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**THE RELATIONSHIP OF DEMOGRAPHIC AND EDUCATION FACTORS ON
RATE OF EXCESSIVE FORCE COMPLAINTS**

By

Bhamornwal Janlekha

A THESIS

Submitted to
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ABSTRACT

THE RELATIONSHIP OF DEMOGRAPHIC AND EDUCATION FACTORS ON RATE OF SUSTAINED EXCESSIVE FORCE COMPLAINTS

By

Bhamornwal Janlekha

The single incident of police use of force has the potential to create turmoil and social disturbance in the society. There is a need to understand the relationship of demographic characteristics and the rate of excessive force complaints in the department. The purpose of this study is to explore the relationship between character of the officer in the department and the rate of excessive force the department received.

The data for this thesis were drawn from 528 agencies. In order to determine the relationship of each independent variable, cross-tabulation and multivariate analyses were applied. The findings indicated that although demographic characteristics are related to some variation in the rate of excessive force, they explained only small number. These finding will be useful for those who are interested in understanding of the causes of police behavior.

To my beloved parents

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CHAPTER ONE

INTRODUCTION

“Every public officer who under color of authority, without necessity, assaults or beats any person is guilty of a violation of [law].”

--Judge Stanley Weisberg’s instructions to the jury in the state trial of the four officers accused of using excessive force against Rodney G. King

Police officers have been given the right to use force to control violent behavior and maintain public order (Anderson, 1995; Dunham & Alpert, 1995; Kappeler & Kaune, 1993). Unfortunately, when police officers employ more force than necessary and go beyond reasonable force to excessive force, citizens then become victims of police brutality.

After the infamous and highly publicized case of Rodney King in 1991, a review of use of excessive force in Los Angeles Police Department was published. The project, known as the Christopher Commission, found that a group of problem officers was responsible for a disproportionate number of excessive force complaints. For example, among 1,800 officers against whom allegations of excessive force or improper tactics were made, one officer had as many as 16 allegations and 183 officers had received four or more such allegations (Christopher et al., 1994).

Civil claims against police of use of excessive force become the burden not only of the individual police officer but also of the entire police department. Since the ruling in *Monell v. Department of Social Services*, in 1978, that defined “persons” to include a local unit of government, plaintiffs now have a deeper pocket into which they can reach

(Barrineau, 1994). The *Monell* decision encourages plaintiffs to file civil liability cases under an assumption that if the police officer is unable to pay the damage to the plaintiff, the agency could be held liable for the act of its officer who acts under the color of law (Kappeler, Kappeler, & del Carmen, 1993). The following cases, cited in Barrineau (1994), illustrate the excessive use of force litigation brought against the police and the damages that have been awarded:

*A section 1983 action was filed by a 35-year-old black plaintiff who, after being subjected by police to racial slurs and epithets, was beaten and chained to a bed for twelve hours without criminal charges being filed. The plaintiff suffered a fractured jaw and psychiatric illness (traumatic neurosis). *Haygood v. City of Detroit*, Wayne County Circuit Court, Michigan, No. 77-728013 NO, December 29, 1980. JURY AWARD: \$2,500,000 punitive and \$500,000 compensatory damages.

*In *Herbert v. City of Texas City*, U.S. District Court, S.D. Texas, 1981, a police officer broke the arm of the man he was arresting. Suit was filed, alleging brutality on the part of the arresting officer. JURY AWARD: \$150,000.

According to Pate and Fridell (1993), the average amount paid by state agencies per case in civil litigation cases finding excessive use of force was \$102,364. City police departments paid an average of \$565,453 per case, county police departments paid an average of \$7,500 per case, and sheriffs' departments paid an average of \$107,749 per case. In the same year, Kappeler, Kappeler, and del Carmen (1993) found that the average award of liability claims of use of excessive force was as high as \$187,503. The same study also stated that the number of excessive force cases was increased by 300 percent from 18 published federal court cases in 1978 to 56 cases in 1990.

The average award might not reflect the real cost of excessive force litigation, because the federal court report does not include another portion of cases settled outside the court (Schafer, 1997). Nevertheless, agencies have to spend time and money dealing

with this excessive force litigation even if the case might not go on trial and end up in settlement outside the courtroom. It is, therefore, important for law enforcement agencies to recognize the legal liabilities of their employees' behavior for which they might be held accountable.

Legal liabilities

Litigation concerning police use of excessive force may involve in criminal charges or civil claims and can take place either in state or in federal court. However, the criminal charges for police officers' use of excessive force are extremely rare (Klockars, 1995)---only one out of every 500 cases of shooting by police was initiated by criminal prosecution during the 1970's (Blumberg, 1993; Hubler 1991; Kobler, 1975; Levitt, 1991; Waegel 1984). In a criminal case, the victim must provide evidence beyond a reasonable doubt and demonstrate that the officer's behavior cannot be justified as a legitimate performance of the officer's duty (Adams, 1995; Klockars, 1995). The federal law (Title 18 of U.S. Code, Section 242; "Criminal Liability for Deprivation of Civil Rights") provides an imprisonment penalty up to life if victim is killed, or fine up to \$1,000 and one year imprisonment.

Another legal remedy for police use of excessive force complaint is civil liability. Three federal statutes are available for plaintiffs to use as a remedy—Title 42 of the U.S. Code, section 1983, 1985, 1981 create police liability in a different manner. Section 1983 is a Civil Action for the Deprivation of Civil Rights while Section 1985 provides liability for conspiracy to deprive a person of civil rights. Moreover, Section 1981 limits the liability of a person acting under the color of law, in the other words, Section 1981

provides equal rights under the law. In addition to the federal law, officers can also be held liable under either state tort law or state civil rights law. The distinctive difference between federal action and state action is the element of constitutional deprivation (Kaune & Tischler, 1989). In order to file lawsuits alleging use of excessive force in federal court, the plaintiff must have a proof of a deprivation of constitutional guarantee, which is not required in the state court.

