

can the police be reformed?

Police corruption and brutality are serious problems in America. Some types of reform have the potential to curb police misconduct and to increase public confidence in the police.

Americans are ambivalent toward the police. We depend on them and are fascinated by them, as shown in the popularity of police shows on television—which usually present the police sympathetically. But confidence in the police is periodically shaken by revelations of misconduct. The most dramatic incidents involve the beating or killing of unarmed civilians, such as Rodney King in Los Angeles and Abner Louima and Amadou Diallo in New York. Less dramatic but no less serious are corruption scandals. The Rampart Division of the Los Angeles Police Department was recently caught up in such a scandal. Rampart officers were accused of falsifying police reports, stealing drugs from suspects, framing people, and abusing unarmed suspects. About 200 lawsuits have been filed against the city, and more than 100 tainted criminal convictions have been overturned.

Meaningful reform of a police department is extremely difficult. Police organization and culture impede change, and the history of policing is filled with instances in which the police succeeded in undermining or diluting reforms that were implemented after a scandal. But this does not mean that police reform is impossible. Under the right conditions, progressive changes can both enhance the quality of police work and improve relations between police and the communities they serve.

shaky public confidence

Most Americans hold a favorable general opinion of the police. The majority say they are “satisfied” with or have “confidence” in their local police. But such diffuse support masks more critical views on specific policing issues, particularly among racial and ethnic minorities. The two core concerns are under-policing and abusive policing. On the one hand, the majority of African Americans and Hispanics are not satisfied with the amount and quality of law enforcement in their neighborhoods and want increased efforts to control crime. On the other hand, a substantial number of blacks and Hispanics believe that police corruption and use of excessive force occur frequently in their city, and the overwhelming

majority believes that racial profiling is “widespread” both in their own city and throughout the United States. Minorities are also much more likely than whites to say that they have personally experienced some kind of abuse. In one recent poll, for example, 43 percent of blacks and 26 percent of Hispanics—but only 3 percent of whites—reported that they had been stopped by the police solely because of their race or ethnicity, and almost as many blacks and Hispanics said that this had happened to someone else in their household.

Of course, perception does not always mirror reality. Popular beliefs are influenced by media coverage of especially disturbing events. Immediately after the broadcast of the videotaped beating of Rodney King, support for the Los Angeles Police Department (LAPD) plummeted. The same erosion of support has been documented after other well-publicized incidents of misconduct. In contrast, after the attacks of September 11th, public approval of the police rose nationwide. Once such events recede, public opinion typically returns to its “normal” level.

Unfortunately, little is known about the *actual frequency* of police misconduct. Most encounters between officers and citizens are unsupervised and unrecorded, making abuse extremely difficult to document. Still, incidents of police abuse come to light often enough—in media reports, formal complaints, and civil suits against police departments—to underscore the need for improvement.

the nature of police work

Police work has often been called “dirty work.” Officers constantly deal with problem situations—upset and traumatized victims, unruly or violent offenders, and drivers annoyed at being stopped. Some view police intervention as harassment or as an infringement of their rights and act belligerently toward officers. Police frequently complain that citizens fail to respect them or defer to their authority, and this may provoke a harsh response. As one officer quoted by the Christopher Commission (which investigated the LAPD in 1991) remarked, “[A suspect] pissed us off, so I guess he needs

an ambulance now. ... [People] should know better than to run; they are going to pay a price when they do that." And another officer said, "We got a little physical with a [suspect]. It was fun. We had to teach him a little respect . . . for the police." In a recent Police Foundation survey of 121 police departments across the country, half the officers interviewed agreed that police are more likely to arrest someone who displays a "bad attitude," and one-quarter agreed that it is "acceptable to use more force than is legally allowable to control someone who physically assaults an officer."

Because police deal mostly with "problem" citizens, not the general population, they develop an "us versus them" mentality toward the public. Officers see themselves as a "thin blue line" between order and chaos and develop an elevated sense of mission that may lead to abuses of power. These are key ingredients in the police *subculture*—a distinct set of values and beliefs. This subculture insulates the police fraternity and fosters a "code of silence" that shields cops from scrutiny. As one officer quoted by the Christopher Commission stated, "It is basically a non-written rule that you do not roll over, tell on your partner." Doing so will lead to ostracism. The Police Foundation survey found that fully two-thirds of police agreed with the statement, "An officer who reports another officer's misconduct is likely to be given the cold shoulder by his or her fellow officers."

