
	N	3	1	8
	O	2	None	—

An exhaustive list of operational codes was generated by the second author, who performed the interviews and hosted the focus groups. It was possible to generate 49 operational codes with the hindsight of the themes discussed by the respondents before the beginning of the coding. The list was tested as the two coders discussed the codes and subcodes while jointly coding the first interview. Minor modifications were done to the lists of codes early on during joint coding sessions. However, by the fourth interview, the list of codes and subcodes stayed the same. All the transcripts were coded by two coders. Transcripts were coded by ideas, instead of sentences or paragraphs. Excerpts were assigned to only one of the 49 codes. Disagreements were flagged, discussed, and then modified to reach unanimity among both coders.

In terms of units, the individual interviews lend themselves to individual-level analyses for police chiefs and other high-ranking officials. For the focus groups of police officers, the unit of analysis is the group. Cyr (2019, p. 101) recommends that focus group data should be reported by groups, and not by individuals within a group.

The points of view and examples shared in the interviews and focus groups are, by their nature, retrospective. Numerous instances of rule breaking, bending, and workarounds are accompanied by retrospective accounts from patrollers and police chiefs, and acolytes of why rule non-compliance was legitimated. That is referred to as moralization: retrospective reasoning “means of accounting for the legitimacy of a diverse range of actions performed by organizational subjects” (Bloom & White, 2016, p. 7).

However, we analyzed here the excerpts having to do with the fines directly through two frequently mentioned themes: the way police chiefs, managers, and police officers view the fines; and the way that police officers enforce the fines.

**Table 3.** Number of Excerpts Related to the Cost of Fines at the Government and Street Levels, in Police Chiefs and Managers' Interviews and Focus Groups of Patrol Officers.

Level	Theme	37 interviews	16 focus groups
Government's Public Health Law and decrees	Cost of fines	40	59
Officers' Discretionary powers	The influence of the context of action—applicability and costs of fines	69	67
Government's Public Health Law and decrees	Several themes	6	12
Police departments' actions	Several themes	10	3
Officers' Discretionary powers	Several themes	16	47
Citizens' actions	Several themes	2	10

Table 3 presents the frequency of themes encountered in our interviews and focus groups. The detailed results of their analysis are presented in the next section.

## Results

Police chiefs and managers understand that there key variations will exist in rule enforcement non-compliance in their own departments. They understand that 'joe-public' might perceive, justly, that who stops her/him will alter the probabilities of being fined or not, since officers differ in their judgment. Police chiefs and managers, more than officers, mentioned that although patrollers were hesitant to fine citizens for COVID offenses. Officers started enforcing rules with more assiduity in the winter of 2021. In one larger municipality, we were told that depending on the precincts' tolerance for heavy fines, officers could have pressure to fine citizens or not. One police officer observed that the signal sent by the hefty fines did work since the roads and streets were mostly empty of traffic at night during the curfew (focus group in police dept. C, level 3+). Another police officer mentioned that when the first \$1556 tickets were handed out, it made the news and was circulated on social media (1st of two focus groups in police dept. B, level 3+). One police manager (police dept. G, level 2) suggested that the amount should have increased gradually, as the COVID infection numbers crept up, to module the signal of the dire situation in hospital ICUs. Another police manager in charge of communications wished that the fines should be lower for first offenders, and then go up for repeated offenders (police dept. D, level 3+). That sentiment was heard several times by police officers in focus groups. One police manager referred to the heavy fine as a "large hammer" (police department F, level 2), in the sense of carrying a big stick. At hypothetical levels of \$100 to \$200, closer to the amount handed out in France, many police managers and officers opined that citizens would have seen it as the price of doing

business to meet up and dine with friends. Crucially, most police managers and officers affirm with a high level of confidence that a lot more tickets would have been issued. In their opinion, that would have significantly curbed the non-compliance of state executive order enforcement.

The severity of the fines was noted by the outmost majority of participants, with few exceptions of police managers interviewed individually. One of these managers recalled taking patrol duties on (him)herself and having no qualms and fining citizens breaking decrees. For many, however, the \$1556 was viewed as one to two months of rent that already impoverished people would need to pay these fines. More than one police officer mentioned that \$1556 pays for an all-inclusive one-week vacation in the Caribbean. Some officers mentioned that often, suspects who hit a police officer during their arrest are only fined \$100 (focus group in police dept. F, level 2).

