American Policing Under Fire: Misconduct and Reform

Ronald Weitzer

Springer

CrossMark

American Policing Under Fire: Misconduct and Reform

Ronald Weitzer[1]

Abstract A cluster of recent police killings of African American men has sparked an unprecedented amount of public debate regarding policing in the United States. Critics and protesters have made sweeping allegations about the police; a presidential commission has been formed to study police misconduct; and reforms are being debated. These events provide a backdrop for this article's review of recent poll data and discussion of research regarding police relations with African Americans, Latinos, and whites.

Keywords Law enforcement · Race · Mass media · Police reform

Policing in America could not be a hotter topic than it is now. Several incidents, in a relatively short time span, have rattled public confidence in the police and sparked fresh debate on reforms. This is a fairly unique moment in American history, surpassing the level of outrage that followed other high-profile incidents a decade or two ago (Lawrence 2000).

Research shows that public confidence in the police typically erodes after a controversial incident is heavily publicized in the news media. Two weeks after the 1991 videotaped beating of Rodney King in Los Angeles, confidence in the city's police department plummeted to 31 % for Latino residents and 14 % for African Americans.[1] Over time, however, public opinion typically rebounds (Weitzer 2002). In Los Angeles, approval ratings reverted to their pre-King level 4 years after his beating (May 1995), eroded again after a major scandal in 1999–2000, and rebounded again a decade later.[2]

Recent events, however, may have a longer-term impact than those in previous decades. A *series* of incidents that occur in a *compressed* time period and gain massive *traction* in the media can tarnish the image not only of the police in the cities where the incidents took place but can also damage the reputation of the police nationwide (Weitzer 2002). This contamination-by-association is occurring today in a cumulative manner – with each incident pollinating subsequent ones – in part because activists and the media are drawing connections between them (see Table 1). And this perfect storm gained added momentum with the creation in December 2014 of the President's Task Force on 21st Century Policing, which signals to the public that recent incidents are much more serious than a sum of their parts.

Each of the incidents has been politicized – interpreted according to diametrically opposed frames – by activists and pundits on the one hand and law enforcement officials on the other. Time and again, we have seen protestors on the streets and commentators in the media (1) operating with a

✉ Ronald Weitzer
weitzer@gwu.edu

[1] Sociology Department, 409 Phillips Hall, George Washington University, 801 22nd Street, NW, Washington, DC 20052, USA

[1] In March, 1988, approval of the LAPD's job performance was remarkably high for all groups: 80 % for Latinos, 74 % for whites, and 64 % for blacks. Approval ratings declined substantially four days after the March 3, 1991 videotaped beating (51, 47, 26 %, respectively) and then eroded further in a March 20 poll (31, 41, 14 %, respectively) as a result of the repeated broadcast of a video of the beating (Weitzer 2002).

[2] In 2009, the vast majority of Los Angeles residents approved of the LAPD's job performance: 68 % of blacks, 76 % of Latinos, and 81 % of whites (Rubin 2009; see also Stone et al. 2009).

Table 1 Recent high-profile killings

Date	City	Victim	Outcome
July 2014	New York, NY	Eric Garner	No charges
August 2014	Ferguson, MO	Michael Brown	No charges
November 2014	Cleveland, OH	Tamir Rice	In progress
February 2015	Pasco, WA	Antonio Zambrano-Montes	In progress
March 2015	Madison, WI	Tony Robinson	No charges
April 2015	North Charleston, SC	Walter Scott	Murder charges
April 2015	Tulsa, OK	Eric Harris	Manslaughter charges
April 2015	Baltimore, MD	Freddie Gray	Multiple charges

All victims were black males except Zambrano-Montes. At the time of the contact with police officers Tamir Rice was displaying a toy gun, Freddie Gray had a knife in his pocket, and Eric Harris was trying to sell a gun to undercover officers. All other victims were unarmed

presumption of guilt toward the officer or officers involved, (2) asserting that misconduct is widespread and systemic, not confined to a few rogue cops, and (3) imputing racial animus as a motive. When it was announced that charges would not be brought against the officer who killed Tony Robinson in Madison, Wisconsin, one protestor filmed on the street shouted, "This is *not* what democracy is about," which clearly presumes that the officer should have been indicted. For their part, the police often circle the wagons after such incidents. More often than not, the department is slow to provide the public with information about the incident and the police union (if not the chief of police) typically jumps to the defense of the accused officer (Baker 2015).