Sociologists have documented how the police subculture influences police treatment of citizens. On the job, officers learn to trust only fellow officers and to distrust members of the public, to deal aggressively with people who question their actions, to circumvent legal restrictions on what they are allowed to do, and to administer summary "street justice" to suspicious or troublesome people. Research illustrates how officers grapple with the dilemma of "law versus order"—fighting crime under legal constraints. Officers tend to regard such constraints as "technicalities" that hinder their efforts to maintain order and fight crime. To avoid those constraints, they develop strategies that depend on fellow officers' tacit support and fidelity to the code of silence.

The traditional police subculture, while still powerful throughout the country, has changed somewhat in recent years. In at least some major cities, police departments are less cohesive and insular, more community-oriented, and more diverse than in the past (with more female, college-educated, and minority officers). Such changes open a window of opportunity for further reforms.

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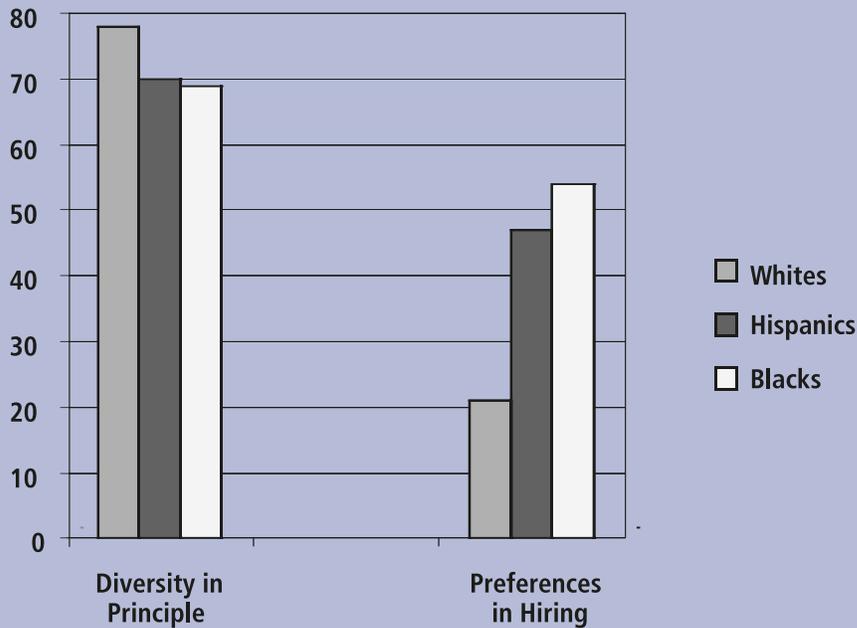
Photo by Holly Wilmett

racial diversification

Racial diversification has been a popular way to deal with charges of racial discrimination by the police. The principle of matching the racial composition of a police department to that of its city is now widely accepted in American political and law enforcement circles. The U.S. Department of Justice, for instance, proclaims, "A diverse law enforcement agency can better develop relationships with the community it serves, promote trust in the fairness of law enforcement, and facilitate effective policing by encouraging citizen support and cooperation. Law enforcement agencies should seek to hire a diverse workforce." Some police departments are fairly diverse, and some are now majority-black or majority-Hispanic (e.g. Atlanta, Detroit, El Paso, Miami, Washington). Most, however, remain racially or ethnically unrepresentative of their cities.

More than two-thirds of Americans believe that police departments should reflect the racial and ethnic composition of their city, according to a national survey of 1,792 people that I conducted with Steven Tuch. But significantly fewer feel that minorities should be given preference in hiring to increase

figure 1
percentage favoring police racial diversification



diversity. This gap between principle and practice is especially wide for whites (see figure 1) and is consistent with their views on affirmative action in other occupations and in education.

One positive outcome of racial diversification is that it appears to increase the legitimacy of a police department. As one African American I interviewed in Washington, DC, said, "If there were a predominant white showing [of officers] here . . . I think that it would look as though whites [were] flaunting their authority." Similarly, when the leadership of a police department passes from a white chief to a Hispanic or black chief, this may be symbolically important for city residents. In Los Angeles, African-American chief of police Willie Williams received much higher job approval ratings than his controversial white predecessor, Daryl Gates. Race likely played at least some part in public perceptions, especially among nonwhites.

Are there other advantages to diversification? Research shows that minority officers are better equipped to understand and communicate with minority citizens; in sociological terms, there is less social distance between them than between white officers and minority citizens. Minority officers also bring different attitudes to policing. According to the Police Foundation survey, black officers are more likely than their white counterparts to believe that police treat minorities and the poor worse than whites and middle-class people, and they are more likely to say that community policing reduces

the number of incidents involving excessive force.

Still, most research shows that black and white officers differ little in how they actually *treat* citizens. When it comes to behavior, officers are mainly "blue," not black, brown, or white. However, one recent study of Indianapolis and St. Petersburg, by Ivan Sun and Brian Payne, found that black officers were more likely than white officers to engage in supportive activities in black neighborhoods, such as offering information, providing assistance, making referrals to other agencies, behaving respectfully, and comforting residents. Interestingly, this study also found that black officers were more likely to use physical force against citizens in conflict situations. But, again, most other research finds that white and minority officers tend to behave similarly.