The go-to reference to make sense of the magnitude of these fines is the fine for motorists illegally using their phones while driving. That is a \$500 ticket. In the same breath, many police officers, and some police chiefs, mentioned that when cell phone fines increased from \$100 to \$500, the enforcement of that rule went down precipitously. One police manager estimates that in his/her service, the number of cell-phone tickets went down by 90% (police dept. N, level 1). One police manager (police dept. D, level 3+) shared that severely impaired drivers can get fines for drinking and driving upward of \$1000. Otherwise, police officers are not used to writing up expensive tickets (1st of two focus groups in police dept. B, level 3+). What's more, many police chiefs and managers know that they cannot really be aware of the extent to which police officers did not enforce the law. The closest approximation was to compare the number of citizen denunciations and complaints filed to the number of tickets written up. We now turn our attention to the frequency, areas, egregiousness, and motivations behind non-compliance for rules that were broken, bent, and worked around.

Table 4 shows that examples of outright rule breaking, that is simply ignoring the enforcement of decrees and edicts, occurred more frequently than the rule bending and workarounds.

### ***Rule breaking***

Rule breaking is the total violation of a rule (DeHart-Davis, 2007, p. 62), a “self-conscious non-compliance with a formal rule, by any means, for any reason. Includes not acting at all when a behavior is required” (Bozeman et al., 2021, p. 537). A police manager responsible for communication summed it best: if the provincial government decided that the fines would

**Table 4.** Frequencies of Types of Rules Non-compliance and Unsanctioned Behavior.

	Government's Public Health Law and decrees		Officers' Discretionary powers		(Several levels)	
	Cost of fines	The influence of the context of action—applicability and costs of fines	Misc. excerpts mentioning cost of fines			
(Other issues)	37 interviews [18]	16 focus groups [36]	37 interviews [19]	16 focus groups [13]	37 interviews [10]	16 focus groups [40]
Rule non-compliance	21 mentions (14/37 interviews)	22 mentions (10/16 focus groups)	33 mentions (20/37 interviews)	33 mentions (13/16 focus groups)	14 mentions (12/37 interviews)	13 mentions (8/16 focus groups)
Rule bending	0 mention (0/37 interviews)	2 mentions (2/16 focus group)	14 mentions (11/37 interviews)	13 mentions (8/16 focus groups)	3 mentions (3/37 interviews)	15 mentions (10/16 focus groups)
Rule breaking	1 mention (1/37 interviews)	0 mention (0/16 focus group)	4 mentions (3/37 interviews)	8 mentions (6/16 focus groups)	7 mentions (5/37 interviews)	4 mentions (4/16 focus groups)
Workaround						

be as high as they were during the pandemic, it would have been a scandal. However, this existing public health law had on the books that the fines were \$1556, including fees. Police officers were justified to say: “Look, ma’am, this is what is stated in the law.” Now you want the truth? There isn’t a damn police officer who wants to give a \$1500 ticket to a father or a mother” (police dept. A, level 3+). A police chief in a rural police department added that officers like arresting suspects for criminal infractions.

*Handing out tickets, there are not many police officers who hold that as their main hobby. The \$1500 makes it so that, yes it’s very coercive, yes it’s very mean, it also makes it so that the policeman before giving it if it had been 135€, what I’m telling you is that we would have given thousands more statements of offence (police dept. L, which is level 1)*

One patroller’s comment encapsulated what was a widely shared view among officers: \$1556 was an excessive fine for average citizens, often referred to as “normal people” or “good people.” “The big problem I had was the price of the ticket, which is set at \$1550. There are people who deserved to get a ticket, but who didn’t deserve \$1550. I understand that it is a huge deterrent but it is also a deterrent for us to give it” (2nd of two focus groups of police dept. D, level 3+). That was a wide and open acknowledgment on the part of police officers of simply ignoring enforcing state executive orders. Other instances of rule breaking were periodic. Police officers resented politicians who imposed decrees and then walked them back. To officers who will have to interact with citizens after handing them a \$1556 fine, politicians updating their decrees presented themselves as understanding and flexible, unlike the police officers who are supposed to enforce them (1st of two focus groups of police dept. D, level 3+). In a city, officers stopped handing out fines, since a politician promised to cancel all \$1556 fines given by the police department. Eventually, police officers were told to ticket citizens again when the number of infections went up for an extended period of time (1st of four focus groups of police dept. A, level 3+).

