

JUSTICE ON THE STREET?

The Police and People of Color

LEARNING OBJECTIVES

This chapter explores the complex issues in the relationship between the police and racial and ethnic minority communities, and helps sort through the often conflicting evidence on policing, race, and ethnicity. The chapter begins with a discussion of the national police crisis that erupted in 2014 as a result of the tragic shooting in Ferguson, Missouri, and the controversies that followed. The next section outlines a *contextual approach* to policing that presents a full picture of policing and all the different racial and ethnic groups in the United States. An examination of *public opinion* about the police follows. The evidence compares the attitudes of whites, African Americans, and Hispanics (unfortunately, there is little evidence on other racial and ethnic groups).

The main part of the chapter reviews the evidence on *police conduct*, including the use of deadly force, use of less lethal force, stops and frisks, arrests, and so on. An entirely new section discusses the issue of unconscious bias among police officers and how it affects police actions. The next section covers citizen complaints against the police, including citizen oversight of the police. The chapter concludes with a discussion of *police employment practices*, with attention to the law of employment discrimination and the presence of officers of color in American police departments.

After you have read this chapter:

1. You will be familiar with the most important issues related to police and people of color.
2. You will be able to make sense of the complex data on police shootings, use of force, racial profiling, and other issues.
3. You will be able to discuss the difference between racial disparities and racial discrimination.
4. You will be able to discuss the most important reforms in policing and whether or not they have succeeded in reducing racial disparities.
5. You will be knowledgeable about police–community relations programs and which ones work and do not work in terms of improving relations between the police and communities of color.
6. You will be familiar with the trends in the employment of people of color in policing, and you will be able to discuss what difference it makes in terms of actual police work.

UNEQUAL JUSTICE? THE NATIONAL POLICE CRISIS

The small community of Ferguson, Missouri, a suburb of St. Louis, burst into national prominence on August 9, 2014, when police officer Darren Wilson shot and killed Michel Brown, an unarmed 18-year-old African American. Protests followed. Missouri authorities mobilized military equipment in response, which only inflamed the protests, and rioting and property destruction followed. Sympathy demonstrations occurred around the country, and the events in Ferguson were carried live on cable television stations. Soon it was clear that a national police crisis existed.¹

The Post-Ferguson Events

Even before the Ferguson events, on July 17, 2014, New York City police officer arrested Eric Garner, an African American, for selling illegal cigarettes. Officer sat on him, holding him down, and not responding to his cries, “I can’t breathe!” Garner died of suffocation. The incident was captured on a cell phone video which provoked national outrage when it was broadcast over national television.

Other incidents of gross police misconduct soon followed. In April 2015, a white police officer shot in the back and killed Walter Scott, a 50-year-old African American. The shooting was captured on a cell phone video and clearly showed the lack of any justification for the shooting. A week later, on April 12, 2015 Freddie Gray, a 25-year-old African American, was arrested by Baltimore police suffered neck injuries in a “rough ride” in a police van, and died on April 19. Scott’s death touched off protests and then arson and looting.

In response to the growing national police crisis, President Barack Obama appointed a President’s Task Force on 21st Century Policing, the first-ever

national commission or task force exclusively devoted to policing. After extensive public hearings, the Task Force issued a report in April 2015 with a sweeping set of recommendations for improving policing and in particular improving relations with communities of color. The report began by noting the “rifts in the relationships between local police and the communities they protect and serve.”²

In short, by mid-2015, there had not been such national concern about the police and communities of color since the riots of the 1960s. This chapter examines the issues surrounding the police and communities of color. The evidence shows that racial and ethnic disparities *do* exist with regard to police shootings, use of physical force, stops and frisks, arrests, and other police actions. None of these issues is a simple matter, however. Interactions between the police and people of color are complex. The available data on police use of force and arrests, for example, require careful analysis. As we discussed in Chapter 1, there is an important difference between disparities and discrimination. By the end of the chapter, you will have a clearer understanding of the nature of the patterns of injustice that do exist.