Whether politicized or not, incidents of apparent police misconduct gain added significance when they resonate with other factors that condition individuals' perceptions of and experiences with the police.

Some Underlying Factors

Americans' attitudes toward the police are shaped by several factors, including the dynamics of face-to-face encounters and structural factors beyond media reporting. At the interactional level, it is now well established that procedural justice during encounters can make a big difference in citizens' willingness to cooperate with officers, in their evaluation of the contact, and in their overall opinion of the police (Tyler and Huo 2002; Wiley and Hudik 1974). *Procedural justice* takes place when officers give citizens a reason for a stop, treat them courteously, allow them to explain their actions, and demonstrate that police procedures are fair. When a person is verbally demeaned, given no reason for being stopped, told to "shut up" detained in public for a long time, subjected to excessive force, or given a "rough ride" in a police van, it is almost guaranteed that he or she will define this treatment as unjust and that these experiences will spill over and color the citizen's general opinion of the police.

But procedural injustice at the micro level is only part of the equation. Having a *good* interaction with an officer does not necessarily enhance one's general opinions of the police (Jacob 1971; Skogan 2006). People are also influenced by their "vicarious experiences": the narratives of friends, family members, neighbors, or remote others (as portrayed in the media) that are indirectly experienced by an individual. Latinos and African Americans are much more likely than whites to hear about instances of officer mistreatment from people in their social networks and to internalize these experiences (Weitzer and Tuch 2006). And proactively, there has been a long tradition among African Americans of elders taking pains to transmit "proper" conduct norms to young people in the hope of preventing them from having altercations with police officers (Brown 2009; Brunson and Weitzer 2011). These norms include keeping hands in full view, speaking softly and respectfully, avoiding sudden movements, and complying with officer commands. There is no evidence that white parents caution their children in this way.

Police-citizen relations are also influenced by neighborhood socioeconomic conditions. In middle-class and affluent communities, a police presence is typically episodic and, on the rare occasions when officers are called to the neighborhood, they are likely to treat residents with a measure of respect (Mastrofski et al. 2002; Sykes and Clark 1975; Weitzer 1999). In disadvantaged communities, irrespective of their racial composition, police are less likely to show respect toward residents. In addition, some residents of these neighborhoods engage in unconventional survival practices (e.g., selling loose cigarettes, drug dealing), which is correlated with aggressive law enforcement and stops that are essentially fishing expeditions (Epp et al. 2014; Fagan et al. 2010). A minor infraction, such as walking in the middle of the street (e.g., Michael Brown in Ferguson), can serve as a pretext for a stop and interrogation whose real purpose is to discover other types of wrongdoing (drug or gun possession, stolen goods, an outstanding warrant, etc.). Young black and Latino men and women who live in these neighborhoods are not only uniquely

vulnerable to being stopped and questioned by the police,[3] but are also much more likely than their white counterparts to be stopped *repeatedly* (ACLU 2015; Epp et al. 2014; Weitzer and Tuch 2006). There is thus an interaction between (1) high neighborhood-level poverty and unemployment, (2) residents' involvement in illicit survival strategies (including victimless and property crime), and (3) aggressive police practices – each of which contributes to popular alienation from and avoidance of the police, if not outright hostility toward them. This syndrome is more fundamental than the popular assertion that officers' racial animus is the main problem.

