



**ISSUES
IN
SOCIETY**

Do Police Abuse Their Powers?

William Dudley

CONTENTS

Introduction	4
A National Debate on Police Use of Force	
Chapter 1	8
What Are the Facts?	
Chapter 2	20
Is Racism a Significant Factor in Police Misconduct?	
Chapter 3	32
How Can Police Best Be Held Accountable for Abuses of Power?	
Chapter 4	43
Should Body Cameras Be Mandatory for Police?	
Chapter 5	54
What Can Be Done to Prevent the Abuse of Police Powers?	
Source Notes	66
Organizations to Contact	72
For Further Research	75
Index	78

2

CHAPTER

Is Racism a Significant Factor in Police Misconduct?

On August 9, 2014, Michael Brown was shot and killed by police officer Darren Wilson in an incident whose details remain somewhat murky because of conflicting eyewitness accounts. The encounter began when Wilson stopped his vehicle to tell Brown to cease walking in the middle of the street. According to later investigations, there was a brief physical struggle between Brown (who was unarmed) and Wilson (still seated in his vehicle) during which Brown was shot in the hand. Brown then ran away a few yards and turned around, and Wilson opened fire again. Autopsy reports revealed six gunshot wounds, including two to the head. Wilson was suspended and resigned from the Ferguson police force; after hearing testimony from various witnesses (including Wilson himself), a grand jury declined to indict him on any criminal charges.

Brown, an eighteen-year-old high school graduate, was black, like the majority of his community of Ferguson, Missouri. Wilson, a twenty-eight-year-old five-year veteran of the Ferguson Police Department, is white, like most of the officers in the Ferguson police department. For many African Americans in Ferguson and elsewhere, the Brown shooting was yet another example of an unnecessary and tragic loss of young black man's life due to police action. Both the shooting in August and the grand jury's decision in November sparked massive protest marches and demonstrations led by civil rights groups, including the new group Black Lives Matter.

Both before and after the Brown killing, the issue of police brutality and police abuse of powers in the United States has been indelibly intertwined with the issues of race relations and America's treatment of minorities. Many of the recent attention-grabbing incidents, like the Brown shooting, have featured white police officers shooting or violently subduing black victims. Protests against police actions in Ferguson, Baltimore, Chicago,

Minneapolis, and other locations have often pitted minority populations against police departments and governments that are overwhelmingly white.

Members of Black Lives Matter and other critics of the police assert that their abuse of powers is of special concern for African Americans, and they contend that black men and women are at special risk for being unfairly accosted or even killed by police actions, more so than other Americans. These critics point to both individual racial prejudice held by police officers as well as what has been described as structural or institutional racism in arguing that police abuse of powers is related to racial discrimination. This analysis is not universally shared, however. Some people argue that race is not a determining factor in how police treat people and that police officers are being unfairly charged with racism.

Racial Disparities in Police Encounters

Michael Brown is far from the first or last black person to be killed by police. African Americans are statistically more likely to be arrested than other groups, are more likely to have force used against them, and are more likely to be killed in confrontations with police. What these disparities mean has been both studied and debated.

In 2014 reporters at the investigative journalism website ProPublica examined records of twelve thousand police homicides that were reported to the FBI. According to their analysis, from 2010 to 2012 white males ages 15 to 19 were killed at a rate of 1.47 per million individuals. From 2010 to 2012 black males ages 15 to 19 were killed at a rate of 31.17 per million—a rate 21 times higher than for whites. Given that blacks are a minority comprising only 6 percent of the population, for whites to be killed by police at the same rate as their black peers would require 185 additional fatalities over that three-year period. The journalists concluded that their “risk analysis on young males killed by police certainly seems to support what has been an article of faith in the African American community for decades: Blacks are being killed at disturbing rates when set against the rest of the American population.”²¹

“Don’t continue to use these very isolated incidents of police use of force and try to make it seem like that’s the problem in America. The police aren’t what’s wrong about America.”²³

—David Clarke, sheriff of Milwaukee, Wisconsin.

changes in the department and in the nation undercut arguments that police abuse happens largely because of racism.

