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## SWORN TO PROTECT: POLICE BRUTALITY - A DILEMMA FOR AMERICA'S POLICE

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### Abstract

Police abuse is the purposeful practice of unwarranted coercion, frequently physical, but potentially in the form of verbal assaults and psychological intimidation, by police which, constitutes abuse and official misconduct. Police brutality is a grievous form of crime done by the police hired to be prevent the crime itself. The use of force may be judged necessary or excessive depending on whether it was determined to be legitimate under the circumstances to fulfill the police duty (Kania & Mackey, 1977). The media has focused like a laser on the racial divides in the U. S. sparked by the deaths of young African Americans (i.e., Michael Brown in Ferguson, Missouri, Eric Garner, NYC, Oscar Grant in California and Sandra Bland in Texas and many others at the hands of cops with dubious use of force. (Edwards, 2016; Khaleeli, 2016). These deaths lead ultimately to an activists group, 'Black Lives Matters'. According to FBI statistics, African-Americans represented 31 percent of all shooting victims by police while representing 13 percent of all U. S, inhabitants according to Grochowski & Gabrielson (2014, October 10). Approximately 50 percent of the 14,800 police agencies do not report police involved homicide statistics to the FBI - UCR. This is quite distributing considering that 175 Black males were shot and killed by police since January, 2015. Black's males represent six percent of the population and 40 percent of victims of police shooting incidents.

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### Full Text

#### Headnote

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Keywords: police abuse; brutality; institutional racism; police use-of-force; racial profiling; police culture

The majority of the United States population recognizes that policing is a difficult job at best, requiring officers to confront a variety of people on a daily basis from an elderly senior, lost child or a hardened criminal, sociopath, child molester, and the like. A job that is fraught with seemingly unavoidable stress and risk; but to most law enforcement officers, a rewarding career that most would not trade.

Police officers are legally authorized to use force and the public understands this. In essence, they have been given authority to use non-negotiable force (Bittner, 1970). Communities provide their officers with batons, Tasers, and of course, with lethal weapons to both defend, protect, and when necessary to use in a legal and responsible manner. In recent decades, many police departments have taken advantage of excess military weapons and gear available for increased personal protection. To some, however, it gives the police an ominous and menacing appearance. There are over 14,800 police and sheriff departments in the United States, employing approximately 780,000 sworn officers-those with arrest powers (Reaves, 2011). Policies to regulate use-of-force by department are not standardized.

The majority of police departments spend a considerable amount of resources training their officers on proper police defense tactics, shoot, don't shoot scenarios, and how and when to safely deploy weapons. Police officer training is an important criterion for a department to obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA). To obtain certification, an agency must document compliance with numerous subject matters of training and various operational and administrative standards (CALEA, 2010).

#### Definitions of key terms

Angry Aggression Theory - (Bernard, 1990, 1993; Ogle et al., 1995) is based on a large and well-established body of biological and psychological research about physiological arousal, which is the body's "fight or flight" response to being threatened. This body of research finds that people who are chronically aroused tend to interpret a wider variety of events as threatening than do other people. In addition, this research finds that chronically aroused people tend to respond to threatening events more aggressively than do other people cited by S. Griffin, and T. Bernard (2003, March 1).

Conflict Model - According to (Davis, 2002) the conflict model may be defined as; a theoretical position in criminology that holds that opposing political, social, or other forces in society are responsible for a variety of social ills, including crime and delinquency. Inherent in the conflict model is that there is no normative consensus. This is also referred to as conflict theory.

Institutional Racism-the failure of an organization to provide services or opportunities to people because of their color, culture or ethnic origin (Shusta, Levine, Wong, Olson, & Harris, 2015:439).

Pattern of Practice - Discrimination; engage in. The courts have found a "pattern of practice" when the evidence establishes that the discriminatory actions were the defendant's regular practice, rather than an isolated instance. This does not mean that the Department has to prove that a defendant always discriminates or that a large number of people have been affected (United States Department of Justice, n.d.).

Police Brutality - Davis defined police brutality as the application of excessive force by police on citizens. Police brutality received national attention with the beating of motorist Rodney King by Los Angeles police officers (2002).

18 U. S. C. § 242 - The law that governs uses of deadly force by a law enforcement officer. Whoever, under color of any law ... willfully subjects any person ... to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or law of the United States [shall be guilty of a crime] DOJ. Department of Justice, Civil Rights Division. (2011).

According to Carl B. Klockars in a theory of excessive force and its control, cited by (Geller & Toch, 1996), "excessive force should be defined as the use of more force than a highly skilled police officer would find necessary to use in that particular situation." Many police agencies today cited Klockars' theory as noted above provides for a continuum use of force policy noted in (Appendix A).

Objective reasonableness standard found is found in *Tennessee v. Garner* and *Graham v. Connor*, the U.S. Supreme Court ruled that the standard for determining reasonableness for police to use force will be analyzed under the Fourth Amendment's objective reasonableness standard, i.e., the Federal Constitution, which address the "totality of the circumstances," unless an agency adopts a more restrictive measure. *Scott v. Harris* (2007, U. S.) applies use of force to conclude that it is reasonable for a police officer to use deadly force to prevent bodily harm to innocent bystanders.

While the great majority of the public is supportive of police and their use of force policies when and where necessary, they have aversion for the infliction of unnecessary force, mis-conduct, corruption, or lethal force improperly applied to any citizen or guest. The United States is an amalgam of races, cultures and ethnic groups, with some groups evolving from successive waves of immigration. It is a nation with a diversity of views and expectations when dealing with authority (Shusta, Levine, Wong, Olson, & Harris, 2015). Congruent with this, is our society assigning an impossible dilemma upon our police officers? Does the answer lie in additional training when the public taxpayer has already unwritten millions of dollars in police training schools, to include among others, diversity training for ordinary, racially charged situations? Will the deployment of new technologies such as body-cams (BW C) make police more accountable for their actions and thus reduce complaints of abuse?

One-third of the United States local and State policing agencies have invested in body worn cameras (BWC). States and local jurisdictions are scrambling to find best-practice policies that will be shaped by statutory and constitutional law over time. Most units cost approximately \$ 1,000.00 each with the majority costs found in recurring expenses to maintain the storage of 720p or higher digital imagery. For example, the San Bernardino County Sheriff's Department in California is maintaining digital files for 13 months. Some positive trends are showing that complaints against cops are dropping off for agencies using BWC.

A Florida mandated (BWC) law was sent to Governor Rick Scott for signature (S.B. 93). (Clark, 2016, March 7). The new statute does not require 'BWC' by Florida police departments, but if they do use them, they must have a policy as required by the new law. Training standards of protocols are part of the policy requirements. It is hoped that the new technology will help communities investigate alleged cases of police brutality.

Clearly the investigation of police brutality against any citizens or guests must be viewed under the most meticulous investigation possible as it drives to the heart and foundations of respect for the rule of law, compliance, and ultimate ability of citizens to have confidence in their government. Police, like it or not, are in the constant limelight and foremost of any governmental agency interactions with its citizens. Police administrators are acutely aware that we live in a very litigious society and those citizens are becoming increasing aware of civil remedies to address abuses committed by their public officials.

The fact remains that approximately 1 in 5 of the lethal police shootings do not disclose the officers involved according to the Washington Post (2015). This lack of transparency further breeds the mistrust by the minority community already convinced of a rigged system of justice.

#### Pushback, Protests and Violence

Police abuse is the purposeful practice of unwarranted coercion, frequently physical, but potentially in the form of verbal assaults and psychological intimidation, by police which, constitutes abuse and official misconduct. It may be provoked by contempt of cop (i.e., understood as insults towards police officers). However, occasionally it is a concurrent response by a police officer without any incitement. Police brutality is a grievous form of crime done by the police hired to be prevent the crime itself. The use of force may be judged necessary or excessive depending on whether it was determined to be legitimate under the circumstances to fulfill the police duty (Kania & Mackey, 1977).

Finally, "it is the actual physical force that most clearly defines police brutality from the standpoint of law" (Locke, 1996).

Police brutality cases are minuscule within the scope of thousands of daily contacts with citizens. A social conservative's argument used to diminish the reality of a real issue that are significant enough to undermine

legitimate authority especially in minority communities. When asked, what is an acceptable number?-the reply will often be, "of -course, none". Well, that is the answer. When a crime is committed by a law enforcement officer, it is hard to report and even harder to press charges. This has obviously changed in recent years with the advent of cellular telephones with video cameras and YouTube as an Internet outlet to expose police abuse and brutality. Citizens may complain about police brutality when in fact, an officer using foul language while yelling made appear to be abusive, and unprofessional, but does not rise to the level of police brutality by any stretch. Police officers are notoriously abhorrent to having their authority challenged and are always challenged to take the lead to lower tempers and not escalate conflict.

The shooting death of an 18-year-old black teenager on August 9, 2014 in Ferguson, Missouri, ignited a new flashpoint of protests and violence as tumultuous as the Rodney King incident did in Los Angeles, on March 3, 1991. King, an African-American became the symbol for police beatings after LAPD officers seized King following a high-speed chase. The arrest incident was captured by an amateur videographer and broadcast by the media world-wide. It was used to highlight racial tensions in the United States. The videotape was used by those who would propagandized that American society is a class system of the wealthy and powerful against marginalized minorities that have to be kept in their place. For a practical exercise, one may wish to revisit their personal perspective on the conflict theory as a social byproduct of societal governance as cited by Holmes and Smith (2008:27).

The shooting death of Trayvon Martin, a black male youth in Seminole County Florida by George Zimmerman, subsequently acquitted in a criminal trial on July 13,2013, received national news coverage. As an outgrowth of the controversy that erupted, it gave birth of a loosely network of black activists' movement, 'Black Lives Matter'. The name was coined by those to protest the killing of Blacks by police and by White people. Zimmerman's trial attorney used Florida's "standyour-ground" law to defend Zimmerman's against criminal charges that followed the altercation wherein Trayvon Martin was killed. The killing of Michael Brown in August 2014 stimulated additional impetus for the cause mounted by Alicia Garza, Patrisse Cullors, and Opal Tometi, the three principal Black activists. Black Lives Matter was a loosely confederated group with no formal hierarchy that continued to gain popularity in protesting real or perceive acts of violence committed against the African-American community. The activists group that espouses nonviolence has grown in strength.