This hardly means that racial bias is a thing of the past, however. It is clear that at least some officers, irrespective of racial background, hold overtly racist views toward people of color (e.g., Christopher Commission 1991; Moskos 2008), whereas, for others, racial stereotypes may be more latent, albeit quite consequential. Regarding police-involved killings, 6 out of 10 whites, but only one-fifth of blacks, believe that "race does not affect police use of deadly force," according to a poll conducted a few days after Michael Brown was killed in Ferguson (New York Times 2014). Data on 771 incidents recorded in the *U.S. Police Shootings Database* suggest that race may indeed be a factor: Not only are armed and unarmed black and Hispanic individuals shot by police at much higher rates, in most counties, than their armed and unarmed white counterparts, but in some counties *unarmed* blacks are shot at significantly higher rates than *armed* white civilians (Ross 2014; cf. Kindy 2015). *The Guardian* newspaper maintains its own database on police-involved killings, which shows that such killings vary from one to eight per day in the U.S. and that African American shooting victims are twice as likely as whites to have been unarmed.[4] Unfortunately, neither database contains complete details for all killings, so caution is needed in drawing conclusions about the role of race in police shootings. But if these statistics approximate reality, they would be consistent with experimental laboratory findings on how implicit racial bias affects the decision to shoot (Correll 2007).

Reforms

One positive outcome of the events in the cities listed in Table 1 is that the mass media are now seriously debating a host of reforms in policing. This rarely happened in the past,

as Regina Lawrence (2000) demonstrated in her study of news coverage of policing in the 1980s and 1990s. The reforms being discussed today may, if implemented, help to reduce police misconduct and enhance police professionalism. I discuss a few of these reforms here.

During the past year, reporters and commentators have almost universally assumed that racial diversification of police departments will reduce misconduct. The issue dates back to the 1967 President's Commission on Law Enforcement and the Administration of Justice, which considered the lack of minority officers one of the central problems in policing at that time. Almost 50 years later, the interim report of President's Obama's policing task force similarly recommended diversification, but offered little to justify it. Behaviorally, the available evidence shows that the vast majority of police officers are "blue," meaning that their occupational training and on-the-job socialization by fellow officers trumps racial background vis-à-vis their treatment of citizens. It appears that the police subculture is relatively autonomous from incremental change in the direction of demographic inclusiveness (racial or gender). A few studies have documented some differences among white and black officers working in a particular city,[5] but for the most part the literature points to overall similarities in police behavior irrespective of officers' racial background (National Research Council 2004). Unfortunately, Latino and Asian officers have not been included in the few studies that have examined this question (Weitzer 2014).

At the macro level, however, there may be important *symbolic dividends* to having a police department that reflects the composition of its city. A department like Ferguson's, where 50 out of 53 officers are white in a city that is two-thirds black, is a glaring mismatch and is almost guaranteed to lead at least some black residents to racialize their encounters with officers. Another example is Hartford, Connecticut, where 66 % of the police department but only 16 % of the population is white. At the same time, several big-city police departments are majority-black or majority-Hispanic and led by police chiefs and/or mayors from those communities (e.g., Atlanta, Baltimore, Birmingham, Detroit, Washington, Miami, Santa Fe, El Paso). There is very little research on whether a shift to a majority-black or -Latino department leads to any appreciable change in the pre-existing police subculture or in department-wide behavior patterns (Howell et al. 2004; Weitzer et al. 2008). It is difficult, in a comparative study, to separate the police-composition variable from other city-level variables that might conceivably influence aggregate levels of police treatment of citizens. But this task remains crucial for determining whether a major transition in departmental demographics, from minority to majority, has an impact on the police subculture and behavior patterns.

---

[3] When asked, in a 1999 Gallup poll, whether they had ever been stopped by the police solely because of their race or ethnicity, black males aged 18–34 were much more likely to answer affirmatively (73 %) than older black males (40 %), same-age black females (38 %), and same-age white males (11 %). When asked generically about being stopped (rather than about racially-biased stops), one study found that blacks were twice as likely as whites to report being stopped in just the past year: 25 % vs. 12 %, respectively (Epp et al. 2014: 52).

[4] This database is available at: http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database#.

---

[5] Some of these studies find that minority officers treat citizens better than white officers, while other studies find the opposite (Sklansky 2006).

Irrespective of how officers behave on the ground, racial diversification of police departments in multi-racial cities can enhance the overall reputation of a department. Such diversification is not a sufficient condition for building public confidence, but it can be considered a necessary condition – providing a foundation on which to build trust, coupled with other needed reforms. A diverse police force can also help decrease the sense that individuals are being stopped and questioned solely because of their race. This clearly applies when the officers and citizens are of the same race, but even encounters between white officers and minority citizens may be perceived as less racialized when the department has a critical mass of minority officers. And Americans overwhelmingly endorse racial diversification: in one poll, more than 70 % of whites, blacks, and Latinos believed that a city's police department should have a similar racial complexion to that of the city (Weitzer and Tuch 2006). Unfortunately, the recent string of highly-publicized incidents and street protests makes the job of recruiting minority officers even harder than it normally is.