A Long History of Conflict

Police shootings, protests, and riots are nothing new in American history. Relations between the police and racial and ethnic communities of color have been filled with conflict since the early twentieth century. With respect to African Americans, there were three periods of major conflict and riots: during and after World War I, during World War II, and in the 1960s.³

Discrimination and conflict have never been confined to the African-American community, however. Controversies over injustice have also existed and continue to exist today with respect to other racial and ethnic groups. The next section provides a brief overview of the full context to racial and ethnic issues involving the police.

A CONTEXTUAL APPROACH TO POLICING COMMUNITIES OF COLOR

The African-American Community

African Americans experience greater contact with the police than any other racial or ethnic group in America. Many years ago, David H. Bayley and Harold Mendelsohn observed, “[T]he police seem to play a role in the life of minority people out of all proportion to the role they play in the lives of the dominant white majority.”⁴ This is still true today.

The pattern of greater contact with the police is a result of several factors. Because of higher crime rates in low-income and African-American communities, there are higher levels of police patrol in those areas, which make the police a far more visible presence than in other areas. (In 2014, the violent crime victimization rate for African Americans was 10.1 per 1,000, compared with 8.3 for Hispanics and 7.0 for whites.)⁵ It is also true that African Americans call the police at

a higher rate than other groups, both as crime victims and in response to problems requiring police assistance.⁶ Finally, certain police tactics such as aggressive preventive patrol and stops and frisks involve high rates of police-initiated contacts with African Americans. Those contacts are more likely to involve conflict, including the use of force. A survey of Cincinnati residents found that nearly half (46.6 percent) of all African Americans said they had been personally “hassled” by the police, compared with only 9.6 percent of all whites. Hassled was defined as being “stopped or watched closely by a police officer, even when you had done nothing wrong.”⁷

As police reform expert David Kennedy explains, and we will discuss later in this chapter, the long history of police–community relations problems has left a toxic legacy of mistrust on both sides of police–citizen encounters. Both sides bring their own “narratives” of past conflict and distrust to an encounter, and that creates a greater possibility of conflict in that encounter.⁸

The Hispanic Community

Hispanic Americans have a unique pattern of experiences with the police. Alfredo Mirandé describes that history in terms of *Gringo Justice*, involving a fundamental “clash between conflicting and competing cultures, world views, and economic, political and judicial systems.”⁹ The most famous event was the so-called Zoot Suit Riot in Los Angeles in 1943, which involved attacks on Hispanic men by police and by white Navy personnel on shore leave.¹⁰

A report by the Julian Samora Institute at Michigan State University concluded, “Latinos may have unique experiences with police which shape attitudes toward law enforcement officials.”¹¹ Immigration patterns are a major factor. Hispanics are the fastest growing racial or ethnic community in the United States, along with Asian Americans. Relations with the police are complicated in part by language barriers because of the number of Hispanics who do not speak English, and the number of recent immigrants, some of whom are undocumented.

Unfortunately, there is much less research on Hispanics and the police, compared with African Americans. Ronald Weitzer concludes that the existing research is “rather scarce” and “suffers from some important deficiencies.”¹² As we pointed out in Chapter 1, official data on Hispanics and the criminal justice system are very weak. Many agencies do not separate race and ethnicity and record Hispanics as “whites.” Weitzer adds only a “handful” of public opinion surveys are large enough to include samples of non-Hispanic whites, African Americans, and Hispanics. Additionally, studies ignore the diversity of the Hispanic community, failing to take into account variations by ancestry and nativity: American-born versus foreign-born people; and different national origins of immigrants (e.g., Mexico, Puerto Rico, Central American countries). Most qualitative studies focus on Hispanics alone, yielding no comparative findings with respect to whites and African Americans.