One problem is that all these studies are confined to majority-white police forces, where minority officers are under pressure to conform to the conventional police subculture. We do not yet know whether police attitudes and behavior are substantially different in predominantly Hispanic or African-American departments. A majority-Hispanic department such as Miami's may treat the city's Cuban population differently than did its majority-white predecessor. Though not yet demonstrated by research, *extensive* diversification may pay both symbolic and practical dividends in improving police-minority relations.

community policing

Community policing has been all the rage in the past two decades. Most citizens want it, most police departments claim that they do it, and the federal government has recently funded it at the local level. The Violent Crime Control Act of 1994, for instance, created the Office of Community Oriented Policing Services (COPS) within the Justice Department and authorized spending \$8.8 billion over ten years to support community policing initiatives in cities throughout the country, including the hiring of 100,000 officers.



Photo courtesy of the Associated Press.

“Community policing” generally refers to officers and neighborhood residents working together to identify the neighborhood conditions that lead to crime and formulating solutions to those problems. As such, it is much more collaborative and proactive than the traditional approach of responding to incidents after the fact. Community policing is accomplished through regular police-community meetings, routine foot patrols, police ministrations that are accessible to residents, and various programs for youth.

When asked in a Justice Department survey of twelve cities whether they would like to see community policing in their neighborhoods, 86 percent of respondents said yes. Other polls have found substantial public support for foot patrols, community meetings, and school programs. Most police

chiefs claim that their departments practice community policing, though some of this is mere lip service. Cities vary considerably in the degree to which community policing actually exists and in the degree to which officers accept it. In some, it is marginalized in a community-relations branch that operates independently of most officers. In other places, however—San Diego, Portland, Savannah—community policing is more integrated throughout the police department and is a philosophy guiding all officers.

Serious community policing can improve public confidence and may also advance crime-fighting. Chicago’s

Alternative Policing Strategy (CAPS) is one example. Begun in 1993, key elements of CAPS include assigning officers to permanent beats to increase their knowledge of neighborhood problems, intensive training in solving neighborhood problems (such as vandalism, prostitution, and crack houses), regular formal meetings between residents and police, and ongoing review of program outcomes. Wesley Skogan’s ten-year evaluation of CAPS is the best and most ambitious study of community policing to date. He found that as a result of CAPS, neighborhood crime and disorder decreased, people became less fearful of crime, gang problems were reduced, police became more responsive to community concerns, and residents began to view the police more favorably. This research suggests that community policing, while no panacea, can be effective when a

police department fully embraces and devotes sufficient resources to it. Unfortunately, most community policing programs do not live up to these standards: They are fragmented, marginalized, and under-funded.

accountability

Historically, American police were largely unaccountable for their actions, and oversight remains a problem today. Commanding officers exercise little supervision over day-to-day activities. Indeed, police work is one of the few jobs that provide more autonomy to rank-and-file employees than to their bosses. Not only do officers usually patrol alone, but they are also authorized to improvise solutions and sanctions on the spot, based on the need for swift action to handle specific

circumstances. This freedom allows them to get away with minor violations (such as sleeping on duty), major violations (stopping a car because the driver is black), and outright crimes (assault, planting evidence, theft of money or drugs).

Many Americans doubt that police departments are capable of effectively monitoring and punishing wayward officers. According to a 1992 Harris poll, about two-thirds of the public felt that police were “too lenient” in investigating complaints against fellow officers. Americans prefer external oversight over internal review, and some leading scholars agree: Jerome Skolnick and James Fyfe argue that “police cannot be impartial when investigating other police, and even when they are, they are unlikely to be credible.” These views have led to demands for increased external control. Some recent innovations render police actions at least somewhat more transparent.

To prevent racial profiling, for example, many states and cities now require officers to record the race, gender, and age of all motorists they stop, as well as the reason for the stop and whether a search or arrest was made. Forcing officers to justify their actions in writing could reduce improper stops. Since such data-recording requirements are recent, it is too early to assess their effects. Still, a growing number of state and local officials, as well as most citizens, believe that collecting this information will help reduce racial profiling.

Another innovative tactic is to mount video cameras on the dashboards of patrol cars. When officers stop motorists, the camera records the encounter, documenting both citizen and police behavior. In 2000, the COPS office awarded \$12 million to 41 police agencies to purchase a total of 2,900 in-car cameras. There is no research on whether such monitoring helps reduce racial profiling or other abuses during street stops, but a substantial number of Americans believe that in-car cameras would help improve matters, according to the Weitzer-Tuch survey.