The momentum developed precipitously after the shooting of Michael Brown, the killing of John Crawford III, and the police choking death of Eric Garner, all in 2014. The group has now formed 23 chapters located in the U. S., Guam and Canada and some members have met with President Obama to discuss concerns ranging beyond police abuse and brutality to black imprisonment and issues of militarization of police departments in the United States (Capehart, 2015, February 27). Some conservative leaders feel that President Obama has given too much acknowledgement to minority activists who themselves often use racist language and have an agenda to keep a contentious conflict of racial tensions alive for personal gain or recognition.

The Black Lives Matters activists group may have unintentionally inspired some people that cling to the group's identity in order to commit crimes of assault and battery during protests, vandalism, arson, and even the killing of several White law enforcement officers throughout the nation. Activists groups throughout history tend to draw out some dubious individuals who are seen as social disruptors and social misfits that may or may not have any true grievance(s) with the cause being promoted. Yet for those who seize upon the spotlight of malcontent behaviors there are the many who wish to have their voices heard in protests as those who peacefully marched for Martin Luther King according to G. Carey (2016, July 19).

However, Black Lives Matter does not cause people to hate police. People do that on their own from the inside out. Black Lives Matter began in 2013 so the racialized police attitudes and suspicions of the police as governing oppressors with their police abuse, criminal profiling, etc., dates back long before that. "James Baldwin wrote about it back in 1966," a noted African-American, writer, poet, playwright, and activist who was well known for his writing on class distinctions in Western societies - Carey (2016, July 19). Quoting the late James Baldwin:

"Not everything faced can be changed ... but nothing can be changed until it is faced."

James Baldwin

Following the police killings of black males Alton Sterling (shot and killed July 5 by two w/m officers) outside of a Triple S convenient store in Baton Rouge and Philando Castile (shot and killed July 6, 2016 by Officer Yanez, Asian-American), a passenger inside a car with his finance and her young child while on the streets of Fulton Heights, Minnesota. The shootings prompted outcries from captured videos that went viral on the Internet. The questionable shootings are being investigated by the Department of Justice. (McLaughlin, 2016, July 8; Shoichet, Berlinger, & Almsy, 2016, July 6).

Sparked by these events, Black Lives Matters and Black Panthers organizational members promised to take to the streets with some members vowing to kill cops 'dubbed racist cops' in revenge for the shooting deaths of Castile and Sterling. A number of spokespeople for Black Lives Matter have rejected violence and denounced attacks on police. The saturation points of contentious behaviors and rhetoric from some activists of various ethnicities have suggested violence not seen since the racial divides on the 1960's.

On August 28, 2015, Harris County (Houston) deputy Darren Goforth, a white male was shot and killed in an ambush style shooting. The host of Blog Talk Radio "King Noble" made a sickening prediction that Whites and white police officers are facing the day when they will be picked off one-by-one and there is nothing they can do [claiming that blacks can win a "race war" against whites] and praising the execution of the Texas deputy, writes T. Dart (2016, September 4). "King Noble" associates himself with Black Lives Matter.

Deputy Goforth, married with two young children was at a Cypress gas station filling up his patrol car when approached by Shannon Miles who without provocation shot Goforth in the front and then emptied his semi-automatic handgun in the deputy's back. Shannon from the Cypress community, is located approximately 25 miles outside of Houston will face capital murder charges.

Four Dallas police officers and one Dallas Transit police officer were killed on July 7, 2016 during a Black Lives Matter promoted protest. The sniper utter comments while in communication with police that he hated whites and wanted to kill white cops. Seven others were injured including two civilians. It brought the staggering number of police killings in the nation to 26 for the same period in 2015 or up 44 percent. Dallas chief David Brown, himself a b/m directed his officers to use a robot housing one pound of C-4 (explosives) to the holdup place of the sniper, Micah Xavier Johnson, [b/m and a former U. S. Army veteran] who served in Afghanistan. The decision was made by Brown to avoid more police casualties. Johnson was killed by the bomb blast. Finally, 11 of the police killings for the first half of 2016 were labeled as ambushes according to G. Zoroya (2016, July 9).

Just 9 days later, three officers in Baton Rouge were killed and three other officers injured in a police ambush by b/m and former marine, Gavin Long of Kansas City, Missouri. Long proclaimed there will be a bloody response to police killings of black men. The President made a special broadcast to the nation urging calm during these extraordinary tensions and avoidance of inflammatory rhetoric K. Rogers (2016, July 17).

### Historical Significance

When police officers accept employment following the passing of state required training and standards as prescribed by the legislature and individual agency policy guidelines, they will typically swear an oath administered by the Chief of Police, Sheriff, Mayor, County Commissioner or other head authority of the department or agency to uphold the Constitution of the Federal government and State government and abide by all the laws and faithfully execute their solemn obligations. It is akin to many other types of graduation ceremonies of exultant celebration with a reflection of pride for mastering the requirements to enter the profession.

What goes wrong and why do some officers enter into a darker side of aberrant behavior often using unnecessary and unwarranted force? Obviously, fairness, a sense of benevolence and humanitarianism ought to at the forefront of police service. For the great majority of LEO's, their devotion to duty and professionalism are at the forefront of everything they do. While there may have times of difficulty to hire and attract qualified police candidates some 40 years ago, the trends improved during the Reagan administration and continued through the elder Bush administration into the Clinton administration.

The U. S., military along with police, firefighters and first responders' reputation and pride spiked to all-time highs of favorability. Concurrently within this period was a major push to hire more minorities and female officers. Minority representation among police officers from 1987 to 2007 increased from approximately 14 percent to 21 percent BJS (2010, December 1). Females now constitute a larger slice of the demographics in police service and their roles in all major job functions are more widely accepted by the male counterparts.

Former President Bill Clinton ran against former President George H. Bush touting one of his campaign promises to hire 100,000 cops (community oriented policing) and to put them on the streets of America if elected. Clinton succeeded and kept the pledge by signing the historical Violence Control and Law Enforcement Act of 1994, on September 13, 1994. In May of 1999, Clinton presented submitted another \$95 million in grants, created in the 1994 anti-crime bill, for the hiring of 1,500 officers, claiming that he had brought the program along and by year 2000 will have succeeded along with coming under budget (Marion, & Oliver, 2012:450). Clinton's campaign strategy to help out marginalized minority communities suffering from high violent crime rates appeared to resonated more effectively than Bush's 'War on Drugs'. The use of 'War on Drugs' is most often seen as code for racial control of lower class minorities.

#### Post-Civil War Era

Police abuse of authority and crime data relating to abuse of minorities generally demonstrates reasons for mistrust of the criminal justice system that dates back and follows along the lines of American history as the country grew and organized public policing followed. Following the emancipation of AfricanAmericans in the 1860's, the first publicly institutionalized law to help frame protection for civil rights were found in Section 1983 of title 42 of the U.S. Code part of the Civil Rights Act of 1871. This provision was formerly enacted as part of the Ku Klux Klan Act of 1871. The intent of the act was originally designed to combat post-Civil War racial violence in the Southern states. The AfricanAmerican citizens remained oppressed and were segregated into their own neighborhoods. The diaspora of Blacks from the South to the North was customary following the Civil War as a means to escape oppression and to seek opportunities for work. (Shusta et al., 2015).

Reenacted as part of the Civil Rights Act, section 1983 is the primary means of enforcing abuse of constitutional rights for inhabitants of the U. S. (Title: 42 § 1983), combined with the 14th Amendment of the U. S. Constitution. The fact remains, that racial discrimination, intimidation, coercive and oppressive behaviors, physical abuse, and lethal force are used by the ranks of our law enforcement officers sworn to uphold and protect us all (Ross, 2009). This little-known act lay dormant and was not used by the legal system until mid-1900s, primarily for civil action of police abuse. While the Thirteenth Amendment abolished slavery in America, the Fourteenth Amendment granted citizenship to all persons born or naturalized in the U. S. The Fourteenth Amendment is therefore the overarching vehicle that protects citizens against abuses of the government.

Police civil liability is found under federal law Title 42 United States Code, section 1983, when police officers act under color of law. Specifically:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia (Title 42 U. S. Code, Section 1983, 2010).

Section 1983 authorizes any citizen in the United States to file a federal civil lawsuit. Corporations are excluded. The act has also been used by legal aliens in the United States that may have a reason to file a suit under § 1983 found in (Graham v. Richardson, 1975).

Theoretical Perspectives: The Social Conflict and Angry Aggression

The conflict theory states that the society or organization functions so that each individual participant and or its group members struggle to increase their benefits, which inevitably contributes to social change or conflicts in politics and in extreme cases in revolutions. It is generally applied to explain conflict between social classes, proletariat versus bourgeoisie or capitalism versus socialism functionalism or races (Petrocelli, Piquero, & Smith, 2003). The theory is the partial underpinning for this article regarding the abuses that a few police officers undertake in enforcing laws with minorities. As a class system, minorities on minorities in dealing with law breakers are often just as abusive against their own race. Police are therefore the instruments of the power elites in the maintenance of law and order. One does not have to turn a page in history to find that slave barons or masters are just as prevalent today, in different forms as they were in by-gone eras.

Homes & Smith (2008) noted the traditional approach of the conflict theory, emphasizing the role of policing in protecting the dominant classes but find the traditional theory somewhat wanting, particularly when applied to acts of excessive force that may incur significant costs for offending officers. The authors suggest an approach that better defines the complexities of group interest that may contribute more significantly and make a broader compelling case of such unnecessary inexplicable behavior. There is ample support throughout history for group-conflict theories to involve violent resolutions to protect ingroup and outgroup boundaries (Campbell, 1965:292) cited by Holmes and Smith (2008:27) maintains the existence of real threat causes hostility to the source of the threat, ingroup solidarity, noted in police agencies, in-group identity, and tightened in-group boundaries and even punishment for in-group defectors and deviants, and increased ethnocentrism according to Campbell:

In this perspective, then, it is hardly surprising that members of America's largest minority groups disproportionately become victims of excessive force at the hands of the police who directly perceive minority threats to their group (p. 27).