Despite the fact that federal civil suits use more restrictive standards than state courts, many plaintiffs continue filing federal lawsuits for a number of reasons. First, and possibly the major reason, attorney's fees are included in the judgement and are not deducted from the settlement as in state actions (Kaune & Tischler, 1989; Klockars, 1995). Some attorneys even encourage citizens to bring lawsuits against the police for this particular reason (Sweeney, 1982). Second, the initiation of lawsuits in federal court does not have to pass prior review by state judicial system; therefore, do not have to delay the trial as if in state court (Del Carmen, 1994; Klockars, 1995). Third, almost all cases filed in federal courts seek monetary relief instead of declaratory or injunctive relief (Del Carmen, 1994). Finally, rights to discovery (to obtain evidence document and culpable testimony) are more generous in federal court than state courts (Del Carmen, 1994; Klockars, 1995;). The most widely-used avenue, which is used in about 80% of cases filed against public officers, uses Title 42 U.S. Code Section 1983 (Del Carmen, 1994).

Section 1983 was broadened after the case of *Monroe v. Pape* in 1961, where court ruled that concept of acting under the color of law also include the acts by police officers that were authorized by state law. Monroe alleged Chicago police officers and

the City of Chicago for a deprivation of his constitution rights after polices broke into his house without a warrant and detained him at the police station without filing any charges. Although the Supreme Court granted a cause of action against the individual officers, the Court ruled that municipalities were not held liable as a “person” under section 1983 (Lewis, 1991).

While *Monroe v. Pape* (1961) set the standard that police officers can be sued (Section 1983 mentioned “persons” who “under color of law” deprived someone of a constitutional rights) the agency, which was not considered as a person, could not be sued. That decision was overturned in *Monell v. Department of Social Services of the City of New York* (1978) which declared that if the policy of the agency is unconstitutional, then the city or the county may be sued as a “person”. Since the decision in *Monell*, plaintiffs now have a deeper pocket (i.e., the treasury of the local government unit) into which they can reach (Barrineau, 1994; Del Carmen, 1989 Kappeler, Kappeler, & Del Carmen, 1993;).

Finally, the case that set the standard for liability in cases of police use of excessive force is *Graham v. Conner* (1989). The Supreme Court set the standard for determining whether law enforcement officer has used excessive force during seizure is a Fourth Amendment “objective reasonableness” standard (Thomas & Means, 1990). Moreover, in *Graham v. Conner*, the Court said that the “reasonableness” use of force “must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight” (pp.1872) (*Graham v. Conner*, 1989). The question that will be used to determine the officer’s reasonableness is “whether the officers’ actions are “objective reasonable” in light of the facts and circumstances confronting

them without regard to their underlying intent or motivation” (pp.1872) (Graham v. Conner, 1989). In other words, an officer’s actions may be judged from 1) perspective of a reasonable officer on the scene, and 2) the circumstance confronting them however, officer’s motivation became irrelevant. Some research indicated that the behavior of police officers also depend on the characteristics. The following section will be address the issue of demographic characteristic and police use of force.

Demographic characteristic and police use of excessive force

Some demographic characteristics of police officers appear to be related to police use of force. This approach attempts to explain police behavior by using characteristic of the officers themselves. This perspective assumes that officers behave differently related to their background, i.e., race, gender, and education (Worden, 1995).

The relationship between demographic characteristics (i.e., age, length in service, gender, and level of education) and use of excessive force remains unclear. One archival study found that officers who were oldest in a single cohort were less likely to have citizen complaints against them (Cohen & Chaiken, 1972). On the other hand, Alpert (1989) found that age had no influence on the decision of officers to use either deadly or non-deadly force in the arrest of citizen. The study about length of time in the service and use of force also shows mix results. It had been reported that more experienced officers were calmer (Forst, Lucianovic, & Cox, 1977) and friendlier (Friedrich, 1977) when reacting to citizens. Nevertheless, one study showed that length in service had no effect on police’s decision to use either force or deadly force (Friedrich, 1980). In

general, research from the 1980's indicated that individual characteristics were not significant predictors of police force behavior (Riksheim & Chermak, 1993).

Whereas other demographic characteristics did not significantly predict police use of force, there is a significant relationship between higher education and fewer citizen complaints (Carter, Sapp, & Stephens, 1989; Cascio, 1977; Cohen & Chaiken, 1972; Sanderson, 1977). The study of relationship between education and police performance was raised again in 1967, the President's Commission on Law Enforcement and Administration, and in 1973, the National Advisory Commission on Criminal Justice Standards and Goals (NAC) (Carter, Sapp, & Stephens, 1989).

Problem to be studied

Although several researchers suggest that use of excessive force is infrequent (Alpert & Smith, 1994; Friedrich 1980; Reiss, 1968; Worden, 1995), one third of Americans still believe that police brutality exists in their area (Gallup, 1991; Gillespie, 1999). As long as police brutality still exists in the eye of the public, the need to understand and reduce the use of excessive force remains.

This study will examine the relationship between demographic characteristic composition in the department and the rates of total and sustained excessive force complaints per 1,000 officers. In other words, this study will examine the effect of the percentage of officers' gender, race/ethnicity, level of education, average age and average time in service on the rate of sustained excessive force per 1,000 sworn officers. Since the department is a unit of analysis, the impact of demographic characteristic composition

of the department on rate of use of excessive force will be studied, not the characteristic of individual officers.

The main focus in this thesis is to determine whether any demographic characteristics in the department contribute to the amount of sustained excessive force complaints the department received. Three major interests in this research are:

1. Whether there are significant differences in the rate of sustained excessive force complaints based on several demographic variables of the department (i.e., rate of officers' gender, race/ethnicity, level of education, average age and average time in service) and whether these variations can be explained.

2. Whether the rate of sustained excessive force complaints in the department resulted from a combination of variables that represent demographic composition of the department.

3. Analyze each pair of relationship between independent and dependent variables, while controlling for other independent variable in the model. This is to find the most significant relation among rate of total and sustained.