Others have questioned the centrality of racism as a reason for police abuse by pointing out that black police officers have been involved in incidents of police abuse and brutality and that racism could not therefore be the major factor. For example, three of the six officers charged with causing the death of Freddie Gray (a Baltimore resident and African American who died while in police custody) were black. Journalist German Lopez notes that this “has led to some questions about whether racial bias is really at play—can a black cop be racist against his own racial group?”²⁵

Overt Examples of How Racism Might Play a Part

Despite these critiques, many believe that racial bias still manifests itself in police department actions and may help explain why minorities may be disproportionately affected. Such racism may take the form of open racial prejudice that goes unpunished. But it may also manifest itself in subconscious biases and in systemic and institutional routines of police departments that victimize blacks more than others.

Evidence that at least some individuals in some police departments retain overtly racist attitudes and beliefs continues to trickle out, often in investigations of police brutality. In 2014 the DOJ investigated the Ferguson Police Department following the Michael Brown killing and subsequent civil unrest and found racist e-mails and other examples of police and city officials disparaging African Americans. Columnist Shaun King has chronicled similar incidents of racism in other police departments. In 2015, for example, a dozen San Francisco police officers were caught sharing racist text messages and were forced to resign. Several police officers in Fort Lauderdale, Florida, were caught sharing racist text messages and making a promotional video for the Ku



A young African American man is arrested. Experts say that law enforcement officers who are not overt racists may nonetheless be influenced by subconscious prejudices or thought patterns that lead them to treat members of different racial or ethnic groups inconsistently.

Klux Klan. Police chiefs in Oregon and Georgia were observed making racist comments and sending racist text messages to their coworkers. King argues that racial prejudice is at least partially responsible for police abuses of power and that any efforts to prevent police mistreatment of civilians must also address “the ever present realities of racism within our police departments.”²⁶

Implicit Racial Bias

When people argue that racial discrimination may account for some police abuse of power, most refer to incidents that go beyond using improper language in e-mails or texts. Police officers

Racism in the Police Force Is Institutional

Writer Albert Burneko argues that police shootings of blacks are not examples of American justice system failures but the system working as designed.

In August [2014], Ferguson, Mo., police officer Darren Wilson shot unarmed black teenager Michael Brown to death in broad daylight. That is what American police do. . . . Despite multiple eyewitness accounts . . . contradicting Wilson's narrative of events, a grand jury declined to indict Wilson. That is what American grand juries do.

In November 2006, a group of five New York police officers shot unarmed black man Sean Bell to death in the early morning hours of his wedding day. That is what American police do. In April 2008, despite multiple eyewitness accounts contradicting the officers' accounts of the incident, Justice Arthur J. Cooperman acquitted the officers of all charges, including reckless endangerment. That is what American judges do. . . .

The murders of Michael Brown [and] Sean Bell . . . and countless thousands of others at the hands of American law enforcement are not aberrations, or betrayals, or departures. The acquittals of their killers are not mistakes. There is no virtuous innermost America, sullied or besmirched or shaded by these murders. This *is* America. It is not broken. It is doing what it does.

Albert Burneko, "The American Justice System Is Not Broken," *The Concourse* (blog), December 3, 2014. <http://theconcourse.deadspin.com>.

(like all people) who are not overt racists may carry subconscious prejudices or thought patterns that might affect how they interact with members of different groups. Social scientists use the term *implicit bias* to describe automatic (even involuntary) ideas and associations that people have about certain groups. In a February 2015 speech, FBI director James B. Comey argued not only that many people "have unconscious racial biases and react differently to a white face than a black face," but that many police officers work in environments "where a hugely disproportionate

percentage of street crime is committed by young men of color.” After such experiences over time, even good police officers with the best of intentions “often can’t help but be influenced by the cynicism they feel,”²⁷ says Comey. Social scientists have long researched how such subconscious thoughts may influence behavior. Implicit bias may especially affect behavior when emotions are heightened and split-second decisions are necessary—the

Racism in the Police Force Is Not Institutional

Attorney David French is a contributing writer to the *National Review*. He argues that racism is a vanishing phenomenon in American police departments.

Americans have been bombarded with assertions that black men face a unique and dangerous threat—not from members of their own community but from the very law enforcement officers who are sworn to “serve and protect” them. . . .