Rule breaking on the part of officers was influenced by the expectations of some officers. Some officers expected that judges might mass-cancel the expensive fines when the COVID crisis ends (2nd focus group of police dept. B, which is a 3+ level). One officer assigned to mental health interventions mentioned that (s)he did not enforce these expansive tickets, as (s)he had to deal with the repercussions of individuals who suffered from the imposed isolation, and the individuals who felt depressed or suicidal after being fined previously (focus group of police dept. J, level 2).

Three examples of rule breaking backed by mentally playing out the consequences of the rule are fleshed out. In turns, for the officer (him)herself,

for the officer and the citizen, and then the effects for officer' safety and the safety of demonstrators.

*You know, there are a lot of people who are threatened - yeah, I'm going to file a deontological complaint on you, and everything. Then they film us without immediate effects, but that exposes us even more by going to that world. But you know there is no one [in the justice system] after that who will say - "Yes, but her deontological complaint was not related." There is no one [in the justice system] who will back us up afterwards (...) We put ourselves in danger, we put ourselves... You know, there are many repercussions that can happen because of this. (expressed in the focus group of police dept. K, level 2)*

*Yes you know, to continue, the 1500\$ also had to be considered when we took a family of four people, well it was 1500 per person. So I was going to give a lil' family a ticket for about 6000\$when it should be considered that in Covid the majority of people had just lost their job. So I was adding a charge that made no sense to me monetarily. You know for a fact we, me and my partner, we already did, at the beginning, we gave a ticket of 1500\$then we almost transported the guy to the hospital because he was on the verge of saying that he wanted to kill himself. (expressed in the focus group of police dept. D, level 3+)*

*It is complicated, they are 10 000 [demonstrators] (...) You know that your hothead [who organized the rally] is not on the side of the crowd. He's right in the middle with his loud microphone, he's loud and he's got sheep walking next to him, following. So if you go in and get it, you're going to create a monster reaction. (expressed in the 4th focus groups of police dept. A, level 3+)*

In all three examples, it is the "not acting at all when a behavior is required" (Bozeman et al., 2021, p. 537) part of rule breaking that are on display. Examples of the first kind, when an officer broke a rule because (s)he expected the effect of enforcing a rule brought about negative effects for the officer, were few and far between. One of them was expressed by a patrol officer, who opined that citizens would contest such a large fine (1st of 2 focus groups in police dept. D, level 3+). That contestation would add to the burden of the justice system. The officer will need to testify in court. That will either happen during his/her day off or will take time off from the officer's colleague who will fill in for her/him that day. That will be detrimental to the mental health of police officers and court personnel who might already have to cover for colleagues on top of their normal workload. Less elaborate reasoning is present in the second example. Patrol officers knew that the large fines will disrupt the lives of whoever receives it, even making further non-COVID-related interventions more likely. The third example is an extreme case with safety ramifications. However, the main reasoning is that it was simply not possible to enforce decrees by the book, when the number of citizens breaking decrees reached a certain ratio, as compared to the officers available. Situations where a large number of citizens in non-compliance were gathered in one place—often at parks,

and more rarely, at beaches—often lend themselves to police officers ignoring the rule altogether, rather than enforcing it piecemeal.

A more infrequent motive for rule breaking on the part of the police had to do with an announced churning of existing rules. Once the softening of a rule was announced but not yet in effect, many officers stopped enforcing that rule, reasoning that in three days, what is now an infraction would be permitted.

### **Rule bending**

Rule bending is a partial violation (DeHart-Davis, 2007, p. 62), it is “a form of non-compliance that takes advantage of loopholes in rules or a rule’s lack of clarity and, thus, possibilities for multiple interpretations” (Bozeman et al., 2021, p. 537). Deservingness in terms of moral judgment could drive moral decisions with respect to who gets an expensive fine. Informal rules of thumbs helped decide if a formalized rule was enforced or not. In a smaller level 1 police department, police officers could recall issuing warnings to known citizens instead of fines, because they considered them ‘normal’ people. If the same officers were later put in a situation in which the same person is breaking COVID rules again, they might write up this 1556\$ instead of warning them a second time (focus group in police dept. M, level 1). There are no exception for first time offender in the rule.