The Native American Community

Native Americans also have a unique history in the United States and special problems related to the police. Native American tribes are legally recognized as semi-sovereign nations with broad (although not complete) powers

of self-government. There are about 330 federally recognized reservations, and approximately 200 have separate law enforcement agencies. About 22 percent of Native Americans live in areas off reservations.¹³

Law enforcement is complicated by the competing authority among tribal police agencies, local county sheriff or city police departments, and federal authorities. An additional complicating factor is that there are five different types of tribal law enforcement agencies: (1) those operated and funded by the federal Bureau of Indian Affairs (BIA); (2) those federally funded but operated by the tribe under an agreement with the BIA (called PL 96-638 agencies); (3) those operated and funded by the tribes themselves; (4) those operated by tribes under the 1994 Indian Self-Determination Act; and (5) those operated by state and local governments under Public Law 280.¹⁴

When a routine crime occurs, which law enforcement agency has jurisdiction depends on *where* the crime was committed, *what* the crime was, and *who* committed it. Tribal police have jurisdiction only over crimes committed on Indian lands by Native Americans. A crime committed by a non-Indian person on a reservation is the responsibility of the county sheriff. In addition, tribal authorities have jurisdiction only over less serious crimes. Murder and robbery, for example, are the responsibility of federal authorities.¹⁵

Reservations suffer from high rates of violent crime, but tribal police departments suffer from inadequate budgets and equipment, poor management, high levels of personnel turnover, and considerable political influence. There are also serious practical problems on many reservations that inhibit effective law enforcement. Some reservations involve vast territory (500,000 acres in some cases), and many residents do not have telephones. Thus, it is often difficult for people to receive basic police services.¹⁶

Asian, Native Hawaiian, and Pacific Islanders

The Asian, Native Hawaiian, and Pacific Islander American community is extremely diverse in terms of country of origin. The six largest groups by country of origin are Chinese (23.2 percent of all Asians), Filipino (19.7 percent), Indian (18.4 percent; often referred to as South Asian Indians to distinguish them from Native Americans), Vietnamese, Korean, and Japanese. Three quarters of Asian American adults were born outside the United States, and about half report that they speak English very well. They are also members of a variety of religious faiths: Christian, Buddhist, Hindu, Muslim, Sikh, and other smaller groups.¹⁷

Asian Americans have the least amount of contact with the police, compared with other racial and ethnic groups. They have lowest victimization rates of any racial or ethnic group in the United States and as a result call the police less often than other groups. Even when they are victimized, however, they are much less likely to report property crimes to police than other racial or ethnic groups.¹⁸

The Arab-American Community

There are an estimated 4 million Arab Americans in the United States, representing about 2 percent of the U.S. population.¹⁹ The major concern among Arab

Americans regarding law enforcement is racial profiling, whereby the police, particularly federal authorities, identify individuals as suspects solely on the basis of their national origin. In the wake of 9/11, there were a number of incidents involving discrimination against Arab Americans attempting to fly on airlines. A 2008 American-Arab Defense Committee (ADC) report found relatively few instances of discrimination by local police and concluded that the most serious problems involved the federal government's Joint Terrorism Task Forces (JTTFs).²⁰

A second issue involves hate crimes, specifically attacks on Arab Americans because of their national origin or religion. The ADC reported more than 700 violent attacks on Arab Americans in the first nine weeks following the 9/11 terrorist attack.

PUBLIC ATTITUDES ABOUT THE POLICE

Public attitudes about the police are a good starting point for understanding relations between the police and communities of color. Race and ethnicity are consistently the most important factors in shaping attitudes about the police. Yet, these attitudes are complex and often surprising.

A sizeable racial and ethnic gap exists among Americans in their perception of police fairness. When asked in 2016 whether "blacks are treated less fairly than whites in this country" by the police, 84 percent of African Americans answered yes, compared with 50 percent of whites. A gap of nearly the same size existed when the same question involved the courts. Unfortunately, the survey did not include Hispanics, but see the 2014 data in Table 4.1.²¹ Two aspects of the survey deserve comment. The gap between white and African-American opinions about the police has persisted at almost the same level for 50 years. In a 2012 survey, 23 percent of African Americans expressed "very little" confidence in the police, compared with 14 percent of whites. In 1967, the President's Crime Commission reported that twice as many people of color as whites felt the police did a "poor" job, and 10 times as many believed the police were "corrupt."²² This gap has persisted for decades despite continuing police reform efforts. Second, the gap between the attitudes of African Americans and Hispanics illustrates the point the different racial and ethnic groups have different experiences and opinions regarding the police.