The authors lay out a compelling argument that "physiological, emotional, and cognitive responses are intricately and inextricably interwoven into the production of aggression (p.102). Social psychologists have agreed that, at a minimum, "aggression [is] any form of behavior that is intended to injure someone physically or psychologically" (Berkowitz, 1993) that would satisfy the essence of police brutality with the application directed at another person.

Bernard's (1990 & 1993) angry aggression theory is based on the assumption that violent crimes are often the result of displaced anger. That anger can result from the disadvantages of low socioeconomic status. Because in the United States African- Americans are disproportionately poor, they are, according to this theory, more likely to express anger inappropriately. Police officers operating in precincts with high percentages of African American residents thus sometimes confront higher levels of anger-based aggression and are therefore at greater risk of police brutality charges and civil liability under "color of law" legislation (Cornell University Law School, 2014).

"The theory cites extensive biological and psychological research to argue that people who experience chronic physiological arousal tend to see threats more frequently and to respond to threats more aggressively than do other people." S. Griffin and T. Bernard (2003:4). Threats are more likely to be on my radar screen. Therefore, if one cannot respond to the actual source(s) of arousal, a tendency may produce an aggressive behavior transferred onto a more visible or vulnerable target. However, suggested in their 2003 article, Griffin and Bernard argue that police use of 'extralegal force' may be seen as police behavior and angry aggression for chronic stress of police work along with the inability to respond to the actual sources of that stress increase both the perception of threat and the aggression of responses to perceived threats. Additionally, police tend to isolate which causes them to displace aggression onto other targets, those more vulnerable and available, (p. 3).

Cynicism and psychological stress along with traits that can be characterized as aggression, authoritarianism the ability to define people as "good or bad" may allow these behaviors to metastasize into a subculture of constant conflicts and unacceptable behaviors. The toxic hidden face of racism, unchecked maybe bread within a subcultural group such as a police organization as cited by (Neiderhoffer, 1967). Research bears out that psychological stress and cynicism are causative factors leading to job burnout (Lyle, 2015).

Police officers are generally bound into a tightly niche of a social group with a social identity and therefore see 'out-groups', especially minority groups as a threat, chiefly in their low-income ghetto neighborhoods. It is not

unexpected that many white officers would feel some measure of apprehension and fear when patrolling neighborhoods in which dangerous encounters are commonplace cited by Holmes and Smith (2008). Expanding upon their arguments the background or variables such as the social characteristics are linked mentally with psychological preconditions that we all have and fear would increase emotional arousal that stimulates an unconscious mental response based upon the stimulus (i.e., presence of a target) activation of temporal sequence of emotional excessive force thus giving the officer the conscious mental response episode evoking an instrumental excessive force response (p. 113).

All behavior is biological, unless one is a dualist and believes in a mind separate from the brain: All behavior is represented in the brain, in its bio-chemistry, electrical activity structure, and growth and decline. Behavior cannot occur without biology, any more than a computer could be run without a material central processor made of silicon, fired up by real electrons in electrical current. The central issue is whether this biology helps us to understand aggressive behavior (Rowe, 2002).

Law enforcement officers (akin to military personnel), like no other profession, are trained to overcome aggression (real or perceived) and therefore a hypothetical situational response to see a shining object in possession of a subject in the twilight may be seen as a perceived threat is likely to create the conditions for an immediate response. Humans are equipped to learn fear of outsiders based on subtle distinctions between groups, or even more visible physical differences that clearly signify the minority out-group status and potential threat according to a study demonstrating a robust fear-conditioning effect associated with race according to (Olson, Ebert, Bnaji, & Phelps, 2005).

#### Rationale for the Investigation

Numerous studies have been completed to investigate and analyze the phenomenological aspects of why police use excessive force against citizens in a democracy. Studies validates that brutality is one manifestation of the often-troubled relationship between the police and the communities they are supposed to serve and protect. An expansive explanation was highlighted in the social conflict theory. Secondly, a "bad apple theory" might be utilized to explore that fact that individuals are recruited and hired through the general population. A training officer, O. Berry (2013, March. Cited in Shusta et al., 2015) for a police academy offers an explanation about personal belief systems proposing these comments to the recruits:

\* "Raise your hand if you are a racist."

Not a single officer raised a hand.

\* "Raise your hand if you think that prejudice and racism exist outside this agency."

Most officers raised their hands.

\* The instructor than asked with humor:

"From where were you recruited?"

The "bad apple theory" is the first argument that political bureaucrats and others that want minimize police abuse will generally use as a defense or explanation about the profession. However, it cannot justify or explain the overwhelming fear and mistrust that minorities have of their police when they should look to the police for safety as their protectors and advocates for fair treatment under the law. Under the most stringent employment background screening techniques, some individuals will be able to shield their deep-seated racist core beliefs and become law enforcement officers. Instructional racism may develop as a manifestation of the acceptance of beliefs of the inferiority of some cultures that precluded employment opportunities in law enforcement. White males have traditionally dominated all facets of the criminal justice system until the 1980's according to Shusta et al. (2015).

#### Literature Review

On August 9, 1997, Abner Louima, while at a nightclub in East Brooklyn, Louima along with several other men intervened in a fight between two women. The police were called and several officers from the 70th Precinct were dispatched to the scene. A confrontation erupted between police, several patrons and bystanders outside the club. Answering patrol officers included Justin Volpe, Charles Schwarz, Thomas Bruder, and Thomas Wiese, among others. In the scuffle, Volpe was "suckerpunched" and identified Louima as his assailant. Volpe arrested Louima on charges of disorderly conduct, obstructing the police, and resisting arrest. At the police station, the police officers set about to make an example using their own justice against the 30-year-old Haitian immigrant. He became a national symbol of police brutality and spurred the perceptions that New York cops were targeting or abusing young black men as a city-wide crackdown on crime. Abner upon arriving at the station house was striped-searched and put into a holding cell. The beating continued later, culminating with Louima being sodomized with a toilet plunger in a bathroom at the 70th Precinct station house in Brooklyn. Volpe kicked Louima in the testicles, then, while Louima's hands were cuffed behind his back, he first grabbed onto and squeezed his testicles and then sodomized him with a plunger, causing extreme internal damage to his stomach and other internal organs that required several surgical operations to repair. According to trial testimony, Volpe then walked through the precinct holding the bloody, excrement-stained instrument in his hand (Homes & Smith, 2008). Officer Justin Volpe received a 30-year prison sentence under §242 for brutally sodomizing Louima while acting under color of law in December 1999 (Ross, 2009:29).

Settlements that followed the civil litigation filed by Louima years later paid out by New York City and their police union amounted to \$ 8.7 million. The case also stirred mistrust by the African-American community and Mayor Rudolph Giuliani's tough on crime policies became a victim as well. The animated anxieties about his administration were reflected in testimony at trial that one of the officers had shouted, "It's Giuliani time!" making an inference that police felt embolden under the Mayor's leadership (Chan, 2011). The Mayor's policies have been hailed by social conservatives for cleaning up N.Y.C. And making the City safe.

The killing of Amadou Diallo represents a case of police brutality of unconscionable proportions. Events that unfolded just after midnight in 1999 when four white police officers who was assigned to the street crimes unit engaged Diallo who had become a rape suspect. The incident occurred in Bronx, New York, a recognized rough area. The exact account of what unfolded in this unfortunate incident remains conflicting according to the lawyers for the officers who gave their accounts to the press. They had informed the press that Diallo resembled a rape suspect that the officers were searching for. What is known and what was pieced together from the crime scene was that Diallo was standing on his front porch, which was dimly lit, when the officers shouted "freeze". Diallo apparently failed to comply instead reached into his pocket for identification. The officers then fired upon the subject Diallo striking him with 19 of the 41 bullets fired. Friends of Diallo stated that he understood and spoke very little English and most likely did not understand the police commands.

This case marks one of the most visible stories of alleged abuse perpetrated by the NYPD following on the heels of the infamous 1991 Rodney King case of Los Angeles. To most, the Diallo case illustrates the sheer "overkill" and use of force to handle one individual by four highly armed veteran police officers who outnumber the individual four to one. In this particular case, all four of the officers were acquitted of criminal charges of second-degree murder and the public still today looks with skepticism at the police and questions the outcome of a justice system entrusted with enforcing and upholding the law.

An analysis of the events that transpired that night shows mis-steps, faulty information and finally, flawed assumptions best explained by a 'ladder of inference' model to elucidate how the tragedy occurred (Shusta et al., 2015). The officers were able to demonstrate that they did not have 'willful intent' a necessary element for a successful prosecution for criminal sanctions. Remember, police are trained to kill when they resort to using a firearm.

On August 9, 2014, an 18-year-old African-American teen in Ferguson, Missouri was shot and killed by a White male police officer. Michael Brown's death was result of a police encounter that followed his participation in a convenient store robbery. Brown has stolen two packs of cigarillos using his size to intimidate the store clerk. Brown also had shoved the clerk during the brief encounter. Moments later he was approached by Officer Darren Wilson. Brown and his friend had been observed by Wilson walking down a street from the store with Brown meeting the description of

the convenient store theft suspect. Wilson made a stop of Brown and inquiry that led to the subsequent altercation that participated the shooting. Immediately following the shooting, a hostile crowd gathered around the crime scene with shouts of threats leveled at Wilson and responding officers trying to control the crime scene. St. Louis County Police Chief Joe Belmar later gave an accounting of the shooting stating that Brown, unarmed, had struggled for the officer's weapon and that one shot had been fired inside the officer's vehicle striking Brown and the others outside of the car. The crowd continued to grow and the hostility without knowledge of any facts grew exponentially. The scene became chaotic and tense.

A different accounting of the shooting was given by several witnesses to infer that Brown had his hands up in the air when shot by the officer and that Brown had been shot in the back and back of his head in an execution style. The reports were later impugned by evidence presented to a grand jury and by forensic evidence and by the details provided from three separate autopsies, one from the county, one by a pathologist hired by the family's attorney and the last by the Federal government.

Hundreds of residents and out of town protesters poured into the surrounding area of Ferguson to protest the shooting death of Brown based upon the information being circulated by the press and social media. There were lootings, vandalism, burning of buildings and cars with numerous protestors arrested for rock and bottle throwing at the police. A number of police officers suffered minor injuries during the weeks of protests. The Black community erupted into riots and demonstrations similar to the L.A. riots/protests following the Rodney King incident. The mayhem was so bad that President Obama had to respond and send his Attorney General, Eric Holder to Ferguson in a show of support to the community that there would be a fair and independent investigation into the police shooting death of Michael Brown.