Many officers mentioned that if citizens violating COVID rules, typically illegal gatherings in a park, their backyard or indoors, apologized and left the premises, they would receive a verbal warning. However, if they waffled or temporized, they might encounter a fine (focus group in police dept. J, level 2). However, some other officers would fine these small gatherings, reluctantly, feeling bad for the “good people” who were punished for complying, while difficult citizens would not get fined because they would not open their front door while holding an illegal party. These stories tended to be explained with the use of foul language

*So we get there, we knock on the door, people who are very cooperative. So we have people, family or friends, who say - okay we got busted, we open up and we identify ourselves to the cops. We used to give them a \$1500 ticket per head and then the [expletive] eaters or those who were... Excuse my language, we’re talking between police officers. But those who were not pleasant with us who said - [expletive] you go get your warrant, I won’t open to you - then finally the judge said - no, don’t come in (1st focus group in police dept. A, level 3+).*

Again, carved-up exceptions are manifestations of partial application of rules. Small gatherings of two families, or sometimes three, could get a pass. Young people partying, especially if they rented a condo on AirBnB,

were more likely to receive fines. If young people in their early twenties, who do not have well-paying jobs are found breaking rules, officers might stop them and issue a warning. However, if these young people show disrespect to the officer potentially saving them from being served a fine, then the officer could change their mind on the spot and write them up, depending on the level of disrespect felt by the officers (focus group in police dept. F, level 2). In the same police department, an officer explained that if citizens did not open up the door when the officer knocked, which meant that the officer had to ask—sometimes for hours—and wait for a warrant from a judge, they could distribute a fine to someone who otherwise would have received a verbal warning. Rude people would not automatically get fined. Relatives taking care of sick or asymptomatic children, breaking bubble rules of how many residents of different addresses could be present in another home, could get a pass and not receive a 1556\$ fine, as officers could empathize with the need to look over children when day-cares and schools are closed.

In terms of rule bending, one police officer explained why (s)he decided not to stop all cars after curfew (between midnight and 1 a.m.) the precise times when nurses finish their evening shifts. Nurses were permitted to drive at night after the curfew. However, nurses drive civilian cars, not easily recognizable EMS or fire trucks, or police cruisers.

*At some point, you know, okay, it's time for [nurses] to finish working. You know because at some point you're going to make them sick of being stopped by ten police cruisers when you finish working, well at some point it's certain that the person at the wheel is going to get annoyed and then she's going to get angry and then she's going to say reply [expletive] stupid things to you. You know, she's going to tell you to [expletive] off. I'm going to ticket her up because she told me to [expletive] off. (...)*  
(focus group of police dept. F, level 2)

The aim of the curfew, a heavy-handed rule from the provincial government, is to curb the infections burdening hospitals. Possibly stopping nurses after their shift, to ask them to present their employers' letter that they are breaking the curfew for a reason, will annoy them to the point where they might disrespect an officer, which is an offense that can be fined. Here the officer temporarily suspends the application of a simple rule aimed at supporting health workers, the curfew, to support health workers.

During mass protests against pandemic restrictions, it was impossible for a handful of officers to fine every demonstrator that was unmasked and walking too close to someone else. "The fact that you know that at some point you have to try to manage it as best you can, to try to make people respect some of the rules, to pass on some messages at least. We used other tools, but sometimes it was very hard to apply them on the street"

(interview with a manager in charge of coordination in police dept. A, level 3+). These officers did not ignore the rules entirely, as some did in the examples from the previous section.

### **Workarounds**

A workaround is “a self-conscious and calculated unsanctioned action taken by an employee to address a perceived shortcoming of the rule with respect to one or more of the employee’s objectives (which may or may not be consistent with the rule’s objectives)” (Bozeman et al., 2021, p. 537). Hundreds of kilometers away, similar workarounds were developed by officers from police departments. Two of them have to do with the number of people gathered. First, when two couples met, officers tended to ignore the COVID rules against gathering. The same would not be true if two dozen people gathered indoors. One police manager (interview with a manager in charge of coordination and public affairs in police dept. O, level 1) mentioned that (s)he prompted police officers to intervene if there was a *large* illegal party, even if there were not enough officers that night to intervene. The manager would call for back-up and ask for a warrant. However, for a small gathering of two couples, the police managers did not advise officers to ask for a warrant to enter people’s property. Rather, they were to wait in their car for individuals to leave the premises by the front and patio door, and then fine them.