The purpose of the study

The purpose of this study is to investigate the relationship between demographic characteristics in the department and the rates of total and sustained excessive force complaints. Although the rate of excessive force complaints is not an accurate measure of police use of excessive force, it is the measurement that shows sufficient evidence to prove officer wrongdoing.

While police officers sometimes need to use force to maintain public order, excessive force can have adverse effects on the relationship between police and the public. As shown by the 1991 riots in Los Angeles, the consequences of police use of excessive force resulted in the destruction and death in Los Angeles and the nation (Pate & Fridell, 1993). Despite the fact that police are allowed to use an appropriate amount of force to accomplish legitimate police tasks, little is known about the impact of demographic characteristics of the department on the rates of excessive force complaints.

The study of the demographic characteristics of individual officer can allow an agency to use the results as a guide to understanding the behavior of officers in their agencies. However, it does not give an individual agency adequate information to compare itself to other agency that has similar characteristics. The study of the demographic characteristic composition in several departments might explain some of the variation in rate of sustained complaints. In other words, it might give the agency the power to compare itself to other agencies.

The central purpose of this study is to discover whether there is a significant relationship between demographic composition in the department and rate of sustained excessive force complaints. Understanding the relationship of these variables (i.e., gender, race/ethnicity, level of education, average age and average time in service) and the rate of sustained excessive force complaints, could help agencies to establish minimum requirements for the job or understand the important of excessive force complaints. For example, if given the knowledge that by increasing the number of police officers with higher education, the rate of sustained excessive force complaints will decrease, then agencies might consider changing of the minimum education requirement.

Prior to this research, studies of the relationship between demographic characteristics of police officers were mostly done at the individual level. This research, on the other hand, approaches the problem of excessive force based upon each department as the unit of analysis. The nature of this unit of analysis allows me to conduct macro-level analysis, i.e. department, instead of the individual officer.

Understanding the relationship of demographic characteristics and officers use of force might result in decreased rates of excessive force complaints. First, this implication might prevent the department from paying a large amount of civil claim damages. Second, an understanding of excessive force might improve the relationship between police and the community. Third, it also shows the commitment to fairness and discipline in the use of authority (Alpert & Moore, 1997), which will create trust and public confidence in police.

Hypotheses

This study will approach the data on rate of sustained excessive force in each department based on the assumption that the department with different demographic characteristic composition should have different rate of sustained excessive force complaints. It will be hypothesized that there are significant differences between each law enforcement agency on:

1. The percentage of officer with high school education in the department and the rate of sustained excessive force complaints, controlling for gender, race, average age and average time in service.

2. The percentage of female officer in the department and the rate of sustained excessive force complaints, controlling for level of education, race, average age and average time in service.
3. The percentage of white officer in the department and rate of sustained excessive force complaints, controlling for gender, level of education, average age and average time in service.
4. The average age of officer in the department and rate of sustained excessive force complaints, controlling for average time in service, gender, level of education, and race.
5. The average time in service and rate of sustained excessive force complaints, controlling for average age, gender level of education, and race.

CHAPTER TWO

LITERATURE REVIEW

The review of literature in this chapter will approach the existing research that explains the variation of excessive force complaints by using demographic characteristic of police officers. This chapter will include a discussion of complaint as a measurement of police performance, demographic characteristic of police officers, and higher education requirements for employment.

Complaints: Measurement of police performance

The use of citizen complaints as a measurement is not new. In 1971, Reiss (1971) suggested that the potential clients are the best judges in judging the performance of any bureaucratic organization. The same author further commented that citizen complaints may account for significant input in a police department because of there about the quality of police service. This notion is similar to other focus on the researchers' opinions that complaints reflected the citizen perception that police use of force has exceeded the acceptable limits (Adams, 1995; Wagner & Decker, 1997). The United States Commission on Civil Rights (1981) suggested that citizen complaints can be served as an indicator of public perception.

Since the police are the most visible group of government (Flanagan & Vaughn, 1995; Sweeney, 1982), the performance of the police is therefore important. The public

not only perceives police as public employee, but also as symbols of law, order, justice, bravery, vigilance, and integrity (Sweeney, 1982).

Police performance is currently measured using reported crime rate, overall arrest, clearance rates, and response rates (Alpert & Moore, 1997). However, these traditional measures cannot display the commitment to fairness and discipline in the use of police authority. It has been suggested that citizen complaints are useful in evaluating police performance (Bayley, 1996; Spielberger, Ward, & Spaulding, 1979; Wagner & Decker, 1997) especially the negative aspect of performance (Froemel, 1979).

According to Bayley (1996), there were two groups of indicators to measure police performance: direct and indirect. The author explained both groups as follows:

Performance is measured directly when the indicators reflect what police achieve by way of public benefits. Performance is measured indirectly when indicators show what the police are doing in terms of actions...direct measurement evaluate the ends of policing; indirect measurement evaluate the means of policing (Bayley, 1996, pp. 46).

In Bayley's (1996) article, "substantiated complaints about police behavior" were viewed as "hard" or objective direct measurements because they reflected concrete events, which showed whether the police were being effective (Bayley, 1996). This same idea was found in Wagner and Decker (1996), who suggested that the citizen complaint is a "barometer of police performance". Wagner and Decker also mention that the department can improve the public image of the police and community relations by using the information obtained through citizen complaints (Wagner & Decker, 1996).

Demographic characteristics of police officers

The approach to understanding behavior of using the variation in demographic characteristic assumed that different personality characteristics produce different responses to similar situation (Worden, 1995). For the most part, the studies of demographic characteristics have been done at the individual level (Friedrich, 1980; Riksheim & Chermak, 1993; Sherman, 1980). The demographic characteristics that will be discussed in this research consist of gender, race/ethnicity, average age, average length in service, and level of education.

Officers' gender: In recent study by Belknap and Shelley (1992), 85% of 64 total responses stated that women's style of policing differed from men's. As a consequence, studies about the difference in detection and arrest behavior between male and female officers also increased (Grennan, 1987).