The Christopher Commission Report that followed the Rodney King beating found systemic police abuse throughout the U. S. The commission was headed up by President Bill Clinton's Secretary of State, Warren Christopher. Ten police chiefs stated in a summit following the report that the problems of excessive force used in America were real and that racism and police abuse are linked. The King incident was not just an aberration (hrw.org., n.d.).

On August 11, 2014, The Department of Justice and the FBI began an investigation in cooperation with SLCPD. The final report of was provided on March 4, 2015. "The Criminal Section of the Department of Justice Civil Rights Division, the United States Attorney's Office for the Eastern District of Missouri, and the Federal Bureau of Investigation ("FBI") (collectively, "The Department") subsequently opened a criminal investigation into whether the shooting violated federal law. The Department has determined that the evidence does not support charging a violation of federal law." (DOJ, 2014, March 4). Fearing for his life and that of his family, Officer Darren Wilson resigned his position.

It should be noted that while the Department of Justice did not return a recommendation for a criminal charge in this matter, it does not preclude civil litigation for a §1983 lawsuit for violation of Brown's 14th Amendment rights. In the civil matter, Brown's family will not have to meet the burden to show that Wilson acted with 'willful intent'.

Increase desire by some cities and counties to criminally prosecute police officers for acts of police abuse and brutality. The majority of prosecutions have failed to date unless there was clear and substantial evidence to convict the officers. The Freddie Gray case in Baltimore is a case in example. It was reported by officers involved that Gray suffered injuries while in police van reroute to jail back in April, 2015. Six (6) officers were charged by D. A. Mosby. Three of the officers were white and three black. The death of 25-year-old black male sparked AfricanAmerican community outrage. Violent protests on the streets of Baltimore that engulfed wide areas necessitated that the governor of Maryland to send in the National Guard. Three of the six have been acquitted and the third officer, Caesar R. Goodson Jr., faced seven charges, including one count of second-degree murder and three counts for manslaughter, in the highest-profile trial of any of the six officers charged in connection with Mr. Gray's death. He was the driver of the van.

On Wednesday, July 27, 2016 the charges were dropped for the remaining officers meaning that the six-officer charged by Marilyn Mosby's prosecutorial team will not face criminal charges. The City settled with a payout to the

family of Gray for \$ 6.4 million months ago, in a move that raised additional controversies. The move was also seen by the defendants' legal team as an unethical. The settlement might be perceived by any jury impaneled that the officers were guilty. The District Attorney, Mosby still contends that Gray's broken neck injury was by no accident. If Mosby over reached to make a career out of this crisis moment, she would not be the first in a line of misdirected prosecutors to do so.

Scholars, legal experts, law enforcement personnel and lay people will continue to debate the Michael Brown case with many opposing views of how the matter may have bettered handled. One must caution that while the investigation by the grand jury and the DOJ did not result in criminal sanctions against Officer Darren Wilson, it did not indicate that the shooting death was necessary or that it was the best solution to the encounter that occurred at noon on August 9, 2014.

There was outrage voiced by all that viewed the Internet video that went vireo following the shooting death of Walter Scott on April 4, 2015. The location was in North Charleston, South Carolina during the morning hours. Officer Michael Slager, 33 stopped the victim for a traffic stop, a non-working brake light. Slager approach the driver and told him to get back into his vehicle as he started to step out. The officer's patrol cam captured Officer Slager returning to his patrol vehicle after his until contact. Scott who had a convoluted arrest record, mostly for child support and failure to appear, bolted from his car. The officer gave chase and reported that he had tazed the subject and seconds later that shots had been fired. Scott laid face down of the ground from being shot, struck five time, three of the bullets were fired into his back. Slager immediately called the dispatcher announcing that "shots fired and the subject is down, he took my Taser." Unbeknown to Officer Slager, the event was captured on video by Feidin Santana, an uninvolved bystander. The case was investigated by the South Carolina Law Enforcement Division (SLED), the FBI and the U. S. Attorney for South Carolina.

The video showed the horrible shooting and apparent murder of Scott who was fleeing, but offered no threat to anyone, much less to the officer. All of the fired shots were in Scott's back and at a distance from the officer. He was subsequently dismissed from the police department and indicted on June 8. He faces 30 years in prison if convicted. His pregnant wife will continue to receive health benefits due to her medical condition. In the aftermath, the incident was protested by Black Lives Matter and the South Carolina state house ordered body 2,000 cameras for law enforcement officers at a cost of \$ 3.4 million. Slager's personnel record documented several misuses of tasers incidents from by citizens' complaints according to T. Santaella (2015, June 8). Approximately one-third of the U. S. local police departments have purchased body worn cameras (BWC).

On December 6, 2016, Slager's trial ended in a hung jury following 22 hours of jury deliberations. One lone juror held out from a conviction stating during polling that he just could not convict. The trial judge, an African-American had given the jury an 'Allen' charge prior to the final deliberations that cemented his decision to end the case in a mis-trial. The jury consisted of 11 Whites and one Black juror. Finally, the prosecution states that it will retry Slager for murder of Scott (O'Shea, Simon, & Grinberg, 2016, December 6). Depending on the outcome of this local murder trial, Slager will face Federal charges for deprivation of the victim's Constitutional rights.

In November, 2015, Tamir Rice of Cleveland, Ohio, just twelve-years-old was shot by police who observed him with a gun. The weapon turned out to be a toy gun that he had been playing with and within seconds of police telling him to put the gun down, the child turns and faced the officers and was gunned down.

"As the case made national headlines, it was revealed that Officer Loehmann had resigned from another Ohio police department after a "dangerous loss of composure" during weapons training. Many questioned his decision to fire quickly, as well as the tactics of Officer Garmbach, who did not shoot but whose fast approach left his partner little time to assess the situation before acting" as quoted from M. Smith (2016, April 25). The City of Cleveland settled out of court for six million dollars. Office Loehmann resigned but was not indicted over the shooting death of the juvenile. In a final note to this tragedy, the anonymous caller who had called the police in a call that generated the police being dispatched to the playground neglected to pass along information that the subject was likely a juvenile and that the gun may be a fake.

Provocations

The fighting- words-doctrine at its narrowest is directed at public officials like police officers who are expected to exercise a higher degree of emotional control than the average citizen in any altercation. Moreover, Americans have a constitutional right to criticize their government and government officials. It applies to all inhabitants whether or not they are citizens. Cases such as *Lewis v. City of New Orleans*, (1974 No. 72-6156) the Supreme Court has ruled that ordinances making it a crime "for any person to intentionally curse with revile or to use obscene or opprobrious language toward or with reference to any member of the city police while engaged in their official duty is unconstitutional" (DHS, 2010).

Police often view themselves as a "thin blue line" that provides a buffer between law and order and chaos in a self-promoted image and mission that may lead to excessive control and abuse of power. The values and beliefs that form the key ingredients that postulate the police subculture which, are a distinct set of values and beliefs. Studies seem to confirm that this subculture ranks high in the daily mission of police and promotes we vs. them attitude. In other words, it fosters the "code-of-silence" that shields police and promotes secrecy (Weitzer, 2005:22). The code of silence shields rouge cops that want to dispense 'street justice'.

#### Statistics of Abuse

The Christopher Commission was set up following the Rodney King incident which helped to highlight the "violence prone" officer theory. This Commission used a Los Angeles Police Department data base to identify 44 officers with six or more civilian allegations of excessive force or improper tactics in the period of 1986 through 1990. The 44 officers per average force-related complaints was 7.6% compared with 0.6% for all officers identified as having been involved in a use-of-force incident for the period of January 1987 through March 1991. The 44 officers were involved in an average of 13 use-of-force incidents compare with 4.2% for all officers reported to be using force. Hence, one percent of the department's sworn officers accounted for more than 15 percent of allegations of excessive force or improper tactics for an astounding (30:1) disproportion ratios of excessive force (NIJ, 1999). This finding steered the department to establish an early warning system designed to identify high-risk officers before they become major problems. The concept was not new though. The United States Civil Rights Commission recommended an early warning information system based upon a report made available in the early 1980's. The Officer Slager case in Charleston, South Carolina in April, 2015, some 25 years later makes a 'case-in-point' for this policy use since the officer had two previous disciplinary actions for excessive use of force prior to the use of deadly force on Scott.

Relatively few surveys of police attitudes toward abuse of authority have been conducted, and those that have focused on specific police agencies or local or state jurisdictions. In an Illinois study, more than 25 percent of officers surveyed and 15 percent in an Ohio study stated that they have observed an officer harassing a citizen "most likely" because of his or her race. (Weisburd, Greenspan, Hamilton, Williams, & Bryant, 2000). One would naturally reflect on the possibility that the blue wall of silence would be a part of the police culture. In the same study, police attitudes toward abuse of authority: findings from a national study, the authors note in their data that more than 80 percent of the officers' survey reported that they do not accept the "code of silence" (keeping quiet about misconduct).

In another survey question, 24.9 percent of the respondents agreed or strongly agreed that whistle blowing is not worth it and two-thirds or 67 percent reported that police officers who report incidents of misconduct are likely to be given a "cold shoulder" (ostracized) by fellow officers and over 50 percent agreed that it is not unusual for police officers to "turn a blind eye" to other officers' misconduct (p. 3). The literature provided in the above reference demonstrates that the culture of police is very hard to understand in both contextual terms as well as in statistical reporting. One does not know exactly how reliable it is. One does not tend to view themselves as racist and one might not tend to see their own actions as abusive or out of a norm. Especially when embodied in a culture of shadows and secrecy.