Second, and still related to the size of gatherings, some officers did not fine all members of an illegal get together, as the rule demanded. Rather, they would only fine the host. Their thinking is that once they are gone, the party goers would pay up the host for their share of the 1556\$. It was a way for officers to meet the objective of the rule, but to diminish its severity.

Another workaround was to film unmasked demonstrators that were stranded too close to others, rather than fine them on the spot, as the rule implied. The fear, explained earlier, is that it could initiate a volatile situation during the summer of 2020. Days later, officers would work to identify these citizens and send them RIG, once heads had cooled down (interview of public affairs managers in police dept. K, level 2).

One workaround was set up in a precinct of a level 3+ service and in another level 3+ service. Officers from these police departments issued searchable arrest forms for individuals who received a warning. In the scenario shared with us, the two couples of sexagenarians who never had brushes with the law in their lives finally got fined, once the officer figured out that they had received a warning one week prior. Creating such a system was not a provincial directive, as police officers were supposed to hand

our fines at the first offense starting in the ninth month of the pandemic. Nevertheless, if made possible the implementation of a homegrown rule to provide one warning, and then fine a recidivist.

The most interesting workaround encountered in this research is an institutional one. It was created by the municipal council, with the help of the police department. The RIG involves a provincial prosecutor and means that the citizens would receive her/his ticket in the mail weeks later. A handful of municipalities voted for new municipal rules mimicking the provincial decree. Lawyers working in a police department wrote up the verbiage of the municipal ruling and submitted it to the municipal council (interview of a manager in charge of coordination in police dept. J, level 2). That means that police officers could hand out equally expensive tickets on the spot, without the intervention of a third party. It also meant that they were not technically enforcing the provincial rule, but the municipal one (interviews with a police manager in police dept. G, level 2). The managers explained it at length. Here are extended parts:

*I'll give you the wording very roughly, but someone who invites people to their home and these people have no business there, we can use the municipal bylaw directly. As for the curfew, we put it in our municipal by-law so the police officers when they intercept something or stop someone outside the curfew instead of having to write up a long-form report detailed enough to convince [a provincial prosecutor], it is the municipal by-law so it is super fast, it is dissuasive, it is immediate, we can give it there. It's very easy for the police officers also. (...) It's like copying and pasting the decree, but giving the police tools to facilitate their work in the field. (interview with a police manager in police dept. G, level 2)*

The provincial rule is seen as widely inefficient. Long-form written reports take a long time to write up. Many police officers believed that alone was a disincentive to fine citizens. That was especially true for illegal gatherings of dozens of individuals.

*Whereas with the bylaw, there are 20 people, we can do a backing-if you're comfortable with that-the backing of the ticket, all the same address and we just get the person's name changed so it's extremely fast, it's safe, it's effective and it's effective immediately. (...) It helps officers get on board because it makes their job easier, so for them, whether the report goes to Quebec City [the provincial capital] or to the city, I just gave them a tool, it's really easier. For him, it will take him five minutes instead of half an hour, forty-five minutes to do. He may say "it's easy, it's 5 minutes, I'll apply the regulation." (interview with a police manager in police dept. G, level 2)*

Campbell (2011, p. 411) offered that local officials designing a home-brewed information system instead of "solely on a state-required but antiquated reporting system" as an example of a workaround. This local rule qualifies as a workaround, even if it is official rather than unofficial.

## Discussion

Bozeman et al. concluded (2021, p. 559) their study by stressing that parsing the illegitimate replacement of the objectives set by those who formulated the rules by the violators' objectives is not easy. We concur. At times, it proved hard to categorize the nature of police non-compliant behavior in rule enforcement.

### *Returning to the research questions*

Although police chiefs and university administrators leave much discretion to police officers and principal investigators, our respondents are different from the study we are extending. Officers have more sway over the citizens they police than the researchers have over the professionals or research assistants on which they might not enforce rules.