The finding involving gender of officers shows mix results. Koenig (1978) and suggested that policewomen are more likely than policemen to use deadly force because of the belief that female officers were lacking physical strengths as compare to male officers, therefore; female officers may be more inclined to use firearms . In contrast, Grennan (1987) found that female officers in male/female patrol teams were less likely to discharge firearms during a violent situation than male partners. This finding was similar to the study of Horvath (1987), who indicated that male patrol officers in both metropolitan and outstate agencies were involved in the more fatal or injury incidents than female officers.

Steffensmeier (1979) found that the presence of female officers on patrol resulted in decreased citizen complaints. Policewomen tend to use less physical force and are still

effective in solving problems reported by women. Since most complaints to the police in low-income areas came from women, this quality was significant (Sherman, 1973).

Another study suggested that male officers were more likely to generate citizen complaints (Van Wormer, 1981). Furthermore, several studies found that policewomen improved relations with citizens (Bloch & Anderson, 1974; Sichel et al., 1978) and would receive more cooperation and assistance from citizens when they request citizen help dealing with disturbances (Sherman, 1973).

Research during the 1970's have shown that there was no difference in performance between male and female officers (Bloch & Anderson, 1974; Sichel et al., 1978). Despite the finding favorable to female officers, other researches found citizen opinion to be in favor of male officers in violent situations (Bell, 1982; Johns, 1979; Kennedy & Homant, 1981).

Race and ethnicity: According to Sherman (1980), an officer's race believed to have effect on that officer's behavior. Sherman states that black officers were more likely to use force than whites officers but that the relationship was a spurious result of disproportionately assignment in high-crime neighborhoods (Sherman, 1980).

The literature concerning the race of the officer and sustained excessive force complaints has not established the clear pattern (Riksheim & Chermak, 1993). Some studies reported that number of complaints was found to be intra-racial in nature. Carter (1986) reported that Hispanic officers were more likely to use force against Hispanic citizens. In contrast, Fyfe (1988) found inter-racial interaction between white officers against black citizens, and, black officers against Hispanic and white citizens. Another finding by Fyfe (1981) in his earlier research, which analyzed the record of all incidents

involved officers' discharging firearms, showed that black and Hispanic officers were more likely to discharge their firearm than their white colleagues.

When compared with the type of force used between white and black officers, two studies, which were conducted fifteen years apart, yielded similar result. They both indicated that black officer appeared more likely to use force than their white peers, but are less likely to use excessive or improper force with citizen (Friedrich, 1980; Worden, 1995). In the same study, Friedrich (1980) also stated that there was no relationship between use of force and officer's race. A study of 1,915 officers in New York City Police Department in 1957 revealed no significant difference in number of civilian complaint allegations of harassment, or criminal charges between white and black officers (Cohen & Chaiken, 1972).

Average age: It is widely know that younger officers tend to be more assertive compared to older officers, therefore; more likely to commit errors (Sherman, 1980). An archival study by Cohen and Chaiken (1972) found a significant difference among officers' age and complaints filed against them. They found that the oldest officers in the same cohort were less likely to have civilian complaint for discourtesy, racial slurs, or excessive force. In a study of use of force in the Rochester, New York, police department between 1973 to 1979, Croft (1987) also reported that younger officers were significantly likely to use force than older officers. A more recent study revealed an average age for officers with at least one complaint was 31.6 years while the average age of all sworn officers was 36.05 years (Lersch & Mieczkowski, 1996).

In addition, a study from 583 closed case files accusing 827 officers of misconduct indicated that the "typical" police officer against whom complaints were filed

was not distinguishable from other officers (Wagner, 1980). The same study stated that, in general, officers received fewer complaints after age 30. Sixty-eight percent of officers against whom complaints were lodged were younger officers (21-29 years) (Wagner, 1980).

However, the argument about the relationship between average age of officers and citizen complaints pointed out that experience of officers also related to age and complaints. Since young recruits were more likely to be assigned to higher crime areas, they may be required to use greater use of force (Toch, 1995). Alpert (1989) made a statement that age had no influence on the decision to use force in the arrest of citizen.

Average Length of Service: In particular, it seems reasonable to assume that experienced police officers perform better than novice police officers, which then result in less complaints. A study of large police department in Sunnyville revealed the average age of officers against whom more than one allegation of misconduct was made had fewer years in service than officers receiving fewer allegations (Lersch & Mieczkowski, 1996). Furthermore, Friedrich (1980) reported the small indication that more experienced officers use force less excessively and tend to be more reasonable.

The study of the relationship between length of service and use of excessive force seems to result in an association between officers' experience and performance. More experienced officers do less police work, but the work they do is better in term of the quality and quantity (Forst et al., 1977). Friedrich (1980) also found that experienced officers appeared calmer and did not act out their frustrations when dealing with citizens.

Another argument was that less experienced officers made more contact with citizens and more arrest, however, Forst et al. (1977) found that experienced officers

made arrests that result in conviction than rookie officers. Yet, in their study, Forst and his colleagues noted that the difference in conviction rate might come from the assignment and experienced officers received.

Officers' Education: Among the demographic characteristic of police officers, education was, by far, the most extensively studied. In their archival study, Cohen and Chaiken (1972) discovered, in their archival study of New York Police Department in 1957, that more educated officers received fewer civilian complaints than less educated officers. Twenty four percent of the non-college-graduated officers, had a civilian complaint, compared to eight percent of college graduates who had such complaint. They also found that the officers with at least one year of college education were found to be very good in performance.

In the late 1960s, an urge to improve the quality of police increased due to the Civil Rights movement and social disruption among the police and certain segments of the public. Therefore, "President's Commission recommend that police educational standards be raised, with the ultimate goal of requiring a baccalaureate degree as a minimum standard for employment" (Radlet & Carter, 1994). The national research in 1989 supported by the Police Executive Research Forum claimed not only that college-educated officers performed the tasks of policing better than their non-college colleagues but also that college-educated officers had fewer citizen complaints, fewer administrative and fewer personnel problems (Carter et al., 1989). Sanderson (1977) studied the Los Angeles Police Department and concluded that college education had a positive effect on the five performance variables he tested. There were academy performance, disciplinary

history (average sustained complaints lower than non-college education), absenteeism, termination, and career advancement (Sanderson, 1977).