The first large-scale observational study of police abuse was undertaken by Black and Reiss (1967) as cited by Geller and Toch (1996:32) for the President's Commission on Law Enforcement and Administration of Justice. The research was conducted during the summer of 1966 in Boston, Chicago and Washington, D.C. Observers accompanied patrol officers on the sampled shifts in selected high crime zones. The study applied a sociological

approach to understanding police brutality and the authors described the incidents in which the officers had used undue force in the following terms:

According to Reiss (1971a: 147-149) as cited by Geller and Toch (1996) seventyeight percent of all instances where force was used unduly took place in policecontrolled settings, such as the patrol car, the precinct station, or public places (primarily streets). Almost all victims of force were characterized as suspects or offenders. They were young, lower-class males from any racial or ethnic group. Furthermore, most encounters were devoid of witnesses who would support the offender. In general, people's officers regarded as being in a deviant offender role or who defied what the officer defines as his authority were the most likely victims of undue force. Thirty-nine percent openly defied authority by challenging the legitimacy of the police to exercise that authority, nine percent physically resisted arrest, and 32 percent were persons in deviant offender roles, such as drinks, homosexual, or addicts (p. 34).

The above data supports the notion as previously stated that free speech and words often accompany conflict with the police especially when the police feel their authority is being undermined.

D. Ross (2009:29) noted that a police officer pleaded guilty to forcing a female arrestee to engage in sexual relation with him on a traffic stop or risk incarceration. This was a clear use of force and coercion. After she made a complaint, the FBI investigated the incident, whereupon the officer lied to the Federal officers. Later, when charged with lying, he recanted his perjured statements and was sentenced to federal prison in 2008.

In a case that followed in the aftermath of Hurricane Katrina that caught public attention was that of a sixty-four-year-old retired school teacher, Robert Davis who was repeatedly beaten by members of the New Orleans Police Department. His incident was captured by news crews coving the ravages of the storm's aftermath showing a police officer repeatedly punching Davis in the head before the group of officers dragged him to the ground, where one kneed and punched him (Foster, 2005) as cited by (Holmes & Smith, 2008). The incident was further escalated when an officer approached one of the video crew members who help up his credentials. The fifth officer order him to cease tapping and could be seen grabbing him, slamming him into a parked car, and punching him in the stomach, all while yelling profanities at the camera crew member. Three officers were indicated as a result of the incident and the civil suit was followed. Incidents such as there can be no surprise to any of us that see these egregious behaviors as undermining the legitimacy of the police. The ramifications of civil suits further drain the resources of governmental entity.

An individual has the right under the Fourth Amendment to be free from excessive use of force by law enforcement officials as well as an officer has an affirmative duty to intercede on the behalf of a person whose constitutional rights are being violated in his presence by other law enforcement officers. Therefore, it is not necessary for the officer to actually participate in the excessive use of force to be held liable.

An officer who fails to intercede is liable for the preventable harm caused by the actions of the other officers when the officer observes or has reason to know: (1) that excessive force is being used; or (2) that a citizen has been unjustifiably arrested; or (3) that any constitutional violation has been committed by a law enforcement official. Thus, if a law enforcement officer fails or refuses to intervene when a constitutional violation such as an unprovoked beating takes place in his presence, the officer can be held liable under Bivens (DHS, 2010:436).

Today, police departments have an even high probability of incurring liability since the passage of the Violent Crime Control and Law Enforcement Act of 1994. Established in part because of the Rodney King incident; it gives the DOJ extremely broad powers in the investigation and prosecutorial authority in cases of alleged use of excessive force by the police. It allows the agency to look into patterns of practices of misconduct in local police departments and requires the collection of statistics on police abuse, even to file civil actions on behalf of citizens to obtain declaratory or equitable relief. A wide variety of equitable relief is available under these statutes to remedy law enforcement misconduct. Relief may include: (a) a direction that the misconduct cease; (b) officer training; (c) development or revision of systems for investigating citizen complaints and disciplining officers for misconduct; (d) implementation of systems, such as an early indication system database to monitor officer behavior and identify potential problem officers; (e) publicity about the misconduct and the remedial measures; (f) reporting

on law enforcement activities to the United States, and to the court; and (g) appointment of a special master or monitor (U.S. Attorney's Manual, 2011).

Steubenville, Ohio and Pittsburgh, Pennsylvania police departments were the first agencies that were placed upon five-year consent decrees for patterns of abuse and had to be monitored and bring their agencies into compliance (Ross, 2009). Yet for all the good intentions that we have, we are not going to get to the root of the problem until we adequately address the issue of police brutality as a systemic cultural phenomenon with a commitment of resources as we would a major epidemic crisis facing the nation. "We're not anti-police.... We're anti-police brutality" said Al Sharpton, U.S. Congressman. Congressman Sharpton has been criticized by the conservative press and others suggesting that he's like a "moth attracted to light" seen for self-serving motivation to these types of incidents when nationally publicized.

Finally, data collect on a national level indicates that police are involved in only 3,000 shooting per year which is much lower than commonly believed. Deadly occurs rarely according to the U. S. Department of Justice (1999), and when used, it is seldom ruled that police used force improperly (Kleinig, 1996). When physical force is applied, it is usually at the lower end of the force spectrum and results in minor injuries such a bruise or an abrasion.

#### Miami Police Department- Patterns of Abuse

The U.S. Justice Department announced on November 17, 2011 that it would launch a "Pattern of Abuse" probe of the police department following the use of lethal force by members of the police department that expands over eight months following the deaths of seven black men who have died (in those months) as the result of the use-of force actions of the police members. Specifically, the U.S. Justice Department applied a civil investigation known as a "pattern of practice" to ascertain whether or not there existed a systemic problem of training and policies flaws in the manner and methods leading to failures to apply only the necessary force when confronting potential hostile situations, also known as last-choice actions (Rabin & Weaver, 2011). Members of the community sent outcries all the way to President Obama demanding answers and results for police shootings not supplied by community leaders. Most in the community felt their concerns were being ignored and statements that the police are investigating each incident were not resonating. "Oh, that's great, really good," said Sheila McNeil, whose unarmed son Travis McNeil, 28, was shot to death in his car in Little Haiti on February 10th by Police Officer Reinaldo Goyo. The officer said McNeil was driving erratically and allegedly driving toward the officer. No weapon was ever found (Rabin & /Weaver, 2011). The Justice Department examined the Miami Police Department's training methods, leadership and practices and did not conduct any criminal investigations. That probe was assisted by the Miami-Dade State Attorney's office according to Rabin and Weaver (2011). This investigation marks the second time in a decade that there have been alleged systemic violations of constitutional rights by Miami police officers. In 2002, the Justice Department conducted a much broader civil problem, concluding in 2003 that the department had serious flaws in the way it conducted searches and seizures, used firearms, and defined the use of force along with allege abuses by police dogs and dog attacks on citizens (Carbi, 2011).

On July 9, 2013, the Justice Department released a scathing report finding the City of Miami police Department engaged in a pattern of practice of excessive-useof-force through officer-involved shootings. The comprehensive investigation found those shootings violated the 14th Amendment of the Constitution between 2008 and 2011. The report detailed that officers intentionally shot at individuals on 33 separate occasions and further noted that MPD admitted that three were unjustified. In fairness, the report did highlight that a disproportionate number of incidents involved a small number of officers involved in the shootings. The results required that Chief Orosa and Mayor Regalado create and implement a comprehensive court-enforceable method to change the practices and execute on court approved plan to prevent future police abuses.

The City of Chicago is under investigation by the Justice Department which, was announced by Attorney General Loretta E. Lynch on December 7, 2015. A second wave of protesters took to the streets on December 9, 2015 consisting of over a thousand protesters in reaction to the perceived cover-up by Chicago's Administrative figures in the year-old release of a police video showing police shooting and death of 17-year-old African American teen. Chicago officer Jason Van Dyke was charged with first-degree murder in the death that was linked and timed with the release of a police held video of the shooting death of Laquan McDonald. Officer Van Dyke is a white officer, 37

years of age, married with two children has been charged. His attorney claims that he acted in self-defense as the teen was brandishing a knife at the officer, later described to be a three and half inch folding knife. The dash cam shows that the teen was moving away from the officer, a number of feet away from the officer when Van Dyke shot the teenager and continued firing at him while he was on the ground hitting him 16 times with bullets fired by the officer. The shooting took place in October 2014 according to M. Davey & M. Smith (2015, December 6).

Hours before the video's release this week, Anita Alvarez, District Attorney, filed a first-degree murder charge against Van Dyke, the officer who fired had fired 16 shots in about 15 seconds at McDonald. Mayor Emanuel asked for the Chief of Police's resignation, Garry McCarthy, a veteran NYPD police officer who Mayor Rahm Emanuel hired before his 2011 inauguration. To many interested parties, inspired by black community leaders, his action (and those of Alvarez) amounts to a cover-up since the release of the video coincided with the charging of the white police officer. Alvarez claims it has taken that much time to adequately investigate the incident and there was no cover-up according to Chicago Police Chief Garry McCarthy fired by Mayor Rahm Emanuel (2015, December 1). It is noteworthy to mention that the City of Chicago under the mayor's direction had settled a legal action with the victim's family for five million dollars in advance of the criminal trial of the accused officer in this highly inflammatory case.

Mayor Rahm Emanuel in a public briefing has apologized for the delayed release of the video controversy that it has enraged the Black community, but does not plan to resign while mounting pressure for him to do so continues from protesters.

#### Use-of-Force Policies Include Force Continuums?

Some experts suggest that including a force continuum (Appendix A), in an agency's use-of-force policy is like mixing oil with water. "Fourth Amendment reasonableness does not require that an officer use the least intrusive means," says attorney Robert Thomas, who managed the *Graham v. Connor* case as it went to the U.S. Supreme Court. *Graham* holds that all claims of excessive force in making an arrest or stop will be viewed under the Fourth Amendment and will be judged under its impartial reasonableness standard (Peters, Jr., 2008). Since this is the federal constitutional legal prevailing standard that governs an officer's use of force, lest state law is more limiting. This is the only standard that need appear in an agency's use-of-force policy regarding apprehensions of people. Force continuums (ranges) often give the picture that officers must use minimum force, but that is not the constitutional standard.

The law and the permissible degree of suitable force is quite broad and very much in favor of the police. Legal standards, such as those applied in *Graham*, take numerous factors into assessment that continuums do not. Sometimes continuums only depict a relationship between the suspect's current behavior ("actively resisting," for example) and the officer's applied force reaction. This is a selfdefense-type force model.