“Early warning systems” consist of computerized records of each officer’s history of citizen complaints, civil suits, use of firearms, and other indicators of questionable performance. When an officer is flagged in the system, supervisors then intervene with counseling, retraining, or discipline. A few officers receive a disproportionate share of complaints from citizens. In Kansas City, for instance, 2 percent of officers received 50 percent of all complaints. About one-quarter of police agencies nationwide now have such early warning systems, and research suggests that they can restrain police misconduct. The best available evidence comes from an evaluation of Miami, Minneapolis, and New Orleans by Samuel Walker, Geoffrey Alpert, and Dennis Kenney. Early warning mechanisms reduced police misconduct in the three cities. In each

case, prompt interventions with problem officers curbed bad behavior. Similarly, a Vera Institute of Justice study of two precincts in the Bronx, New York, known for their poor police-community relations, found that complaints against officers dropped markedly after precinct commanders instituted procedures to more strictly monitor, retrain, and restrain officers who received multiple complaints. The vast majority of Americans favor early warning systems.

Accountability also requires meaningful sanctions, and most people believe such sanctions must come from outside the police department. The courts provide an external check, but only the most serious criminal and civil cases end up in court. Another type of external oversight is the civilian review board, which most large American cities now have. While they vary in structure, composition, and powers, civilian review boards share a single purpose—to adjudicate citizen complaints against police officers. After a citizen files a formal complaint, the board typically interviews the accused officer and any witnesses either in private or in a public hearing. Frequently, the case boils down to the citizen’s word against the officer’s, without any corroborating evidence. This is one reason that such boards usually sustain complaints no more than 10 percent of the time.



Photo by Sam Sharrif

This low substantiation rate does not mean that the boards are a failure. Even when a complaint is not upheld, the complainant may appreciate the opportunity to be heard and may be satisfied if he or she feels that the process was fair. Moreover, the boards can play an important symbolic role—sending a message to cops that they may be called to account for their actions. In cities that have such boards, most people believe that they help to reduce police mistreatment of citizens.

Some experts favor independent auditors over civilian review boards. A relatively recent idea, the auditor model shifts the



focus from individual officer behavior to larger organizational problems that may invite police misconduct. Most civilian review boards deal exclusively with complaints against specific officers, whereas auditors typically identify organizational problems, make recommendations for remedies, and monitor their implementation. Examples of auditors that are especially innovative, according to Samuel Walker's research, include the Inspector General's office in Los Angeles, the Police Internal Investigations Auditing Committee in Portland, Oregon, and the Independent Police Auditor in San Jose. Auditors have reviewed patterns and trends in complaints, monitored the departments' internal review processes, and investigated departmental policies on the handling of domestic violence, officer use of force, community outreach, and so forth. The key question is: What happens after the auditor identifies a problem and makes recommendations? Do police chiefs ignore the recommendations or take them seriously? The San Jose auditor has been highly rated because most recommendations have been accepted and implemented by the department.

While no system of external accountability is perfect, some kind of outside review is better than none.

conclusion

The reforms described above are not the only ones that have been proposed. Others include intensive sensitivity training for officers, stricter guidelines on use of force, and hiring people with college degrees. But any reform will remain meaningless if not backed up with sufficient resources and a firm commitment from departmental leadership. Moreover, for

reforms to "stick," they must become part of the organizational culture. Increasing the percentage of minority officers in a department from, say, 10 percent to 25 percent is unlikely to have any effect on the police subculture. Increasing their presence to 50 percent or more may be more consequential. Community policing programs that are marginalized and piecemeal will have few positive results, but when they guide the philosophy and practice of the entire department, a community orientation seems to improve matters significantly. When top police officials wholeheartedly embrace the changes and convey their importance to patrol officers, reforms stand a better chance of being incorporated into the police culture, of truly improving police practice, and of increasing popular confidence in the police department.

recommended resources

Wesley Skogan et al. *Community Policing in Chicago, Year Ten* (Chicago Community Policing Evaluation Consortium, 2004). The final report of Skogan's ten-year evaluation of the CAPS program.

Jerome Skolnick and James Fyfe. *Above the Law: Police and the Excessive Use of Force* (Free Press, 1993). This study investigates the causes and consequences of police misconduct.

Samuel Walker. *Police Accountability* (Wadsworth, 2001). A comprehensive examination of several types of external oversight of the police.

Ronald Weitzer and Steven Tuch. "Reforming the Police: Racial Differences in Public Support for Change." *Criminology* 42 (2004): 391–416. This is a unique study of how the public views reforms.

**"The really rich people figure out how to dodge taxes anyway."
—George W. Bush**