The conservative response is clear: While no one believes the police are perfect, on the whole they tend to use force appropriately to protect their own lives and the lives of others. Moreover, racial disparities in the use of force are largely explained by racial disparities in criminality. Different American demographics commit crimes at different rates, so it stands to reason that those who commit more crimes will confront the police more often. . . .

There are individual racist cops, and there are departments that will close ranks behind corrupt colleagues. But the chances of an innocent black man being gunned down by racist cops are vanishingly small. And that is good news indeed.

David French, “The Numbers Are In: Black Lives Matter Is Wrong About Police,” *National Review*, December 29, 2015. www.nationalreview.com.

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American Civil Liberties Union (ACLU)

125 Broad St.
New York, NY 10004
phone: (212) 549-2500
website: www.aclu.org

The ACLU is a national organization advocating for civil rights. It has investigated and published several reports on alleged police misconduct and abuse, which are available on its website.

CATO Institute

1000 Massachusetts Ave. NW
Washington, DC 20001
phone: (202) 842-0200
website: www.cato.org

CATO is a public policy research institute that believes in limited government. Its website has studies and commentary—sponsored by the institute—on police misconduct, militarization, and body cameras.

Fraternal Order of Police (FOP)

701 Marriott Dr.
Nashville, TN 37214
phone: (615) 399-0900
website: www.fop.net

The FOP is America's leading police union organization; it works on behalf of its members on all issues affecting police safety and other areas. It publishes the *FOP Journal*. Speeches, congressional testimony, and other resources relating to police issues are available on its website.

International Association of Chiefs of Police (IACP)

44 Canal Center Plaza, Suite 200
Alexandria, VA 22314
phone: (703) 836-6767
website: www.iacp.org

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Note: Boldface page numbers indicate illustrations.

accountability, 44–48

African Americans

arrests and use-of-force incidents for, 21, 22, 30

as committers of disproportionate percentage of street crime, 26–27

jailing of, 30

as police officers, 22–24

and “the talk” given to sons, 18

See also racial discrimination

Alexander, Cedric, 16

Alvarez, Anita, 32

American Civil Liberties Union (ACLU), 44

Amnesty International, 5

Ariel, Barak, 48

Balko, Radley, 47

Beary, Richard, 15–16

Bell, Michael, 35–36

Bell, Sean, 26

Bittner, Egon, 8

Black Lives Matter

creation of, 5

endorsement of body cameras by, 44

protests by, **6**, 20–21

Blake, James, 14–15

body cameras

demands for, 6, 46

described, 43, **49**, **52**

organizations endorsing, 44

privacy concerns, 50–53

require accompaniment of proper policies to be effective, 47

result in reduction of civilian complaints, 48–49

will help determine fault and reduce frequency of use of excessive force, 46–48

will increase transparency and accountability, 44–48

will not necessarily increase transparency and accountability, 47

Bouie, Jamelle, 5

Brickner, Mike, 64

Brooks, Cornell William, 46

Browder, Neal, 50

Brown, Michael, killing of

accounts of, 20

creation of Task Force on 21st Century Policing and, 4

DOJ investigation into, 24, 29–31, 42

failure to indict officer in, 26

implicit bias and, 28

little police accountability for, 5

as part of pattern of racial discrimination, 5

protests against, **10**, **20**, **23**, **55**

Wilson as only witness to shooting, 44

Bureau of Justice Statistics, 10

Burneko, Albert, 26

Butler, Paul, 38

choke holds, 62

Cincinnati, Ohio, 62–64, **63**

civilian review boards (CRBs), 40–41, 64

Clarke, David, 22–24

Cleveland, Ohio. See Rice, Tamir, killing of

Comey, James B., 26–27

conducted energy devices (CEDs)

deaths caused by, 11

improper use of, 30

increase in adoption of, by police departments, 10–11

use of, in Scott case, 45

Cooperman, Arthur J., 26

Correll, Joshua, 28

Crawford, John, 38–39

Cuomo, Mario, 39

Davis, Kevin, 11

deaths. See killings by police

Denver Police Department, use of force policy, 14

Department of Justice (DOJ)

consent decree powers of, 64–65

on increase in police departments’ adoption of CEDs, 10

investigation of and agreement with Cincinnati Police Department, 62–63

investigation of Ferguson Police Department, 24, 29–31, 42

investigation of Los Angeles Police, 41–42

on police reports of abuse by other officers, 16

survey about use of force, 17–18

district attorney offices, 34–37, 38, 39

DuBose, Samuel, 15, **17**

Ducote, Chelsea, 51–52

Emanuel, Rahm, 32

Farmer, Lauren, 11

Farrar, Tony, 49

FBI, 19

Ferguson, Missouri. See Brown, Michael, killing of Fifth Amendment (US Constitution), 11