#### Conclusion

A police officer may use only that force which is both reasonable and necessary to affect an arrest or detention. Anything more is unwarranted force per *Payne v. Pauley*, (337 F.3d 767, 7th Cir. 2003). Additionally, in response to the *Graham v. Connor* test, courts ponder the need for the purpose of force, the connection between the need and volume of force used, and the scope of the injury inflicted by the officer's applied use of force. According to *Graham v. Connor*, 490 U.S. 396 (1989) cited by (Del Carmen & Walker, 2008) police officers may be held liable under the Constitution for using excessive force. The officer might wish to flip the conventional meaning of excessive force and think of it as punishing force. With this interpretation, he or she may know when they are punishing a suspect versus restraining them (p. 185).

In the matter of a Miami urological surgeon, Dr. Angelo Gousse, a black male, who had flown into L. A. in February, 2001 to attend at seminar program at UCLA had a surprise encounter with L. A. cops. Gousse had rented a Budget Rental Car and was headed to the UCLA campus when he was pulled over by L.A. police officers. During the stop, he was thrown to the ground and handcuffed. While struggling in the encounter he advised the officers that he was a doctor and what he was doing and had just arrived and rented the vehicle and had documents in his pocket. The officers discounted his explanation and tighten the cuffs to the point he complained of severe pain. The officers

were informed by dispatch that the car had stolen plates. In a law suit for damages, the jury assessed and divided the awards for the culpable actors as: jury awarded \$14.2 million from L. A. Police Department and \$ 18.8 million from Budget. Budget was held for foreseeable liability having knowledge that the vehicle had stolen license plates and not correcting the problem before releasing the car. The police were held accountable for the surgeon's injuries and loss of use of his hand and earning potential and medical expenses. His wife received \$ 2 million for loss of consortium. Gousse was recognized as one of the few surgeons that practiced his specialty in the nation and the nerve loss affected his abilities (Law & Justice, 2004, January 26 p. 20).

The liability must be judged under the Fourth Amendment's "objective reasonableness" standard, rather than under a "substantive due process" standard (p. 211). Established in 1991 after the beating of African-American motorist Rodney King in Los Angeles, the Christopher Commission advised that "an officer may resort to force only where he or she faces a credible threat and then may only use the minimum amount necessary to control the subject" (Lyman, 2010:196). Are there ways to determine if systemic problems of misconduct within an individual agency?

### Summary and Discussion

Today, police departments have an even higher probability of incurring liability since the passage of §210401 of the Violent Crime Control and Law Enforcement Act of 1994. Passed in part because of the Rodney King incident; it gives the DOJ extremely broad powers in the investigation and prosecutorial authority in cases of alleged use of excessive force by the police. It allows the agency to look into patterns or practices of misconduct in local police departments and requires the collection of statistics on police abuse, even to file civil actions on behalf of citizens to obtain declaratory or equitable relief. The monitoring of metrics may be put into place to ensure their compliance with the DOJ's findings. Any such measurements should gage racial profiling or any other police actions from citizen complaints that indicate biases or racism in the handling of contacts.

The act also established a requirement that the Attorney General collect data and statistic on police shooting and use of non-deadly force. To date, there is still a piecemeal approach and spotty collection. This is mostly because the Federal government is dependent on voluntary compliance of the nation's police departments (Peak, 2012:334).

Most Americans outside of African-American and Mexican-American communities hold a favorable general opinion of the police. However, such rambling support masks more critical views on specific policing issues, particularly among racial and ethnic minorities (Weitzer, 2005). The nature of police work has often been called "dirty work." With officers having to deal with the worst problem situations, upset citizens, traumatized victims, unruly and violent offenders, and drivers annoyed after being stop for questionable reasons. "The tension between the police and minority citizens reflects, in no small part, the occupational insularity and solidarity that typifies police work" (Skolnick & Fyfe, 1993; Wesley, 1970) as cited by M. Holmes and M. Smith, 2003. Some minority males escalate tensions by a pattern of fleeing when legitimately stopped by the police officers or during routine contacts or "acting-out" or showing antagonist behaviors demonstrating their bravo to "non-white" peers thus earning their 'street' respect.

### Implication for Practice

Police abuse and brutality are serious problems in America. A persistent form of oppression that particularly separates the minority community and frustrates everyone concerned for excellence in law enforcement. Communities rely upon police to protect them and to give its community a sense of order and justice in society. Cops are the ones at the tip-of-the-spear. They are the ones that carry the dreadful news of the loss of a loved one and the grateful joy of the return of a lost child. A police officer will likely experience a wide-range of emotions such as those illustrate above on a daily tour of duty. It is an occupation fraught with one of the highest levels of physical and emotional stress, job burnout and a disproportionate rate of suicides according to (Russell, 2014).

So, what is the policy that police departments should adopt to instruct their officers and train them accordingly? According to J. Peters, Jr., 2006, writing for the Police Chief, use-of-force-continuums do not address the use of force correctly and often give the perception that officers must use minimum force; that is just not the constitutional standard. Peters citing Robert Thomas, who managed the Graham v. Connor case that went to the U.S. Supreme Court, held that officers making an arrest or stop will be analyzed under the Fourth Amendment and

will be judge under its objective reasonableness standard. If one applies the argument that Justice Rehnquist wrote in this historic opinion, an officer is free to use the force necessary [including lethal] to protect himself and others as long as the officer 'reasonably' perceives a threat. The Supreme Court thus upheld the lower District and Appellate Courts' decision in a 9 - 0 unanimous decision. Six members voiced a united court opinion or per curium decision. Here you have the Justices stating the objective reasonableness will be applied in real time versus 20/20 hindsight as an officer's decision is made within a split second. This is the only occupation that provides such relief from remedy for actions that does not contemplate or provide for analysis of decision making under a post mortem review. Doesn't an airline pilot make a hairline/split second decision to control an aircraft under special conditions that has the most frightful consequences of risk if he or she gets it wrong? This is precisely why so few law enforcement officers are not held with criminal sanctions even when a video or eyewitness evidence calls-no, screams out for justice citing A. Singer (2016, August 4). Defense attorneys are keyed into the standard "defense of life" and fear that an officer feels at the moment a decision is made to shoot a suspect. They (defense attorneys) are able to promote these arguments in a most dramatic way to play to juror's feelings.

## Recommendations

Racial diversification has been a one way and a popular way to address and deal with issues of racial tensions between the police and the minority community. Over the past decade, a real focus and positive outcomes have been made for the diversity reflection of police in alignment with the communities, not only in the rank and file positions, but in upper management as well. Yet we still have a persistent problem that needs to be studied, analyzed with learning and developing new ways to resolve the dilemma of police abuse and brutality against citizens and our guests. Racial diversification fails to account for black on black police brutality. "Fear of police by Blacks can cause them to try to flee or act defensively when they encounter police officers. This sets up the whole paradigm of a complex group dynamics whose interaction will likely be confrontational.

(a). The de-militarization of our police forces with heavy reliance on military hardware such as riot tanks and masked commando attire used by special "elite" squads only serve to strike fear and imitation into minority communities' psyche thus adding a component of mistrust already present. Less reliance on military weaponry and fear based tactics would be a practical start to help normalized across-the-board community leveling of policing our neighborhoods. That is not to say that one's nativity can over shadow the stark reality that policing an innercity Chicago neighborhood and that of a suburban gated-community can be approached in the same way. Today an officer does not know that an approaching citizen's motives may be simply as for directions or to put a bullet in their head.

It should be noted that the use of a "Bobcat" a small armored vehicle used in para-military operations and a small robot used to help clear land mines and boobytrap weapons in the war theater have been used successfully by police in the Orlando, Florida Pulse Nightclub terrorist attack and the sniper/ambush police attack in Dallas during 2016 respectfully.

(b). Many advocates of minority representation argue that increasing diversity will create departments that are racially balance and seen by the community as more sensitive to the condition of minority neighborhoods. However, studies appear to suggest otherwise as simply presupposing that homogeneity within racial and ethnic minority populations simply do not address the one dimension of social identity. Minority candidates chosen to become police officers may not be representative of the residents of impoverished inner-city neighborhoods. We have to remember a police officer operates in tightly net bound sub-culture system and while skin colors may match, the group socialization process will tend to be more powerful. Will a zero-tolerance policy for police abuse and brutality help address the problem? Not unless the principal foundations are established as a police cultural that is evenly enforced and monitored by all levels in the chain.

Police unions are no friend to the communities at large. Unions are known for pressuring political leaders to pass legislation for the betterment of police officer bill-of-rights. Cozy relationships are often formed between the Fraternal Order of Police (unions) and the community leaders. Hence, police officers often get more protections against disciplinary actions than those given to private citizens. Police officers that should be fired are often left on the job thus reinforcing the code of silence.

(c). Senior management of any law enforcement agency must establish clear policies of the subject matter regarding police abuse and corruption. A zerotolerance policy if enforced by top management on down establishes the perimeters that such conduct will not be tolerated and any complaints or allegations will be swiftly and impartially investigated even if an outside agency is necessary to perform an impartial and unbiased investigation. Having civilian review panels is found in most all of the nation's largest agencies, although not necessarily embraced and often seen as a way to pacify community and political leaders. Police command structures have been notoriously opposed to outside reviews and interventions. A situation likened to the shooting death of Walter Scott wherein he was confronted twice for misuse of a Taser against citizens should have included cancellation of police officer's certification for misconduct (Santaella, 2015, June 8). Slager, the cop on trial in South Carolina should have been reevaluated for fitness for duty following the second misuse of aggression. But a closed society that protects its membership in a silent controlling culture will not cure its own problem members.

(d). Police administrators must establish credibility. Today's transformational leaders understand that a wider margin of officer participation in decision making and taking personal "ownership" of their jobs and responsibilities is showing positive effects. Leadership is about credibility. It is like saying, "if you don't believe in the messenger, you won't believe in the message" according to Kouzes & Posner, 2007. Data confirms that credibility is the foundation of leadership:

- \* They practice what they preach.
- \* They walk the talk.
- \* Their actions are consistent with their words.
- \* They put their money where their mouth is.
- \* They follow through on their promises.
- \* They do what they say they will do (p. 40).

Competent and credible leadership evokes the moral authority to set the policies and the tone of the police department; "we all live and abide by them."

(e). The best avenues for meaningful change may exist as culture and social structure will provide for meaningful change to take place to break down the barriers that separate racial/ethnic and social class groupings, stereotypes and fears of out-group's minority citizens.