In addition to racial diversification as a type of reform, the past year has seen countless news reports and talk shows discussing body cameras, sensitivity training, community policing, demilitarization, use of external prosecutors, civilian review boards, and abandoning zero-tolerance and stop-and-frisk policies. Such debate is refreshing but it should be noted that each of these corrective measures has been advocated for *decades*. Even the newest of these remedies – police cameras – has been proposed for years (Reaves 2010; Weitzer and Tuch 2006).

The public overwhelming supports each of these reforms. Regarding civilian review boards – responsible for reviewing citizen complaints against officers – 63 % of whites, 72 % of Hispanics, and 80 % of African Americans believe that creation of such a board would improve policing in their city (Weitzer and Tuch 2006). Similar or even higher proportions of all three groups endorse equipping officers with video cameras, creating early-warning systems to flag and monitor rogue officers, appointment of outside prosecutors to investigate police-involved killings, demilitarization, and various types of community policing (New York Times 2014; Washington Post 2014; Weitzer and Tuch 2006). What is especially noteworthy here is the cross-racial consensus on the value of these reforms.

But perhaps strangely, whites' support for reforms does not mean that they believe there are indeed problems to be corrected! Although a large majority of whites support the reforms mentioned above, 63 % of them are "confident" that the police treat blacks and whites "equally," compared to 40 % of Latinos and 21 % of blacks (Washington Post 2014). And 60 % of whites believe that the recent killings of unarmed black men were "isolated incidents," not "a sign of broader problems," whereas 45 % of Hispanics and only 18 % of blacks subscribe to the isolated-incidents view (Washington

Post 2014). Whites are also much more likely than the other two groups to be "confident" that police officers are adequately trained to avoid using excessive force and that officers who engage in misconduct are held accountable. Another poll confirmed the racial gap on accountability: 70 % of blacks think that police departments do a poor job in holding officers accountable for misconduct, while only 27 % of whites agree (Pew Research Center 2014).

There is racial polarization in sentiment regarding more robust policing as well: Over one-third of whites and Hispanics nationwide favor police "stopping and searching more people on the streets," compared to about one-fifth of African Americans (Weitzer and Tuch 2006), and in New York City, 50 % of whites but only 30 % of Latinos and 20 % of blacks want the city's intrusive stop-and-frisk practice to continue (Wall Street Journal 2013).

Despite the impression that American policing is at a crossroads and that meaningful reforms may be on the horizon, there are reasons to be pessimistic that this is pivotal moment in policing. First, it is not known how many police chiefs are learning lessons from the cities where police are now embroiled in controversy. How many are reviewing their own practices and considering new measures to curb misconduct and enhance accountability among their officers? How many of them have read the consent decrees and settlements that the Justice Department has entered into with the 20+ departments it has investigated for "pattern or practice" misconduct in the past 20 years? How many of them have thoroughly institutionalized community policing as a philosophy and practice in their departments, rather than simply giving it lip service or marginalizing it in a "community relations" unit? A majority of departments mention community policing in their mission statements, give officers some training in community policing, and have a specialized community affairs unit (Reaves 2010, 2015). But these superficial indicators cannot be used to measure department-wide institutionalization of community policing as a policy and practice, which appears to be the exception rather than the rule. We do know, however, that at least a few police departments have made substantial changes in the recent past in the direction of a more community-oriented model (e.g., Chanin 2015; Greene 1999; Lowery 2015; Stone et al. 2009; Zernikeaug 2014).