TABLE 4.1 Perception of Police Unfairness, by Race and Ethnicity, 2014

Q: African Americans in your community are treated less fairly than whites.		
Percentage answering yes.		
37	70	51
Whites	African Americans	Hispanics

SOURCE: Monica Anderson, *Vast Majority of Blacks View the Criminal Justice System as Unfair* (Washington, DC: Pew Hispanic Center, August 12, 2014).

In this chapter, we will examine the police practices that are at the source of African-American alienation from the police, particularly among young men. We will find racial disparities in arrests (pp. 166), traffic stops (pp. 169), and stops and frisks (pp. 176). In their interviews with people in the Kansas City metropolitan area, Epp, Maynard-Moody, and Haider-Markel found that African Americans "deeply resent" investigatory stops, where the stop is not prompted by speeding or other traffic safety concerns but suspicion about the driver (is a gang member or active criminal, for example).²³

Policing is a highly complex enterprise, and many seeming contradictions often appear. While African Americans complain about excessive policing, in arrests, stops and frisk, and uses of force, for example, they also see too little policing in their communities. The lack of adequate policing can include insufficient levels of patrol in the neighborhood, failure to respond quickly to 911 calls, and failure to make arrests in some cases, particularly domestic violence incidents. A Police Foundation survey in Washington, DC, found that 54.8 percent of African-American residents feel there are "too few" police officers in their neighborhood; only 25.7 percent of whites felt that way about their neighborhoods.²⁴

The attitudes of African Americans about the police are not monolithic, however, and are also affected by social class. Weitzer found that middle-class African Americans in Washington, DC, had a much more favorable view of relations with the police in their neighborhood than did poor African Americans. Their attitudes on this point, in fact, were much closer to those of white, middle-class Washington residents than of poor African Americans.²⁵

Shootings and other highly publicized incidents involving the police have a significant short-term effect on public attitudes. In the immediate aftermath of the 1991 beating of Rodney King by Los Angeles police officers, the percentage of white Los Angeles residents who said they "approve" of the Los Angeles police fell from more than 70 percent to 41 percent. The approval ratings by African Americans and Hispanics in the city, which were low to begin with, also fell. The approval ratings of all groups eventually returned to their previous levels, but white attitudes rose much more quickly than those of African Americans and Hispanics.²⁶

Age has an important impact on attitudes toward the police. This is not surprising, and it is important for most of the controversies over police conduct, which we will discuss in this chapter. Young men are more likely to be out on the street and have more contact with the police. Young people are also more involved in illegal activity than middle-aged or older people and have more contact with the police as a result. A series of interviews of young African Americans on Chicago's South Side by Craig Futterman and his colleagues found that for 14- to 18-year-old African Americans being stopped by the police was "an everyday thing." How often does it occur?, one teenager was asked. He replied, "Pretty much every times I go outside."²⁷ A 2009 PEW Hispanic Center national report on young Hispanics, meanwhile, found that 29 percent of all Hispanic young males and 13 percent of females had been questioned by the police in the past year. That is an extraordinarily high percentage.²⁸

How Police Officer Conduct Shapes Attitudes

A growing body of research has found that citizen attitudes are heavily influenced by how they feel officers treat them in an encounter. The theory of procedural justice holds that attitudes are shaped not just by *what* the police do, but *how* they do it.²⁹ In everyday terms, a traffic ticket is the *outcome* of an encounter, while the attitude of the officer (rudeness, for example) is the *process*. There is a close analogy to this in education. As a student you are naturally upset by a low grade (for example, a D). But if the teacher takes the time to explain the basis for the grade (failure to mention important points covered in class, incomplete sentences, and so on), you are more likely to understand and accept the result. If the teacher, on the other hand, refuses to meet with you and explain the grade, you are likely to be very upset.