#### ***Research Question 1: How common is workaround behavior compared with other aspects of compliant and non-compliant behavior?***

Non-compliance occurred frequently in the stories told by our respondents. One officer commented about journalists who compared the number of denunciation calls from citizens in his/her municipality, to the number of \$1556 fines issued that week. This provides an idea of the prevalence of non-compliance from officers for what they considered minor infractions of deserving people, especially with many unfunded denunciation calls between neighbors.

*Let's say 120 calls but 10 tickets. "What do you mean, your policemen are not repressive?" No, we still have discretionary power and the police - as [colleague x] and [colleague y] said earlier, if officers arrive and the individuals are -let's say two couples but they are still careful and they are respectful, we are not going to give \$1500 in tickets to these people. (focus group police dept. F, level 2)*

On many occasions in the data presented in this article, and in numerous themes not covered here, police chiefs and managers, and police officers took for granted that officers do not apply laws and regulations. One officer (2nd of two focus groups in police dept. D, level 3+), summed it: "I think it's obvious to anyone who knows police work that discretion is exercised with judgment. Judgment means that I will take the parameters I have in front of me. A person who never respects the law and who behaves in an antisocial way will not get a pass."

Bozeman et al. (2021, p. 553) found that 25% of researchers fessed up to using workarounds in their grant management. Their unit of analysis is the researcher. Our unit of analysis is the police department. An imperfect but conservative estimate is that eight out of 37 police chiefs of managers—

roughly 20%—admitted or knew about a workaround used in their police department. By adding to that count focus groups of between 6 and 17 participants, we counted 10 of the 15 police departments we studied and tallied at least one example of workarounds. We have more respondents by units than the study we are extending. Two-thirds would qualify as a higher proportion, but with a much lower bar, as dozens of individuals could confess in using workarounds.

### ***Research Question 2: What are the areas of non-compliance?***

Bozeman et al. (2021, p. 554) found the majority of non-compliant behavior dealt with small matters in a limited number of domains, mostly related to minor personnel and procurement issues. Our results are different. The rules broken, bent, or worked around in the police departments we studied spent the whole gamut of stay at home orders, people out after the curfew, illegal indoor and outdoor gatherings, distancing, and mask wearing.

We presented a debate in the literature about the conceptualization of rule non-compliance behaviors: could anything other than full compliance be considered rule bending, or does the presence of one snag qualify as rule breaking? Rule breaking and rule bending are at times considered one and the same. This position, presented by Veiga et al. (2004, p. 87) survey of private sector firms is encapsulated by a quote from one of these firms that “I am unable to single out a significant rule-bending example, because so many rules are broken every day that nothing in particular stands out.” Our own results do not fit within this view. In the existing literature on street-level bureaucrats’ discretion in general, with respect to police officer discretion in particular, it is clear that rule non-enforcement is widespread. If ignoring or even bending any one rule that could be applied qualifies as rule non-compliance, then rule compliance becomes a yet-to-be-defined ideal type and not an empirical concept with low extension (Goertz, 2020, p. 244).

### ***Research Question 3: How egregious is the non-compliance and workarounds?***

As mentioned earlier, non-compliance remains a widespread issue. Even when compliance did happen—and it did—police officers resented applying these provincial decrees. One officer from a level 3+ service boiled down many thoughts expressed by officers throughout the province. The fines were severe for everyone. They proved insurmountable for poor people. These poor people are those that police officers meet repeatedly in their daily interventions. That officer goes on:

*Already with many citizens, the relations are starting to be difficult especially at this moment with all the social movements that there are in the United States but also in*

*Quebec, the fact of giving a 1500\$ to a good person, to a mother who wants to see her daughter, that certainly caused frictions and I think that we broke a big bond of confidence that these people had towards the police. Because even if we told them that it's not us who decides the amount and that it's the government who decides, they said "well, it's the police who gave me the statement" so it undermined our morale to give this statement to someone to whom I would surely never have given it. (2nd focus group in police dept. D, level 3+)*

Poor people who have been issued excessive fines might be frustrated with their provincial government, but they will be angrier at their local police department.