Second, even when reforms are initiated, social scientists know just how hard it is to make then "stick" – institutionalizing them in training, codes of conduct, performance evaluations, and rewards and punishments, and being embraced in the police subculture (Chanin 2015; Skogan 2008; Walker 2012). The record is mixed for departments that have undergone a Justice Department pattern-or-practice investigation and then introduced the mandated reforms (Chanin 2015; Walker 2012). Some of the departments that have complied and instituted reforms have made clear progress, while others have had difficulty *sustaining* the reforms after the period of

DOJ oversight has ended. This is partly due to resistance to change from patrol officers, mid-level managers, and police unions (Skogan 2008), but mostly because of the very nature of policing on the ground. It is axiomatic that patrol officers enjoy a substantial amount of discretionary authority, which can be curbed only to a limited extent by any reform. And most officers patrol alone, unfettered by the checks that a fellow officer or supervisor might provide. For these reasons we should expect more officer misconduct in the future, including unjustified killings. And we should also expect a growing public *perception* that misconduct is *dramatically increasing*, even if this is simply an artifact of greater *reporting* of altercations, including footage from video recordings. The increasing display of visual images gives the impression, as one woman at a protest in Baltimore exclaimed, that police brutality is a "skyrocketing epidemic." Scholars would challenge this claim by pointing out that misconduct was simply more hidden, and more prevalent, in the twentieth century. Overall, policing has become more professional in recent decades (National Research Council 2004), yet, as recent events illustrate, such progress has not been uniform across the country.

Conclusion

The current debate about policing has neglected a central fact: variation among police departments. Media representations and assertions by protestors and pundits give the impression that police brutality and racism are pervasive throughout the country. Rarely do we get a more nuanced, polymorphous picture – recognizing that there are 18,000 law enforcement agencies in the United States and cautioning against sweeping generalizations. Police departments differ significantly in their size, resources, composition, leadership, accountability mechanisms, and so forth. And, although extremely difficult to measure – given the invisibility of most police-citizen interactions – there is evidence that both cities and neighborhoods vary in rates of police misconduct (e.g., Fagan et al. 2010; Greene 1999; Kane 2002; Terrill and Reisig 2003). In the public square today, these important contextual distinctions have too often been replaced with blanket indictments of "the police" nationwide – claims that may have a cumulative long-term effect in eroding public confidence in law enforcement agencies, even for people whose local department has a fairly clean record.

Regarding the future, the creation of a national task force on policing is a rare opportunity for federal engagement and promotion of "best practices" nationally. Responding to recent incidents, several state legislatures have passed bills that seek to enhance police accountability (Wilson 2015). But it remains

to be seen whether these developments will have an appreciable effect in improving officer behavior on the ground and in helping to rebuild public trust in the police.

Further Reading

ACLU. 2015. *Stop and Frisk in Chicago*. American Civil Liberties Union.

Baker, A. 2015. Police unions, facing public anger, rethink how to address shootings. *New York Times*, April 19.

Brown, D. 2009. The time to impart lessons on authority: Parents teach truths to "post-racial" youth. *Washington Post*, July 30.

Brunson, R., & Weitzer, R. 2011. Negotiating unwelcome police encounters: The intergenerational transmission of conduct norms. *Journal of Contemporary Ethnography*, *40*, 425–456.

Chanin, J. 2015. Examining the sustainability of pattern or practice police misconduct reform. *Police Quarterly*, *18*, 163–192.

Christopher Commission. 1991. *Report of the Independent Commission on the Los Angeles Police Department*. Los Angeles: Commission.

Correll, J. 2007. Across the thin blue line: Police officers and racial bias in the decision to shoot. *Journal of Personality and Social Psychology*, *92*, 1006–1023.

Epp, C., Maynard-Moody, S., & Haider-Markel, D. 2014. *Pulled Over*. Chicago: University of Chicago Press.

Fagan, J., Geller, A., Davies, G., & West, V. 2010. Street stops and broken windows revisited. In S. Rice & M. White (Eds.), *Race, Ethnicity, and Policing* (pp. 309–348). New York: NYU Press.

Greene, J. 1999. Zero tolerance: A case study of police policies and practices in New York City. *Crime and Delinquency*, *45*, 171–187.

Howell, S., Perry, H., & Vile, M. 2004. Black cities, white cities: Evaluating the police. *Political Behavior*, *26*, 45–68.

Jacob, H. 1971. Black and white perceptions of justice in the city. *Law and Society Review*, *6*, 69–90.