Wesley G. Skogan found that people who had been stopped by the police had more favorable attitudes if they felt they were *treated fairly*, if the officer(s) *explained the situation* to them, were *polite*, and *paid attention* to what they had to say on their own behalf. Procedural justice research in other areas of life (e.g., employment) consistently finds that people are more satisfied if they feel they had a chance to tell their side of the story. Skogan also found important racial and ethnic differences in citizen perceptions, however. African Americans and Spanish-speaking Hispanics, for example, were “far less likely to report that police had explained why they had been stopped.” Less than half of the African Americans and Hispanics thought the police treated them politely, and both groups thought they were treated unfairly.³⁰ The 2011 Police–Public Contact Survey also found that African Americans were less likely to believe that the traffic stop was legitimate (with 67.5 percent believing the stop was legitimate), compared with Hispanics (73.6 percent) and whites (80 percent).³¹

The 2015 report of the President’s Task Force on 21st Century Policing strongly recommended that police departments “adopt procedural justice as the guiding principle ... to guide their interactions with the citizens they serve.”³² We will discuss the implications of procedural justice and police conduct when we get to the subjects of stops and frisks and abusive language by police officers.

POLICE USE OF DEADLY FORCE

The police are a unique agency in American society. Police officers are the only government officials who have the legal authority to take human life. As the events in Ferguson, Missouri, and other cities in 2014–2016 dramatically illustrated, the fatal shooting of African Americans by the police is a very volatile issue in this country. The slogan “Black Lives Matter” reflects the deeply held perception among African Americans that the police shoot and kill far too many young African-American men, many of whom are unarmed. In the 1970s, the police fatally shot eight African Americans for every one white person.³³ James Fyfe, one of the leading experts on the subject, asked whether the police have “two trigger fingers,” one for whites and one for African Americans and Hispanics.³⁴

The Lack of National Data on Police Shootings

The national police crisis of 2014–2016 exposed the scandalous fact that we do not have reliable data on the number of people shot and killed by the police every year. The FBI reports data on people shot and killed by the police, but the data collection system is voluntary. Local police departments are not required to submit their data on police shootings and many do not. The official FBI figure for 2014 was 444 people shot and killed by the police.³⁵ The *Washington Post* began collecting data on police shootings using all possible sources (local news media, public records, internet sources) and found that in 2015 the police shot and killed 986 people—twice what the FBI had been reporting in the preceding years. Additionally, African Americans were shot and killed at three times the rate of whites.³⁶ The *Guardian* undertook a similar count of police shootings using all possible sources of information, and its report *The Counted* reached an even higher count for 2015: 1,134 people shot and killed by the police.³⁷ Both the *Washington Post* and *The Guardian* continued their counts into 2016.

The lack of reliable national data on persons shot and killed is inexcusable. We have very detailed data, for example, on death rates for all types of cancer and deaths in motor vehicle accidents. These data are readily available and are widely used in research.³⁸ A reliable national data system would permit analyses of local variations and possible causes. Data on cities where the police have high and low rates of police shootings, for example, would permit analyses of whether the variations are associated with local crime rates, department deadly force policies, or other factors.

Patterns in Police Shootings

Despite the shortcomings of national data on police shootings, several patterns are evident. The first is that African Americans are overrepresented among people shot and killed by the police. In the 1960s, the ratio of African Americans to whites shot and killed was 8 to 1. That ratio declined from 4 to 1 in the 1980s, and by 2015 it was about 3 to 1.³⁹ The comprehensive data for 2015 compiled by the *Washington Post* found that African Americans were three times as likely to be shot and killed as whites. Particularly alarming was the finding that

Box 4.1 People Shot and Killed by the Police, 2014–2015

444	986	3:1	40%
Official FBI Data, 2014	<i>Washington Post</i> Estimate, 2015	Ratio of African Americans to Whites Killed, 2015	Percentage of Unarmed People Shot and Killed by Police Who Were African American

SOURCE: FBI, *Crime in the United States 2014*, 2014 Expanded Homicide Data Table 14. "Final Tally," *Washington Post*, January 6, 2015

African Americans represented 40 percent of all unarmed people shot and killed by the police. The racial disparity is especially high for young men, the age group that is the most likely to have contact with the police.