More studies about the relationship between citizen complaints and level of education reported similar findings: police officers with a college education received fewer citizen complaints. According to the study of Sherman (1980), four studies showed that college-educated officers behave differently. McGreevy (1964) and Bozza (1973) found college-educated officer more active in detection practice and made more arrest, respectively. Cohen and Chaiken (1972), as mentioned above, found fewer citizen complaints in college-educated than those officers without college degree. Cascio (1977) replicated the study of Cohen and Chaiken by studying 940 police officers in Dade County, Florida, and found that higher level of education tended to associate with fewer injuries, fewer disciplinary actions, fewer preventable accident, fewer sick time per year, and fewer physical force allegation (i.e. fewer excessive force allegations).

The relationship between higher education and fewer civilian complaints can also be found in the studies of Shernock (1992), and, Carter and Sapp (1989). In the 1989 finding, the authors stated that 98.4% of the police department participating in the study indicated that officer with two or more years of college education received fewer citizen complaints (Carter & Sapp, 1989).

However, some researchers argued that officers with higher education do not differ from officers with lesser education (Allen, 1996; Smith, 1978). In his thesis, Allen found no difference between officers with and without a college degree when examining the issue of complaints initiated against them, and the same relationship occurred when he controlled for years of experience (Allen, 1996). Earlier study by Cascio (1977) also

suggested that “perhaps it is the effect of intelligence and motivation rather than the effect of education *per se*, that differentiates effective from ineffective performance” (pp. 92).

Furthermore, there is an argument that college-educated officers may do a worse job than non-college educated officers. They might be more likely to be excessively aggressive and more likely to use their weapons and to make arrests because college “gives him (or reinforces for him) his sense of duty” (Wilson, 1975). This argument received support from a 1977 archival study of the data about 24 police departments in three metropolitan areas (Rochester, N.Y., St., Louis, MO., and Tampa-St. Petersburg, FL.). The analysis suggested that officers with college degrees were more likely to use force (5.3 percent) compared to officers with associate degree (4.1 percent) and officers with no college degree (2.9 percent). However, from the same analysis officers with college degrees were somewhat less likely to use improper force (Worden, 1995).

Higher education requirement for employment

One southern sheriff once said, “the only way to improve law enforcement is to improve the law enforcement officer” (as cited in Saunders, 1970, pp. 35). Higher education as a minimum requirement for police officers was formally addressed in court in the case of *Davis v. Dallas*, 777 F.2d 205 (5th Cir, 1985). The Dallas appeal court accepted the forty-five semester hours as an educational requirement to be reasonable. The court’s opinion in *Davis* showed that the police profession could be fulfilled by the college-education.

The effort to improve police performance by using higher education originated almost a century ago. This section contains an overview of research that attempts to enhance level of education as a requirement for police officers. The following review divided into three sections chronologically: early the efforts to improve police performance, after 1960s the Civil Rights Movement, and, National Study in 1989

Early effort to improve police performance

August Vollmer, who was the chief of police in Berkeley, California, was later known as the father of American policing, attempted to reform policing to be close to professional quality through technology and higher personnel standards (Radelet & Carter, 1994). His department was the first to use lie detector machines in criminal investigations (Swanson, Territo, & Taylor, 1993; Uchida, 1997). He also encouraged his newly appointed officers to attend classes in police administration that were taught at the University of California. In 1916, August Vollmer started the first school of criminology at the University of California.

Some years later, in 1931, the National Commission on Law Observance and Enforcement, known as the Wickersham Commission, recommended police reform. Wickersham's report stated that politic influence should be separated from police job (Swanson, Territo, & Taylor, 1993). It was the first time that need for higher education in criminal justice was officially recognized (Bennett & Marshall, 1976).

The Commission found that "the great majority of police are not suited either by temperament, training, or education for their position," (National Commission on Law Observance and Enforcement, 1931, pp. 58) and, further, identified the need of formal training and a strong educational background for police officers. Police were also urged

to work with university to develop scientific program in law enforcement (Baker, 1995). This emphasis on law enforcement resulted in 1935 the National Police Academy, where local police leaders and officials were educated in the “professional” and “scientific” aspects of law enforcement (Swanson, Territo, & Taylor, 1993).

After the 1960s and the Civil Rights Movement

During the 1960s, policing in America faced a difficult time: rise in crime, the civil rights movement, anti-war sentiment, and riots in the cities (Uchida, 1997). Under these circumstances, the police need to be not only intelligent, courageous, impartial and honest, but also understanding, and show flexibility in contending with group unrest, riots, and mass demonstrations (Locke & Smith, 1976). Furthermore, the U.S.

Commission on Civil Rights in 1961 stated the need to improve the police to be of professional quality:

...that congress consider the advisability of enacting a program of grants-in-aid to assist State and local governments, upon their request, to increase the professional quality of their police forces. Such grants-in-aid might apply to the development and maintenance of (1) recruit selection tests and standards; (2) training programs in scientific crime detection; (3) training programs in constitutional rights and human relations; (4) college level schools of police administration; and (5) scholarship programs that assist policemen to receive training in school of police administration. (pp. 112).

The President’s Commission on Law Enforcement and Administration of Justice in 1967 responded to the need to increase educational level of police. The need for higher education of police was discussed in two volumes: *The Challenge of Crime in a Free Society*, and, the Task Force Report: *The Police*.

The first volume, *The Challenge of Crime in Free Society*, recommended that all departments raise their educational standard for recruits, and, that all law enforcement officers should have baccalaureate degrees. The 1967 commission suggested that “the

ultimate aim of all police departments should be that all personnel with enforcement powers have baccalaureate degrees” (President’s Commission on Law Enforcement and the Administrative justice, 1967, pp. 107).