First Amendment (US Constitution), 30

force, use of

authorization of lethal, 9

choke holds and, 62

defining, 9

Denver Police Department policy on, 14

excessive

body cameras will reduce frequency of, 43

examples of, 14–15

extent of, not known, 17–18

by Ferguson police, 30

police convictions for, 19

- police reports of, by other officers, 16
 - for protection of police, 27
 - women as police officers and, 54–55
- Fort Lauderdale, Florida, 24–25
- Fourteenth Amendment (US Constitution), 11, 42
- Fourth Amendment (US Constitution)
 - provisions, 11
 - Rodney King case and, 42
 - violated by Ferguson Police Department, 30
- Frascatore, James, 15
- French, David, 27
- Friedman, Howard, 34, 37
- Futterman, Craig, 35

- Garner, Edward, killing of, 12
- Garner, Eric, killing of
 - creation of Task Force on 21st Century Policing and, 4
 - killing of, 5, 6
- Gascón, George, 52
- Georgia, 25
- Gest, Ted, 7
- Goff, Philip Atiba, 28
- Graham v. Connor* (1989), 12
- grand juries, 34–35
- Gray, Freddie, 24
- Guardian* (British newspaper), 19, 22
- guardian mindset
 - is appropriate, 60
 - is not appropriate, 61
 - should be emphasized in training, 7, 57–58

- Haberfeld, Maria, 56, 57
- Hawkins, Steven W., 59
- Hernandez, Israel, 11
- Holder, Eric, **29**, 30
- Holtzclaw, Daniel, 35, 36
- Hwang, Victor, 54
- Hymon, Elton, 12

- implicit bias, 26
- independent prosecutors, 37–39
- International Association of Chiefs of Police, 9

- Johnson, Janet, 42
- Jonsson, Patrik, 56–58

- Kansas City, Missouri, 41
- Keesee, Tracie L., 28
- killings by police
 - Guardian* (British newspaper) account of, 19
 - number of, in 2015, 7
 - as percentage of police-public encounters, 16
 - See also specific incidents*
- King, Rodney, 41–42
- King, Shaun, 24, 25
- Kristian, Bonnie, 16

- Legum, Judd, 45
- lethal force, authorization of, 9

- Lopez, German, 13, 24
- Los Angeles Police Department
 - and Rodney King case, 41–42
 - use of body cameras by, 43
 - viewing of body camera footage by, 52
- Lynch, Loretta, 44

- MacDonald, Heather, 39
- Madar, Chase, 12
- McDonald, Laquan, killing of, 32–33, **34**
- McSpadden, Lezley, 44
- Milwaukee, Wisconsin, 43

- National Association for the Advancement of Colored People (NAACP), 5
- Nehad, Fridoon, killing of, 50
- Newark, New Jersey, **40**
- Newman, Alex, 65
- New York City
 - and Civilian Complaint Review Board excessive use of force ruling, 14–15
 - and killing of Garner, 4, 5, 6
 - officers involved in resisting arrest cases, 60–61
- New York State, 39

- Obama, Barack, **59**
 - on DOJ investigation of Ferguson Police Department, 31
 - promotion of body cameras by, 43, 53
 - Task Force on 21st Century Policing and, 4, 7
- objective reasonableness standard, 12, 14
- Ohio, 38–39
- Oklahoma City, Oklahoma, 35
- Oregon, 25
- Orlando, Florida, 49
- oversight mechanisms
 - civilian review boards and, 40–41, 64
 - grand juries and, 34–35
 - independent prosecutors and, 37–39
 - internal, 33–34
 - problems with, 35–36