There is little data on the shootings of Hispanics and none on Native Americans or Asian Americans. As we discussed in Chapter 1 (pp. 21), criminal justice agencies did not begin doing a good job of collecting data on Hispanics until recent years. In the past, Hispanics shot and killed by the police were probably classified as "whites." In an earlier study, William A. Geller and Kevin J. Karales found that between 1974 and 1978, Hispanics were about twice as likely to be shot and killed by the Chicago police as whites, but only half as likely to be shot as African Americans.⁴⁰

A second pattern in police shootings is that the police are more likely to shoot unarmed African Americans than unarmed whites. In 2015, as we mentioned, 40 percent of all unarmed people shot and killed were African American. The disparity used to be even worse. Between 1969 and 1974, for example, police officers in Memphis shot and killed 13 African Americans but only one white person in the "unarmed and not assaultive" category (Table 4.2). In fact, half of all the African Americans shot and killed were unarmed. When the Memphis police replaced the permissive *fleeing felon rule* with the more restrictive *defense of life policy*, the overall number of people shot and killed dropped significantly and no unarmed people were shot and killed.⁴¹ As we will discuss shortly, department policies that limit police use of deadly force have had a significant impact in terms of reducing the number of fatal shootings and also in reducing the racial disparities in shootings.

Research involving simulated shootings has found that unconscious racial bias plays a significant role in the shooting of African Americans. We discuss this later in this chapter in the section on "Unconscious Bias" (pp. 160).⁴²

A third important pattern is that there are substantial—and surprising—differences among police departments regarding the number of people shot and killed. The Mapping Police Violence project found that in 2015, Bakersfield, California, Oklahoma City, Oklahoma, Oakland, California, and Indianapolis, Indiana, had the four highest rates of fatal shootings. Surprising to many people,

TABLE 4.2 Citizens Shot and Killed by Police Officers, Memphis

	1969–1974		1985–1989	
	White	African American	White	African American
Armed and assaultive	5	7	6	7
Unarmed and assaultive	2	6	1	5
Unarmed and not assaultive	1	13	0	0
Totals, by race	8	26	7	12
Total		34		19

SOURCE: Adapted from Jerry R. Sparger and David J. Glacopassi, "Memphis Revisited: A Reexamination of Police Shootings after the Garner Decision," *Justice Quarterly* 9 (June 1992), pp. 211–225.

New York City had one of the lowest shooting rates, one-tenth of Bakersfield, and less than one half of the largest 60 cities. Detroit and Philadelphia also had shooting rates below the national average. The kind of systematic national data that the Mapping Police Violence Project has compiled (but which the FBI has not) can provide a starting point for analyzing why some police departments do so much better than others with respect to fatal shootings.⁴³

Controlling Police Use of Deadly Force

One of the most significant police shootings in the U.S. history occurred on October 3, 1974, in Memphis, Tennessee. Two Memphis police officers shot and killed Edward Garner, a 15-year-old African American. Garner was 5'4" tall, weighed 110 pounds, and was shot in the back of the head while fleeing with a stolen purse containing \$10.⁴⁴

The Memphis officers acted under the old fleeing felon rule, which allowed a police officer to shoot to kill, for the purpose of arrest, any fleeing suspected felon. The rule gave police officers very broad discretion, allowing them to shoot, for example, a juvenile suspected of stealing a bicycle worth only \$50. Edward Garner's parents sued, and in 1985, the Supreme Court in the landmark case of *Tennessee v. Garner* declared the fleeing felon rule unconstitutional. The Court ruled that the fleeing felon rule violated the Fourth Amendment protection against unreasonable searches and seizures, holding that shooting a person was a seizure.⁴⁵

Even before the *Garner* decision, mainly in response to civil rights protests, police departments had been adopting the defense of life rule to limit shootings. The turning point came in 1972 when New York City Police Commissioner Patrick V. Murphy replaced the fleeing felon rule with a *defense of life* policy, which meant that officers could only resort to deadly force if there was an immediate threat to the life of the officer or another person. The new policy also prohibited warning shots, shots to wound the suspect, and shots at or from a moving vehicle. To ensure compliance with the new policy, officers were required to file a written report on each firearms discharge (e.g., any time the weapon was fired, regardless of the circumstance), and reports were automatically reviewed by supervisors.