A substantial majority of officers who had received training in interpersonal skill or taken courses in ethics or diversity believed that the education or training was effective in preventing misbehavior. These responses may not establish the effectiveness of such programs, but they do show that American police find them important and useful (Weisburd, Greenspan, Hamilton, Williams, & Bryant, 2000).

(f). The Violent Crime Control and Law Enforcement Act of 1994 established a requirement that the Attorney General collect data and statistics on police shootings and use of non-deadly force. To date, there is still a piecemeal approach and spotty collection. This is mostly because the Federal government is dependent on voluntary compliance of approximately 17,000 police departments. According to FBI statistics, only 50 percent of all local law enforcement submits the data. Accordingly, the requirement should be made mandatory (Peak, 2012:334). Researchers find that the data has been complied in the aggregate and therefore cannot be teased out in order to show definitive patterns.

(g). "Many officers engage in secondary employment, commonly referred to as moonlighting, to earn extra income in a profession that has been known for inadequate wages. Even progressive departments might not adequately regulate moonlighting activities. The problem is that fatigue, stress, and job burnout can result from excessive hours worked, and moonlighting, if not properly regulated, can exacerbate the problem." Police administrators must properly regulate and supervise off-duty assignments in an effort to avoid additional police stressors and may lead

to job burnout. Studies confirm that sleep deprivation and tiredness often leads to behavioral problems that may confound proper judgement, especially in an already tense situation cited by Perry Lyle (2015).

#### Future Studies of Problem

While some social scientists often attribute the behavior to poorly managed and trained police departments and officers, a few bad-apples or rouge cops. Some police officers may find that controlling the perceived threats of some unruly minorities who hide out in enclaves of their protected ghetto neighborhoods as justification for unusual suspicion and heighten awareness of self-protection.

Notwithstanding its positive findings, the survey conducted by the National Institute of Justice reporting in May 2000, suggests that police abuse needs to be addressed by policymakers and police professionals. Even though most police officers disapprove of the use of excessive force, a substantial minority consider it acceptable to sometimes use more force than permitted by the laws that govern them. The code of silence also remains a troubling issue for American police, with approximately one-quarter of police officers surveyed stating that whistleblowing is not worth it, two-thirds reporting that police officers who report misconduct are likely to receive a "cold shoulder" from fellow officers, and more than one-half reporting that it is not unusual for police officers to turn a "blind eye" to improper conduct by other officers (Weisburd, Greenspan, Hamilton, Williams, & Bryant, 2000)

Others find these explanations as failures to identify key origins of police misconduct, particularly in the use of excessive force. Is it possible that we have yet to explore all the possibilities of an integrated model that will rely upon group social-identity, stereotypes, and emotional factors that may trigger unwarranted acts of aggression when we consider that tensions already exist between social-conflict- groups, fear on both sides and cognitive-reflexes that allow for a police officer's response in a nanosecond; that may not always be the appropriate outcome?

All current data sources share the limitation that excessive force is an infrequent (hence, a low-base- rate) problem, but some progress appears to be feasible in upgrading the quality of data and improving upon data sources that would enhance not only the quality of research but also the ability of a department to monitor the quality of its policing. This is not a low-base-rate problem. It's a major problem that's tearing the heartstrings of all American's who want to get along and live their lives in safety and peace.

#### References

##### References

Balko, R. (2013). Rise of the warrior cop - The militarization of America's police forces. NYC, NY. PublicAffairs Publishing.'

Berkowitz, L. (1993). Aggression: its causes, consequences, and control. 506. Philadelphia, PA 19122-6099. Temple University Press.\

Bittner, E. (1970). The functions of the police in modern society. Chevy Chase, MD: U.S. National Institute of Mental Health, Center for Studies of Crime and Delinquency.

Berry, O. (2013, March). Retired Deputy Police Chief, Reno, Nevada, Police Department, personal communication.

BJS. (2010, December 1). Minority representation among local police officers, 1987-2007 Source: Local Police Departments, 2007. U.S. Department of Justice, Office of Justice Programs. NCJ231174. Retrieved from [www.bjs.gov/content/pub/pdf/lpd07.pdf](http://www.bjs.gov/content/pub/pdf/lpd07.pdf)

Capehart, J. (2015, February 27). From Trayvon Martin to 'Black Lives Matter'. The Washington Post. Retrieved from <http://www.washingtonpost.com/blogs/postpartisan/wp/2015/02/27/from-trayvon-martin-to-black-lives-matter/>>

CALEA. (2010). The Commission on Accreditation for Law Enforcement Agencies, Inc. (n.d.). Retrieved from <http://www.calea.org/content/commission>

Carey, G. (2016, July 19). Black lives matter doesn't kill cops. The Huffington Post. Retrieved from [http://www.huffmgtonpost.com/entry/black-lives-matter-dosent-killcops\\_us\\_578e843ae4b0f529aa07427a](http://www.huffmgtonpost.com/entry/black-lives-matter-dosent-killcops_us_578e843ae4b0f529aa07427a)

Chan, S. (2011). The Abner Louima case, 10 years later. The New York Times. Retrieved from <http://cityroom.blogs.nytimes.com/2007/08/09.the-abner-louima-case10-years-later/>

Clark, K. (2016, March 7). Body-camera policy mandate ready for Gov. Scott to sign into Florida. The Miami Herald. Retrieved from <http://www.miamiherald.com/news/politicsgovernment/state-politics/article64538012.html>

Cornell University Law School. (n. d.) 18 U.S. Code § 242 - Deprivation of rights under color of law. Legal Information Institute. Retrieved from <http://www.law.cornell.edu/uscode/text/18/242>

Crabi, N. (2011, November 16). U.S. Justice Department to investigate shootings by Miami police. The Miami Herald. Retrieved from [http://www.miamiherald.com/2011/11/16/2505941\\_p2us-justicedepartment-to-investigate.html](http://www.miamiherald.com/2011/11/16/2505941_p2us-justicedepartment-to-investigate.html).

Dart, T. (2015, September 4). Thousands pay respects to deputy sheriff killed at Houston-area gas station. The Guardian-U. S. Edition. Retrieved from <http://www.theguardian.com/us-news/2015/sep/04/houston-texas-deputy-sheriff-darren-goforth-funeral>

Davey, M. & Smith, M. (2015, December 6). U. S. Justice Department Expected to Investigate Chicago Police after Laquan McDonald Case. New York Times. Retrieved from. [http://www.nytimes.com/2015/12/07/us/justice-dept-expected-to-investigatetechicago-police-after-laquan-mcdonald-case.html?\\_r=0](http://www.nytimes.com/2015/12/07/us/justice-dept-expected-to-investigatetechicago-police-after-laquan-mcdonald-case.html?_r=0)

Davis, M. (2002). The concise dictionary of crime and justice. Thousand Oaks, CA: Sage Publications.

Del Carmen, R. & Walker, J. (2008). Briefs of leading cases in law enforcement. (7th Ed.) Newark, NJ: Matthew Bender & Company, Inc.

Department of Justice, Civil Rights Division. (2011). Justice Department opens investigation into the Miami police department. Retrieved from <http://www.justice.gov/opa/pr/2011/November/11-crt-1503>.

DHS. (2010). Legal division handbook, Federal Law Enforcement training center. Washington, DC: U.S. Gov't Printing Office.

DOJ. (2013, July 9). Justice Department Releases Investigative Findings on the City of Miami Police Department and Officer-involved Shootings. United States Department of Justice. Retrieved from <http://www.justice.gov/opa/pr/justice-department-releasesinvestigative-findings-city-miami-police-department-and-officer>>

\_. (2014, March 4). Department of Justice Report Regarding the Criminal Investigation into the Shooting Death of Michael Brown by Ferguson, Missouri Police Officer Darren Wilson. Memorandum. United States Department of Justice. Retrieved from [http://www.justice.gov/sites/default/files/opa/press-release/attachments/2015/03/04/doj\\_report\\_on\\_shooting\\_of\\_michael\\_brown\\_1.pdf](http://www.justice.gov/sites/default/files/opa/press-release/attachments/2015/03/04/doj_report_on_shooting_of_michael_brown_1.pdf)

Edwards, H. (2016, August 31). Kaepernick's Problem: He Hasn't Said Enough. Huffington Post. [http://www.huffingtonpost.com/entry/kaepernicks-problem-he-hasnt-saidenough\\_us\\_57c5cff0e4b09cd22d930e9d?section=&](http://www.huffingtonpost.com/entry/kaepernicks-problem-he-hasnt-saidenough_us_57c5cff0e4b09cd22d930e9d?section=&)

Fox News.com. (2015, December 1). Chicago Police Chief Garry McCarthy fired by Mayor Rahm Emanuel. Retrieved from <http://www.foxnews.com/us/2015/12/01/chicago-policesupt-garry-mccarthy-fired-reports-say/>

Gabor, T. (1994). The suppression of crime statistics on race and ethnicity: The price of political correctness. Crime and Race Statistics. Retrieved from Capella University library.

Geller, W. & Toch, H. (1996). *Police violence: Understanding and controlling police abuse of force*. Hartford, CT: Yale University Publishing.

Green, Broillet, Panish, & Wheeler. (2003, November 19). Dr. Angelo E. Gousse Awarded \$33 Million by Jury in LA PD-Rampart Division Racial Profiling Lawsuit. *Business - Wire*. Retrieved from <http://fox2now.com/2016/12/06/judge-declares-mistrial-inmichael-slager-trial/>

Griffin, S. & Bernard, T. (2003, March 1). Angry aggression among police officers. *Police Quarterly*, 6(1):3-21. DOI: 10.1177/1098611102250365. Sage Publications.

Grochowski, R. & Gabrielson, R. (2014, October 10). Deadly force, in Black and White. *Huffington Post*. Retrieved from [http://www.huffingtonpost.com/2014/10/10/racialdisparity-police-killings\\_n\\_5965706.html](http://www.huffingtonpost.com/2014/10/10/racialdisparity-police-killings_n_5965706.html)

Hess, K. & Orthmann, C. (2011). *Police operations theory and practice (5th Ed.)*. Clifton Park, NY: Delmar Cengage Learning.