Bozeman et al. (2021, p. 555) found that researchers reported few instances of major violations of NSF rules. They contextualized their finding that academic principal investigators “are not insurrectionist reactions to a broken system of rules and regulations nor desperate attempts to keep hospital patients alive, but rather goal-driven approaches to solving relatively small problems that seem to get in the way of work efficiency.” Contrarily to Bloom and White’s (2016, p. 8) assertion that rule-bending “plays a fundamental role in framing and sustaining an organizational culture as ‘moral’” patrollers in our focus groups referred to their personal values much more often than the directives from the higher-ups in their department. One reaction for a police chief in a rural department was to deliberately keep police officers in the dark with respect to the proportions of RIG that were canceled by prosecutors.

*Yes, and you know what? I never told officers that there was just a third of RIG that were sustained [by prosecutors] if I hadn't, officers would have stopped it completely. (...) and the judge's decisions, and we stopped communicating them because the officers were poisoning themselves. They said that they were not working for anything, that they were not getting anywhere. Those I purposely never gave them [the 1/3 success rate]. Because I don't want them to have that statistic. But inside, I was very angry because if we are in an incredible mobilization, how am I going to deal with citizens who have had a lot of RIGs and who have never had any charges. (...) (interview of patrol supervisor manager in police dept. N, level 1).*

What was feared here is that having an accurate portrait of one’s low impact would increase what is already high non-compliance. In our research, police chiefs and managers, and officers were keenly aware of pathological rules. They understood the egregious lack of clarity of some rules as a sign that these rules were not meant to be enforced, but rather to nudge citizens a certain way. As a result, rules of thumbs, with varying degrees of regularity (Zacka, 2017, p. 56), were used to give faulty citizens a break from hefty fines. Workarounds were not introduced by officers to give themselves advantages or material benefits, just like in the study we are replicating, they were an act of kindness (Bozeman et al., 2021, p. 554).

**Research Question 4: What motivates non-compliance and workarounds?**

The most expressed motivation for non-compliance was the expected immediate financial consequences of the fines to average citizens. By default, average citizens begin their interactions with police on the ‘worthy’ side of the moral ledger. Unsurprisingly, this fits within the “citizen-agent narrative” so dear to street-level workers (Maynard-Moody & Musheno, 2003, p. 155).

Bozeman et al. (2021, p. 558) opined that the most interesting research question for future research on rule non-compliance is “what factors predict choices among rules response possibilities?” The way street-level bureaucrats assess the expected effects of rules on the people they serve, generally and in specific situations, should be factored into that predictive model. It is already part of Henderson’s (2013, p. 806) model of “Rule abidance and deviation in street-level EMS.”

Rules are forecasts (Bozeman & DeHart-Davis, 1999, p. 150). Some of the patrol officers shared with us their thought processes in deciding if they will comply with a rule or not. In several instances, they used naturalistic decision making, more specifically progressive deepening. It is described by de Groot (2008 [1978], chap. Va), and summarized by Kahneman and Klein (2009, p. 516) as mentally applying a solution from their professional experience, and running in one’s mind-eye the likely or possible ramifications. Since de Groot studied chess players, progressive deepening worked this way: “If the course of action they were considering seemed appropriate, they would implement it. If it had shortcomings, they would modify it. If they could not easily modify it, they would turn to the next most plausible option and run through the same procedure until an acceptable course of action was found” (Kahneman & Klein, 2009, p. 516). Police officers are unlike chess players in key dimensions. They play and referee the ‘game.’ They can decide to break, bend, or work around a rule if they deem that rule enforcement might lead to negative outcomes. Contrarily to British police officers and managers interviewed by De Maillard and Savage (2022, pp. 152–153), we did not observe rivalries and frictions between officers and their managers. Without ever questioning the authority of elected officials, police managers have nevertheless shown empathy for the patrollers. This is what led managers to prioritize actions aimed at protecting the health and safety of their departments. They avoided confronting head-on those patrollers who did not apply the health decrees with vigor and conviction. Sensitive to the field realities and aware of the difficulty of applying imprecise and subjective standards, police managers were also aware that officers had to deal with moral and personal dimensions that were at odds with their values.