Kane, R. 2002. The social ecology of police misconduct. *Criminology*, *40*, 867–896.

Kindy, K. 2015. In 5 months, police fatally shoot 385. *Washington Post*, May 31.

Lawrence, R. 2000. *The Politics of Force: Media and the Construction of Police Brutality*. Berkeley: University of California Press.

Lowery, W. 2015. A softer approach to policing gains believers in Calif. City. *Washington Post*, May 8.

Mastrofski, S., Reisig, M., & McCluskey, J. 2002. Police disrespect toward the public: An encounter-based analysis. *Criminology*, *40*, 519–551.

Moskos, P. 2008. Two shades of blue: Black and white in the blue brotherhood. *Law Enforcement Executive Forum*, *8*, 57–86.

National Research Council. 2004. *Fairness and Effectiveness in Policing: The Evidence*. Washington DC: National Academies Press.

New York Times. 2014. Poll, August 19–20.

Pew Research Center. 2014. Poll, August 20–24.

Reaves, B. 2010. *Local Police Departments, 2007*. Washington, DC: Bureau of Justice Statistics.

Reaves, B. 2015. *Local Police Departments, 2013*. Washington, DC: Bureau of Justice Statistics.

Ross, C. 2014. Introducing the United States police-shooting database. Unpublished paper, University of California, Davis.

Rubin, J. 2009. LAPD gains new approval from the public. *Los Angeles Times*, June 22.

Sklansky, D. 2006. Not your father's police department: Making sense of the new demographics of law enforcement. *Journal of Criminal Law and Criminology*, *96*, 1209–1243.

Skogan, W. 2006. Asymmetry in the impact of encounters with police. *Policing and Society, 16,* 99–126.

Skogan, W. 2008. Why reforms fail. *Policing and Society, 18,* 23–34.

Stone, C., Foglesong, T., & Cole, C. 2009. *Policing Los Angeles Under a Consent Decree: The Dynamics of Change at the LAPD.* Cambridge: Harvard Kennedy School.

Sykes, R., & Clark, J. 1975. A theory of deference exchange in police-civilian encounters. *American Journal of Sociology, 81,* 584–600.

Terrill, W., & Reisig, M. 2003. Neighborhood context and police use of force. *Journal of Research in Crime and Delinquency, 40,* 291–321.

Tyler, T., & Huo, Y. 2002. *Trust in the Law.* New York: Russell Sage.

Walker, S. 2012. Institutionalizing police accountability reforms: The problem of making police reforms endure. *St. Louis University Public Law Review, 32,* 57–92.

Wall Street Journal/NBC/Marist. 2013. Poll, September 15–16.

Washington Post. 2014. Poll, December 11–14.

Weitzer, R. 1999. Citizens' perceptions of police misconduct: Race and neighborhood context. *Justice Quarterly, 16,* 819–846.

Weitzer, R. 2002. Incidents of police misconduct and public opinion. *Journal of Criminal Justice, 30,* 397–408.

Weitzer, R. 2014. The puzzling neglect of Hispanic Americans in research on police-citizen relations. *Ethnic and Racial Studies, 37,* 1995–2013.

Weitzer, R., & Tuch, S. 2006. *Race and Policing in America: Conflict and Reform.* New York: Cambridge University Press.

Weitzer, R., Tuch, S., & Skogan, W. 2008. Police-community relations in a majority-black city. *Journal of Research in Crime and Delinquency, 45,* 398–428.

Wiley, M., & Hudik, T. 1974. Police-citizen encounters: A field test of exchange theory. *Social Problems, 22,* 119–127.

Wilson, R. 2015. Police accountability measures flood state legislatures after violent events. *Washington Post*, February 8.

Zernikeaug, K. 2014. Camden turns around with new police force. *New York Times*, August 31.

Ronald Weitzer is Professor of Sociology at George Washington University. He has conducted research on police-minority relations in Israel, Northern Ireland, South Africa, and the United States and is the author of *Race and Policing in America* (Cambridge University Press, 2006) and *Policing under Fire*: *Ethnic Conflict and Police-Community Relations in Northern Ireland* (SUNY Press, 1995).