In second volume, Task Force Report (1967), explored the history of the law enforcement, administrative, personnel or profile of the police, and policy issues in detail such as employment requirement, police training, and police compensation. The report suggested that we need to improve education requirements, in order to improve the quality of service provided by law enforcement agencies (Hayeslip, 1989). It also recommended that all officers should have at least high school diploma and should be required to complete at least two years of college education. In addition, the Task Force Report also suggested police departments to establish the minimum educational requirement of a baccalaureate degree for all administrative and supervisory positions.

The recommendation of the President’s Commission report led the legislation to create the Office of Law Enforcement Assistance (OLEA) under the U.S. Department of Justice. In 1968, the Congress passed the Omnibus Crime Control and Safe Street Act of 1968, which then created the Law Enforcement Assistance Administration (LEAA) (Roberg & Kuykendall, 1993, pp.350-351). The LEAA was established in an attempt to improve effectiveness and reduce crime. Under LEAA, in 1968, the Law Enforcement Education Program (LEEP) was initiated to provided financial aid for police personnel to pursue a college education.

The support from LEEP encouraged colleges and universities to develop law enforcement and criminal justice degree programs. Before 1966, only 184 institutions offered program for police officers, but that number increased to 1,070 institutions in

1976. The percentage of police officers with college degree also increased from 20 percent of all officers in 1960 to 32 percent by 1970, and, 46 percent by 1974 (Sherman, 1978).

The issue of higher education as a minimum requirement for police officers have continuously gone to court since 1972. In *Castro v. Beecher*(1972), where the plaintiffs claimed violations of their civil rights in recruiting and hiring practices of the Boston Police Department, the court affirmed the requirement of a high school education for the Boston Police Department.

In 1973, an influential report, “Report on Police” by National Advisory Commission on Criminal Justice Standards and Goals (NAC), was released. This report suggested the timetable to ensure that all police officers will complete a baccalaureate by 1982 (Baker, 1995). The NAC recommended raising the educational requirement for entry-level officers to two years of college by 1975, three years by 1978, and to a baccalaureate by 1982. Despite the plan in 1973, Carter and his colleagues (1989) found only 22.6 percent of police officers earned a baccalaureate degree by 1988 (Carter et. al., 1989).

After 1972 decision and the “Report on Police” another court decision in 1975 (*Arnold v. Ballard*) supported the notion that an education requirement can be related to police performance by citing the 1972 study of the New York Police Department by Cohen and Chaiken (1972) that there was a significant correlation between higher education and improvement in police performance. The notion in *Arnold* suggested that the high school education show an education accomplishment and ability that might be essential in training and perform as a police measurement (Arnold v. Ballard, 1975).

Finally, over a decade after *Arnold*, the court upheld a challenge to the Dallas Police Department's requirement of 45 semester hours of accredited college or university credit with at least C average in *Davis v. City of Dallas* (1985). This case was brought by a class of black plaintiffs challenging the City of Dallas for its requirements for hiring police officers. In *Davis*, the City explained the need for higher education requirement by citing two prominent reports: the 1967 report by the President's Commission on Law Enforcement and Administration of Justice, which recommended that all police officers have baccalaureate degree; and, the 1973 report of NAC on police, which stated the need for police officers who were intelligent, articulate, mature, and knowledgeable.

The City also presented the testimony of four expert witnesses to support the relationship between college education and police performance. One expert witness testified that "to a greater maturity and soundness of judgement, greater tolerance of ambiguous situations; ...and complicated nature of a police task...officers with the education will perform better than officers who do not have it" (pp.220). Another expert witness, Julius Debro, added that quality of education is decreased and high school diploma change over the course of time. Debro also explained the benefit of higher education as follows:

you get better performance; you get better police officers who are less authoritarian; you improve your race relationships with ethnic groups throughout the community; police officers generally tend to be less stressful. You improve, most of all, professionalism, in which police officers are now trying to become professional. (*Davis v. City of Dallas*, 1985, pp.221).

The Court found that the City's education requirement is job-related based on national commission studies and on expert testimonies. The Court stated that:

Defendant's experts established the relationship between college education and

performance of police officers. A study by on one expert relied upon factual data from two large metropolitan areas that took two years to complete, showing significantly higher performance rates by college educated officers. Another expert testified about numerous studies and recommendations of college education for police officers. A persuasive point was made that a high school diploma today does not represent the same level of achievement which it represented ten years ago. The Court agrees with Defendant's expert's conclusions that 45 hours of college today represents [a] considerably lower level of achievement than it would have in the early 70's. (*Davis v. City of Dallas*, 1985, pp. 222)

The Court ruling in *Davis*, which accepted the minimum educational requirement to be a Bona Fide Occupational Qualification (BFOQ), established the legal notion that college education is a minimum requirement for police employment. The court also suggested that the police department do not need to follow the Equal Employment Opportunity Commission (EEOC) guidelines, which require "to apply not only the formalized tests but to all other measures of employee qualification" (*Davis v. City of Dallas*, 1985, pp. 217). The reason stated by the Court was:

Because of the professional nature of the job, coupled with the risks and public responsibility inherent in the position, we conclude that empirical evidence is not required to validate the job relatedness of the educational requirement. (*Davis v. City of Dallas*, 1985, pp. 217).

National study in 1989

The national study in 1989 the State of Police Education: Policy Direction for the 21st Century (Carter, Sapp and Stephen, 1989) discussed important issues about the benefits of higher education and its impact on police. This study responded to the national studies of police education that started since 1960s. The finding in this study provided valuable knowledge regarding higher education and also "...motivate police departments with such policies already in place to accelerate their implementation, as

well as reaffirm their commitments to the goal of a well-educated police force” (Carter et al., 1989, pp. V).

One of the findings about advantage of college-educated officers was that 456 out of 464 responses (98.3%) agreed that college-educated officers receive fewer complaints. The study also stated several advantages of college-educated officers. Those findings are: communicate better with community, write better report, more effective performance, less citizen complaints, more initiative-police task, more professional, use discretion wisely, better decision maker, more respect to the community, more sensitive-racial ethnic groups, less disciplinary problems (Carter et al., 1989, pp. 47)

The study revealed also information about the average education level of police officers at the time of study. The average education level of the police officers included in the 1989 study was 13.6 years of education, which is one year higher than the average education level of all persons 25 years old (12.6 years of education) estimated by the Bureau of the Census in 1984 (Carter et al., 1989).