- Pasco, Jim, 41
- police
 - and estimated annual number of encounters with public, 15–16
 - hiring and recruitment of, 54–56
 - indictments of
 - Holtzclaw and, 35
 - Slager and, 45–46
 - Tensing and, 15
 - Van Dyke and, 32
 - local control tradition of, 7, 65
 - responsibilities of, 8–9
 - shield each other from accountability, 33
 - training, 10–11, 56–58, 60, 61
 - weapons used by, 9–10
 - weeding out problem, 58–62
 - women as, 54–55
 - working conditions of, 8–9

Police (magazine), 61
 Police Executive Research Forum, 44
 Price, Joseph, 60
 privacy concerns, 50–53
 ProPublica (website), 21
 protests
 by Black Lives Matter, **6**, 20–21
 against Brown killing in Ferguson, Missouri, **10**,
 20, 55
 against McDonald killing in Chicago, 32, **33**,
 34
 against Thomas killing in Cincinnati, **63**
 racial discrimination
 is not reason for arrests and use-of-force
 incident disparities, 22–23, 27
 is reason for arrests and use-of-force incident
 disparities
 DOJ investigation into, 30–31
 is institutional, 26
 racism of individual officers and, 24–25
 subconscious prejudices of individual
 officers and, 26–28
 organizations claiming police pattern of, 5
 Rafilson, Fred M., 8
 Rahr, Susan, 58
 Ramsey, Charles, **59**
 Ramsey, Donovan X., 59–60, 64–65
 reforms
 adequate discipline, 58–62
 calls for national standards and, 64–65
 and hiring and recruitment of police, 54–56
 localized nature of law enforcement and, 7
 task force recommendations for, 7
 training, 56–58, 60, 62
 Rialto, California, 48
 Rice, Tamir, killing of
 creation of Task Force on 21st Century Policing
 and, 4
 implicit bias and, 28
 little police accountability for, 5
 recorded, 6
*Rise of the Warrior Cop: The Militarization of
 America's Police Forces* (Balko), 47
 San Diego, California
 fatal shooting of Nehad in, 50
 use of body cameras in, 49, 51
 viewing of body camera footage in, 52–53
 San Francisco, California, 24
 Scott, Walter, 44–46, **45**
 Shavin, Naomi, 18
 Sims-Burton, Michele, 18
 Slager, Michael, 44–46, **45**
 Smith, Dave, 61
 Smith, Richard E., 46
 South Carolina, 44–46, **45**
 special prosecutors, 37–39
 Spillar, Katherine, 54, 55–56
 Stanley, Jay, 48, 50–51
 Staten Island (New York City)
 creation of Task Force on 21st Century Policing
 and, 4
 killing of Garner in, 5, 6
 Stoughton, Seth, 57, 58
 stun guns. *See* conducted energy devices (CEDs)
 “talk, the” 18
 Tasers. *See* conducted energy devices (CEDs)
 Task Force on 21st Century Policing
 creation of, 4
 guardian mindset endorsed by, 58, 61
 recommendations, 6–7
Tennessee v. Garner (1985), 12
 Tensing, Ray, 15
 Thomas, Timothy, 62
 Thompson, Jonathan, 9
 transparency, 44–48, 64
 US Conference of Mayors, 44
 US Constitution, 8, 11, **13**, 30, 42
 use of force. *See* force, use of
 US Supreme Court decisions, 12–13
 Van Dyke, Jason, 32–33
 video recordings
 and control of footage, 51–53
 indictments of police and
 Slager and, 45–46
 Tensing and, 15
 Van Dyke and, 32–33
 Violent Crime Control and Law Enforcement Act
 (1994), 17–18
 Warren, Vincent, 30–31
 warrior mindset
 emphasized in training, 56–57
 is appropriate, 61
 is not appropriate, 60
 weapons, 9–11
 white males, arrests and use-of-force incidents
 for, 21, 22
 Wilkes, Donald E., Jr., 11
 Willens, Sid, 35, 41
 Wilson, Darren
 DOJ investigation of, 30, 42
 failure to indict, 26
 killing of Brown by, 20
 as only witness to shooting, 44
 Wisconsin, 35–36
 Zimmerman, Shelley, 52–53