## Limits

Unlike Oberfield (2010), our study does not follow a limited number of officers at three different times during their first two years on the job. Rather, we gathered information about discretion and rule following behaviors of officers through their own words and the words of their supervisors. Our qualitative study did not survey respondents to gather self-reported measures of risk-taking and conformist personality traits, which proved correlated with a propensity to bend rules among 149 EMS workers in Pennsylvania (Borry & Henderson, 2020, p. 54). The 116 researchers interviewed by Bozeman et al. were spread over five U.S. states. Our respondents are contained within a single Canadian province. However, it includes half the police department in that province, with an effort to not only cover smaller rural police departments seldom studied but also to present our results by organizational size. Although Quebec is a province and not a country, it has a population similar to the ones of the U.S. State of Virginia or Switzerland and larger than the numerous quality studies documenting Denmark. In terms of size, Quebec's territory is the size of Alaska, and almost five times the size of France. Hence, in-depth qualitative studies in Canada quickly become expensive.

## Conclusion

This research employs Bozeman et al. (2021) workaround concept and applies it in a new context. As such, it is a reappraisal of the "extension" variety (Gerring, 2020, p. 341). "A hallmark of rigor is thoroughness, such as stating the boundary condition under which X affects Y and outside of which X does not affect Y" (Donaldson et al., 2013, p. 154). The workaround concept operated at a different level of the rule implementation chain from Bozeman et al. (2021). Academic research grant management and policing are vastly different in terms of discretionary powers vested in professors and police officers. We found more occurrences of workarounds among police officers and managers in one Canadian province than Bozeman's et al. found within their sample of professors from the southeastern part of the United States. However, that result is not surprising. Bozeman et al. main definition of workarounds was useful. We do not suggest to change it. However, the understandable conceptual roots and ramifications of workaround was at times hard to pin down. That might be because it was meshed with the context from which it emerged. From our observations, we suggest to rephrase the understanding of workaround developed by Bozeman et al. (2021, p. 529)

While workaround behavior is a special case of rule bending, workarounds are more calculated and are less likely to be one-off behaviors. They might take the forms of

rule-of-thumbs. In some cases, they might take the form of a locally-created rule that is easier to enforce than the ones imposed by a higher level of government. The concept of workaround requires direct action or non-action in pursuit of objectives that the individual or his managers perceives as not well served by the rule. These objectives may relate to the organization's intended objectives, but they may also relate to the individual's personal objectives or objectives of stakeholders valued by the individual. (reformulated from Bozeman et al., 2021)

Our research also sheds lights on a part that workaround shares with rule abidance and deviation (Henderson, 2013), unbureaucratic behavior (Brockmann, 2017; DeHart-Davis, 2007), prosocial rule breaking (Borry & Henderson, 2020; Weißmüller et al., 2022): how do professionals estimate the effects of a rule they might not even applied yet. Bozeman et al. (2021, p. 529) stated that “workaround behavior requires enacting a self-conscious approach perceived as remedial to some perceived shortcoming of the rule's objectives.” The perceived shortcoming here is causal in nature. Street-level bureaucrats told us that they know when they encounter a new rule that will not work. Future research should look into their cognitive processes. Elucidating that question might require more field work and naturalistic inquiries into street-level bureaucrats and public managers, and less text-based experimental vignettes.

Few police departments decided to change their enforcement of other rules and laws, like traffic infractions (Gaub et al., 2022, p. 98), so that the new state executive orders would not pile on top of existing municipal rule, and provincial and federal laws. As long as elected officials and managers will generate and tolerate more rules than can possibly be applied, discretion will continue to be present for street-level bureaucrats. New technologies, might be able to curb public servants' rule non-compliance in ways unavailable to Stalin's U.S.S.R. In democratic nations, the remaining trust in street-level bureaucrats could keep surveillance tools at bay. While trying to offer a pragmatic answer on how to constrain discretion without displacing it, Goldstein (1977) suggested minimal considerations to constructively limit discretion, as it

“should be sufficiently specific to enable an officer to make judgments in a wide variety of unpredictable circumstances in a manner that will win the approval of top administrators, that will be free of personal prejudices and biases, and that will achieve a reasonable degree of uniformity in handling similar incidents in the community.” (Goldstein, 1977, p. 112).

For us, this pragmatic set of suggestions is tantamount to being a workaround.

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