Another study suggested that the finding in the study of Carter et al. (1989) provided support to establish requirement for higher education because it might reduce the chance of liability (Carter & Sapp, 1989). The reason was that police officers with higher education use discretion more wisely, make better decisions, and, more importantly, fewer citizen complaints and fewer disciplinary actions were found among officers with higher education (Carter & Sapp 1989). The further suggestion for police administrators were to reduce risk of officer misconduct or negligence and reduce liability insurance costs by require a formal college education for sworn police officer (Carter & Sapp, 1989).

Summary

Citizen complaints might be viewed as measurement of negative performance and did not indicate the effectiveness of the police. However, they provide the valuable information that administrators could use to improve their officers' performance and reduce liability risk that might result in a large amount of payment and destroy public trust in police.

The following study focuses on the aspect of demographic characteristics and sustained excessive force complaints. The researcher is aware of the possibility that the sustained excessive force might result from some variables other than demographic characteristics. Nonetheless, the demographic characteristics were chosen to be studied in this research on the basis that people with different characteristics behave differently in the same situation (Worden, 1995).

The preceding review indicated that although the understanding about demographic characteristics has become more refined, some questions remain unanswered. The macro-level or demographic characteristic of officers in the departmental level needs to be addressed because "...macro-level rather than micro-level (individual) concerns seem most appropriate when considering efforts to stem police behavior perceived offensive by citizens" (Wagner & Decker, 1997, pp. 307).

CHAPTER THREE

METHODOLOGY

In this chapter, the methodology used in this thesis will be discussed. This research hypothesizes that police departments with different demographic characteristics should have different rates of sustained excessive force complaints. Several items that will be discussed in this chapter include: the source of the data, the descriptions of variables, and the methodology that will be performed in this analysis.

Source of data

The data for this thesis were originally conducted by Pate and Fridell (1993) and sponsored by the Police Foundation. The original research was designed as a national survey to collect data from law enforcement agencies on police use of force. Some elements that will be used throughout this thesis are the demographic characteristics of officers in the department and the rates of total and sustained excessive force complaints per 1,000 officers in the department.

Pate and Fridell (1993) obtained a list of the law enforcement agencies from the Law Enforcement Sector portion of the 1990 Justice Agency List (JAL) which was produced by the Government Division of the Bureau of the Census. This list is considered to be more complete and exhaustive than the list produced by the FBI's Uniform Crime Report (Schafer, 1997). According to Pate and Fridell, 15,801 agencies from the total of 17,708 agencies on the Law Enforcement Sector list were found to be

sheriffs' departments, county police departments, municipal police departments, or state agencies. Of those 15,801 agencies, 9% were agencies serving between 50,000 inhabitants or more, 8.2% of agencies were serving between 25,000 to 49,999 persons, around 16% served jurisdictions of 10,000 to 24,999 persons, and the majority (66%) of 15,801 agencies served less than 10,000 inhabitants. Although only 9% of all agencies served 50,000 inhabitants or more, the majority of sworn police officers (64.8%) were employed by this type of agency (Pate & Fridell, 1993). After the stratification procedure was applied, the first total sample resulted in 1,725 agencies. However, 28 agencies of those selected agencies were eliminated because they no longer existed, were not law enforcement agencies, or were listed twice in the directory. The final list of agencies, then, resulted in the sample size of 1,697 agencies.

The initial survey package, comprising a cover letter, questionnaire, a return envelope, and a post card, was mailed in August 1992. The post card was to be returned to the Police Foundation upon receipt. The first follow-up took place in early September and the second follow-up was at six weeks after the initial mailing. Telephone calls were made to departments that had not returned questionnaires, but returned the post card. After the two follow-ups and telephone calls, a total of 1,111 completed questionnaires were received. The overall response rate was 67.2%. The distribution of number and percentage of responding agencies by agency type and number of sworn personnel are described in Table 1.

Table 1
Responding agencies by agency type and number of sworn personnel

Number of sworn officers	Type of law enforcement agency				Total
	Sheriff	County	City	State	
1 to 24	52 (4.7%)	2 (0.2%)	131 (11.8%)	0 ---	185 (16.7%)
25 to 49	49 (4.4%)	3 (0.3%)	109 (9.8%)	0 ---	161 (14.5%)
50 to 99	78 (7%)	6 (0.5%)	155 (14%)	0 ---	239 (21.5%)
100 to 249	69 (6.2%)	5 (0.5%)	207 (18.6%)	6 (0.5%)	287 (25.8%)
250 to 499	31 (2.8%)	10 (0.9%)	68 (6.1%)	10 (0.9%)	119 (10.7%)
500 to 999	15 (1.4%)	4 (0.4%)	32 (2.9%)	13 (1.2%)	64 (5.8%)
1,000 or more	9 (0.8%)	2 (0.2%)	29 (2.6%)	16 (1.4%)	56 (5%)
total	303 (27.3%)	32 (2.9%)	731 (65.8%)	45 (4.1%)	1,111 (100%)

Note: The number of sworn personnel was categorized according the original report (Pate & Fridell, 1993)

Table 1 shows that city police departments represented the highest percentage of the sample (65.8% or 731 agencies) when compared to sheriff departments (27.3% or 303 agencies), state police departments (4.1% or 45 agencies), and county police departments (2.9% or 32 agencies). Police departments that had total sworn officers between 100 to 249 officers were among the highest percentage group represented in this study (25.8%). Of all categories, city police departments that had 100 to 249 sworn officers had the highest return rate (18.6%) in this sample.