Holmes, M. & Smith, B. (2003). Community accountability, minority threat, and police brutality: An examination of civil rights criminal complaints. *Criminology*, 41(4 Nov):1035-1063. Retrieved from <http://www.law.cornell.edu/cfr/text/42>.

hrw.org. (n.d.). Police abuse. Human Rights Watch. Retrieved from <http://www.hrw.org/reports/pdf/u/us/us.941/polabuse.pdf>

Kania, R. & Mackey, W. (1977). Police violence as a function of community characteristics. *Criminology*. 15:27-48.

Khaleeli, H. (2016, May 30). #SayHerName: why Kimberlé Crenshaw is fighting for forgotten women. *The Guardian*. <http://www.theguardian.com/lifeandstyle/2016/may/30/sayhername-why-kimberle-crenshaw-is-fighting-for-forgotten-women>

Kleinig, J. (1996). *The Ethics of Policing*. New York, NY: Oxford University Press

Kunzelman, M. (2011, December 9). Hurricane Katrina shooting: Jury convicts New Orleans cop Ronald Mitchell of lying. *Huff Post Crime AOL news*. Retrieved from [http://www.huffingtonpost.com/2011/12/09/hurricane-katrina-shooting\\_n\\_1139163.html](http://www.huffingtonpost.com/2011/12/09/hurricane-katrina-shooting_n_1139163.html)

Lawrence, R. (2000). *The politics of force: Media and the construction of police brutality*. Berkley, CA: University of California Press.

Lewis v. City of New Orleans. (1974 No. 72-6156) Findlaw. Retrieved from <http://casclaw.findlaw.com/us-supreme-court/415/130.html>

Linderman, J. (2016, July 27). Prosecutors drop all remaining charges in the Freddie Gray case. *Associated Press*. Retrieved from <http://www.msn.com/en-us/news/us/prosecutors-drop-all-remaining-charges-in-freddie-gray-case/ar-BBuX1VQ?ocid=ansmsnnews11>

Locke, H. (1996). The color of law and the issue of color: Race and the abuse of police power. In W.A. Geller & H. Touch (Eds.), *Police violence: Understanding and controlling police abuse of force*. New Haven, CT: Yale University.

Lyman, M. (2010). *The Police: An introduction (4th Ed.)*. Upper Saddle River, NJ: Pearson - Prentice Hall Publisher.

Lyle, P. (2015). Moonlighting police: Policies that regulate secondary employment -Possible stress and job burnout issues. 98 pages, document 3712634. Retrieved from Capella University.

McLaughlin, E. (2016, July 8). The Philando Castile police brutality case. *CNN*. Retrieved from <http://www.cnn.com/2016/07/08/us/falcon-heights-shooting-minnesota/>

Marion & Oliver. (2012). *Public policy of crime and criminal justice*, 2nd Edition. London, England. Pearson Publishing.

Neiderhoffer, A. (1967). *Behind the shield: The police in urban society*. Garden City, NY: Anchor Books.

NIJ. (1999, October). *Use of force by police: Overview of National and Local Data*. The Department of Justice, document NCJ 176330. <http://www.ncjrs.gov/pdffiles1/nij/176330-1.pdf>.

Olson, A., Ebert, J., Banaji, M., & Phelps, E. (2005). The role of social groups in the persistence of learned fear. *Science*, 309: 785-87.

Peak, K. (2012). *Policing America. Challenges and best practices* (7th Ed.). Upper Saddle River, NJ: Pearson.

Peters, Jr., J. (2006). Force continuums: Three questions. *Police Chief*, 73(1). Retrieved from [http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print\\_display&article\\_id=791&issue\\_id=12006](http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=791&issue_id=12006)

Petrocelli, Piquero, & Smith. (2003). *Conflict theory and racial profiling: An empirical analysis of police traffic stop data*. *Influent*. Retrieved from <http://utdallas.influent.utsystem.edu/en/publications/conflict-theory-and-racial-profiling-an-empirical-analysis-of-pol>

Rabin, C. & Weaver, J. (2011, November 17). Justice department launches 'pattern' probe of Miami p d shootings. *Sun Sentinel*. Retrieved from <http://www.sun-sentinel.com>.

Reaves. (2011, July 11). (BLS). *Census of Law Enforcement Agencies, 2008*. U. S. Department of Justice. Retrieve from <http://www.bjs.gov/content/pub/pdf/cslea08.pdf>

Rogers, K. (2016, July 17). *Baton Rouge police shooting: What we know*. *New York Times*. Retrieved from [http://www.nytimes.com/2016/07/18/us/baton-rouge-police-shooting-what-we-know-and-do-not-know.html?\\_r=0](http://www.nytimes.com/2016/07/18/us/baton-rouge-police-shooting-what-we-know-and-do-not-know.html?_r=0)

Ross, D. (2009). *Civil liability in criminal justice*, (5th ed.) p. 497. Irvin, CA: Anderson Publishing Company. Retrieved from [www.lexisnexis.com/anderson/criminaljustice](http://www.lexisnexis.com/anderson/criminaljustice)

Russell, L.M. (2014). An empirical investigation of high-risk occupations. *Management Research Review*, 37(4):367-384. doi:<http://dx.doi.org.proxy-library.ashford.edu/10.1108/MRR-10-2012-0227>

Santaella, T. (2015, June 8). *Former S.C. officer indicted in death of Walter Scott*. Retrieved from <http://www.usatoday.com/story/news/nation/2015/06/08/walter-scott-south-carolinapolice-officer-indicted/28683155/>

Shoichet, C., Berlinger, J., & Almasy, S. (2016, July 6). *Alton Sterling shooting: Second video of deadly encounter emerges*. *CNN*. Retrieved from <http://www.cnn.com/2016/07/06/us/baton-rouge-shooting-alton-sterling/>

Shusta, R., Levine, D., Wong, H., Olson, A., & P. Harris, P. (2015). *Multicultural law enforcement: Strategies for peace keeping in a diverse society*. 6th ed. Upper Saddle River: Pearson.

Singer, A. (2016, August 4). *When the Supreme Court decided that Black lives don't matter*. *The Huffington Post*. Retrieved from [http://www.huffingtonpost.com/alan-singer/whenthe-supreme-court-de\\_b\\_11329416.html](http://www.huffingtonpost.com/alan-singer/whenthe-supreme-court-de_b_11329416.html)

Smith, M. (2016, April 25). *Tamri Rice's family to receive \$6 Million from Cleveland*. *New York Times*. Retrieved from [http://www.nytimes.com/2016/04/26/us/tamir-rice-family-cleveland-settlement.html?\\_r=0](http://www.nytimes.com/2016/04/26/us/tamir-rice-family-cleveland-settlement.html?_r=0)

Thompson, B.L. & Lee, J.D. (2004). Who cares if police become violent? Explaining approval of police use of force using a national sample. *Sociological Inquiry*, 74(3):381-410. Retrieved from <http://search.proquest.com.proxy-library.ashford.edu/docview/216755380?accountid=131689>

Title: 42 Section 1983 Cornell University Law. Retrieved from <http://www.law.cornell.edu/cfr/text/42>

United States Department of Justice. (n.d.). A Pattern or a Practice of Discrimination. Retrieved from <http://www.justice.gov/crt/pattern-or-practice-discrimination>

U. S. Attorney. (2011, November 10). United States attorney manual. Retrieved from <http://xa.yimg.com/kq/groups/19255601/252509/name/CivilLawsGoverningLawEnforcementMisconduct.pdf>

Washington Post. (2015). 911 people shot and killed by police in 2015. The Washington Post Data Bank. Retrieved from <http://www.washingtonpost.com/graphics/national/policeshootings/>

Weisburd, D., Greenspan, R., Hamilton, E., Williams, H., & Bryant, K. (2000). Police attitudes toward abuse of authority: Findings from a national study. National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/181312.pdf>.

Weitzer, D. (2005). Can the police be reformed? American Sociological Association. DOI: 10.1525/ctx.2005.4.3.21. Retrieved from <http://ctx.sagepub.com.proxy-library.ashford.edu/content/4/3/21>

WSBTV. (November 29, 2006). Sixth grader tasered at middle school. WSBTV.com, Retrieved from <http://www.wsbtv.com/news/news/sixth-grader-tasered-at-middleschool/nD9x7/>

Zoroya, G. (2016, July 9). 26 Police killed in 2016, up 44% from 2015. USA Today. Retrieved from <http://www.usatoday.com/story/news/nation/2016/07/08/nationwidepolice-shooting-deaths/86861082/>

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**Appendix**

(ProQuest: Appendix omitted.)

Copyright Race, Gender and Class 2016

**Details**

Subject	Victims; Colleges & universities; Shootings; Multiculturalism & pluralism; Crime; Homicide; Activism; Police brutality; Police; Police community relations; Racial profiling; African Americans; Males; Deaths	
Location	United States--US	
Company / organization	Name:	Dillard University
	NAICS:	611310;
	Name:	Department of Justice
	NAICS:	922130;
	Name:	Federal Bureau of Investigation--FBI
	NAICS:	922120
Classification	0410: group interactions; social group identity & intergroup relations (groups based on race & ethnicity, age, & sexual	
Ethnicity	Multi-Ethnic	
Title	SWORN TO PROTECT: POLICE BRUTALITY - A DILEMMA FOR AMERICA'S POLICE	
Author	Lyle, Perry; Esmail, Ashraf M	
Publication title	Race, Gender & Class; New Orleans	
Volume	23	

Issue	3/4
Pages	155-185
Number of pages	31
Publication year	2016
Publication date	2016
Publisher	Race, Gender and Class
Place of publication	New Orleans
Country of publication	United States, New Orleans
Publication subject	Multi-Ethnic, Women's Studies, Men's Studies, Ethnic Interests
ISSN	10828354
Source type	Scholarly Journals
Language of publication	English
Document type	Journal Article
Document feature	References; Illustrations
ProQuest document ID	1899014782
Document URL	<a href="https://www-proquest-com.proxy-library.ashford.edu/scholarly-journals/sworn-protect-police-brutality-dilemma-americas/docview/1899014782/se-2?accountid=32521">https://www-proquest-com.proxy-library.ashford.edu/scholarly-journals/sworn-protect-police-brutality-dilemma-americas/docview/1899014782/se-2?accountid=32521</a>
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