James J. Fyfe studied the impact of the new defense of life policy and found that it reduced the total number of firearm discharges by almost 30 percent over the next three years. Moreover, the new policy did not cause the crime rate to go up nor did it result in more officer injuries.⁴⁶ Other police departments quickly began adopting similar deadly force policies. As a result, the number of people shot and killed by police declined from a peak of 559 in 1975 to 300 in 1987. (But remember, even current official data undercount the number of people shot and killed, and it is very likely that the undercount was even greater in the 1970s and 1980s.)⁴⁷

The important lesson from what we know about police shootings is that unacceptable police conduct can be brought under control by effective department policies. Later in this chapter, we will discuss how that lesson applies to police use of excessive force, stops and frisks, and offensive language.

The Role of Unconscious Bias in Police Shootings

One factor in some police shootings involves unconscious stereotypes and bias regarding race and ethnicity. Racial prejudice pervades American society, and police officers are no exception. Bias is not always conscious, as in someone saying "I don't want to sit next to that black guy."

In policing, one of the most prevalent stereotypes is the association of African-American men with "dangerousness." This stereotype can lead officers to stop and frisk young African-American men in the belief that they are gang members or active criminals. Another example is where many people associate Hispanics with being immigrants, and even undocumented immigrants. Lorie Fridell, director of the Fair and Impartial Policing project, explained that many police recruits underestimate the dangerousness of women and in training situations do not search for the gun hidden in a woman's back "because they stereotype women as not being a threat."⁴⁸

Research using computer simulations of encounters between police officers and suspects of different race or ethnicity has confirmed that racial or ethnic stereotypes affect the decision to shoot. In one study, three different groups participated in a video game simulation, which included images of armed and unarmed white and African-American men in a variety of situations. They included 25 images each of an armed white, unarmed white, armed African American, and unarmed African American. The unarmed images included objects that were not weapons: wallets, cell phones, a beer or soft drink can, and so forth. Participants were instructed to shoot as quickly as possible anyone who appeared to be an "imminent threat" and to push the "don't-shoot" button as quickly as possible for those who did not pose an imminent threat. The three groups included Denver police officers, citizens from the community those officers served, and a group of police officers attending a training seminar.⁴⁹

The study found "robust racial bias" in the speed with which both the officers and the non-officers fired their simulated weapons. In terms of accuracy in correctly assessing an imminent threat, the non-officer participants were less accurate than the officer participants, meaning they were more likely to see an imminent threat from the African-American images where one does not exist. In a replication study, participants had a shorter time frame to make their decisions; as a result, the error rate increased. In the end, the study confirmed that racial stereotypes played a significant role in the decision to shoot. Police officers, the study directors concluded, performed better than other participants because of their formal police training on use of deadly force.

Does Skin Tone Matter?

Does skin tone matter in police decisions? Are people who are very dark-skinned more likely to be stopped, arrested, or even shot than light-skinned African American?

In a pioneering study, Karletta M. White investigated the impact of skin tone on the likelihood of being stopped by the police. Wave III of the National Longitudinal Study of Adolescent Health (generally referred to as ADD Health) had

the investigators conducting in-home surveys to record respondents' skin tone on a five-point scale (black, dark brown, medium brown, light brown, white). Respondents reported their own race and identity and also their experience in being stopped by the police.⁵⁰

White found that "skin tone is related to the likelihood of being stopped or arrested by the police" for African Americans. "As skin tone darkens," she found, "the odds of being stopped or arrested increase significantly." The findings with regard to Hispanics were ambiguous, however, because of the small number of dark-skinned Hispanics.

More research on the issue of skin tone is needed. If skin tone affects police decisions to stop people, does it also have an effect on police shootings or use of physical force?

"POLICE BRUTALITY": POLICE USE OF PHYSICAL FORCE

"Q: Did you beat people up who you arrested?"

"A: No. We'd just beat people in general. If they're on the street, hanging around drug locations . . ."

"Q: Why?"

"A: To show who was in charge."⁵¹

What Is "Police Brutality?"

This exchange between the Mollen Commission and a corrupt New York City police officer in the mid-1990s dramatized the unrestrained character of police brutality in poor, high-crime neighborhoods in New York City. There is much controversy and misunderstanding about the issue of police use of force and the prevalence of excessive force. Let's sort our way through this important and complex issue.

The term *police brutality* is a political term with no precise legal meaning. A proper understanding of this issue begins with the category of *force*, meaning all uses of physical force by a police officer. A police officer is legally justified in using force to protect himself or herself from physical attack, to subdue a suspect who is resisting arrest, or to accomplish a lawful police purpose. Force can include grabbing a person's arm in order to handcuff him; taking someone to the ground; use of a police baton; or a choke hold (although they are banned by many departments). The term *excessive force* is defined as any physical force that is *more than reasonably necessary to accomplish a lawful police purpose*.

The Prevalence of Force and Excessive Force

The prevalence of both police use of force and excessive force is a matter of controversy. Many critics of the police argue that excessive force is a routine, nightly occurrence, whereas others believe that it is a rare event. There is a wide range

disparity in the *perception* of police use of excessive force. Ronald Weitzer and Stephen A. Tuch asked Washington, DC, residents if they felt police used excessive force in their neighborhood. Among African Americans, 30 percent felt it happened "very often" or "fairly often," compared with only 8 percent of whites and 23 percent of Hispanics.⁵² The study of African-American teenagers on Chicago's South Side found powerful testimony that all police encounters are terrifying. "It's scary because you don't know that's gonna happen next," explained one female high school senior. As many others explained, "They [the cops] have all the power."⁵³

Research using direct observation of police patrol work has consistently estimated that police officers use force in about 1 and 2 percent of all encounters with citizens and that excessive force incidents represent about one third of those incidents.⁵⁴ Many people find these estimates hard to believe because they are so low. When we put the 1–2 percent estimate in the context of routine police work, however, it takes on new meaning.

In patrol work, the vast majority of police–citizen encounters are uneventful: a residential burglary call where the officer simply takes a report, a call for police assistance, and so on. If you take 1.5 percent of all 911 calls to a police department and then divide that figure by 52, you will get an estimate of the number for force incidents every week. Divide that by seven and you get an estimate of the number per day—every day, 365 days a year. (But remember, these are estimates and not counts of actual incidents.) In most cases, the resulting estimates are startling and disturbing. Divide the weekly or daily estimates by one third and you get the estimates for excessive force. And remember, 911 calls represent only a portion of all police–citizen contacts. You need to add traffic stops and police-initiated pedestrian stops to get a more complete estimate.

The observational studies of police patrol work consistently find that police use of force is higher in certain situations. Police officers are four or five times more likely to use force against *males*, people being *arrested*, people who are *disrespectful* or challenge their authority, and people who are *drunk* or *under the influence of drugs*. African Americans are also more likely to have force used against them, in part, because they are more likely to be disrespectful or believed to be disrespectful by the officer. This complex and important issue requires closer analysis.

Race, Police–Community Relations, and Disrespect for the Police

The issue of disrespect for the police needs serious discussion. There is a long history of police officers inappropriately using force against and making arrests of people they believe are disrespectful, even where there is no physical challenge to the officer. This phenomenon has been labeled "contempt of cop": the officer *perceives* a challenge to authority and escalates the encounter to assert his or her authority. See, for example, the Mollen Commission testimony we cited (p. 161) where an officer said he used excessive force "to show who was in charge." The perceived disrespect may involve not looking the officer in the eye, not answering the officer's questions, a look of contempt on the person's face, verbal disrespect or a verbal challenge to the officer's authority. Christy Lopez argues that "there is