Table 2 displays the descriptive statistics characteristic of the demographic composition variables from the original sample (1,111 agencies), the average rate of sustained excessive force complaints per 1,000 sworn officers among 834 response agencies was 3.75 complaints with the minimum from 0 complaint to 333.33 complaints

per 1,000 officers. From 1081 valid responses, average male and female officers in each agency were 91.34% and 8.67% respectively. Furthermore distributions of race and ethnicity among 1067 valid responses presented a combination of 88.96% white officers and 11.04% minority officers (i.e., Blacks, Hispanics, Indians, Asians and others) on average for each department. According to the composition of educational level from responding departments, officers with high school education in each department represented the highest percentage (44.07%). Average age and average time in service of officers in the department were reported to be 36.19 years and 10.27 years respectively.

Table 2

Descriptive statistics characteristic of the demographic composition variables from the original sample (1,111 police departments)

Variable	Number of responses	Average	Median	Minimum	Maximum
Rate of total excessive force complaints per 1,000 officers	840	44.14	23.26	0	833.33
Rate of sustained complaints	834	3.75	0	0	333.33
Male officers	1081	91.34%	93.29%	0	100
Female officers	1081	8.66%	6.71%	0	100
Whites	1067	88.96%	93.04%	0	100
Minorities	1067	11.04%	6.96%	0	100
High school	771	44.07%	45.45%	0	100
Age	805	36.19 yrs.	36	24	60
Time in service	804	10.27 yrs.	10	1	37

The descriptive statistics in Table 2 show a possibility that the means might be affected by extreme values in the sample. For example, the average number of sustained excessive force per 1,000 officers was 3.75 complaints with the minimum from 0 to

maximum 333.33 complaints. In fact, 592 agencies (more than 50% of the sample) reported 0 complaints in their agencies, nonetheless; two departments report an extremely high number of complaints (100 and 333.33 per 1,000 officers). The average score took those high values into account, therefore; the mean might possibly be effected by scores that were extremely low or extremely high. In this situation, the mean is not an appropriate indicator that should be used in the sample. Since the mean can be distorted, the median (the middle score in a distribution of ranked score) might be a better measure of central tendency because extreme values in the sample had no effect on the median (Bachman & Paternoster, 1997; Norusis, 1997).

Descriptions of variables

Since the main focus of this research is the effect of demographic characteristics and education on the rates of excessive force complaints, the following variables will be discussed: 1) rate of total excessive force complaints per 1,000 sworn officers, 2) rate of sustained excessive force complaints per 1,000 sworn officers, 3) percentage of officers categorized by gender, 4) percentage of officers categorized by race and ethnicity, 5) percentage of officers with high school education, 6) average age of officers, and, 7) average time in service. These variables are selected to represent the demographic characteristics of the department.

According to the different number of valid responses as shown in Table 2, the sample size that will be used throughout this thesis had been reduced from 1,111 agencies to 528 agencies. Departments that had missing values were excluded from the sample in order to establish the new sample, which contains complete value in every relevant variable that will be included in the analysis model. Furthermore, two departments with

extremely high rates of excessive force complaints (333.33 and 833.33 complaints per 1,000 officers) were removed from the sample to decrease the standard error. The distribution of responding agencies by agency type and number of sworn personnel is shown in Table 3.

Table 3
Distribution of responding agencies by agency type and number of sworn personnel
From the sample size of 528 agencies

Number of sworn officers	Type of law enforcement agency				Total
	Sheriff	County	City	State	
1 to 24	39 (7.4%)	2 (0.4%)	107 (20.3%)	0 ---	148 (28%)
25 to 49	26 (4.9%)	2 (0.4%)	63 (11.9%)	0 ---	91 (17.2%)
50-99	26 (4.9%)	2 (0.4%)	85 (16.1%)	0 ---	113 (21.4%)
100 to 249	26 (4.9%)	3 (0.6%)	92 (17.4%)	0 ---	121 (22.9%)
250 to 499	7 (1.3%)	2 (0.4%)	22 (4.2%)	1 (0.2%)	32 (6.1%)
500 to 999	1 (0.2%)	2 (0.4%)	5 (0.9%)	4 (0.8%)	12 (2.3%)
1,000 or more	0 ---	1 (0.2%)	6 (1.1%)	4 (0.8%)	11 (2.1%)
Total	125 (23.6%)	14 (2.7%)	380 (72%)	9 (1.7%)	528 (100%)

The sample size that will be used throughout this thesis is 528 police departments.

The highest amount of information contributed to this study came from city police departments, since they account for 72% (380 agencies) of the sample. The fewest number of agencies by type of agency are state police departments, which is 1.7% of the sample. More than half of the agencies (352 agencies or 66.6%) included in this sample have less than 100 sworn officers in the department. Among 528 agencies, the highest response (28% or 148 agencies) comes from departments with 1-24 sworn officers.

Since the effect of demographic characteristics and education on rates of excessive force complaints is the focus of this thesis, the following table represents descriptive statistics for each variable that will be included in the analysis model.

Table 4
Descriptive statistics characteristic of the demographic composition variables
(528 agencies)

Variable	Average	Median	S.D.	Minimum	Maximum
Rate of total excessive force complaints per 1,000 officers	39	16.34	63.16	0	500
Rate of sustained complaints	3.33	0	9.35	0	100
Percentage of male officers	91.78%	93.75%	9.17	20	100
Percentage of female officers	8.21%	6.25%	9.17	0	80
Percentage of white officers	90.5%	94.5%	13.13	0.89	100
Percentage of minority officers	9.5%	5.5%	13.13	0	99.11
Percentage of officer with only high school	43.51%	44.69%	28.25	0	100
Average age	36.24 yrs.	36	4.63	24	60
Time in service	10.06 yrs.	10	3.76	1	37

Dependent variables: The dependent variables in this thesis are rates of total and sustained excessive force complaints per 1,000 sworn officers. Regardless of the size of the agencies, the reported number of excessive force complaints in each department was transformed to be a rate per 1,000 officers. Table 4 shows the distribution of demographic characteristics. Both rates of total and sustained excessive force complaints in this data reflected those excessive force complaints filed in 1991 (Pate & Fridell, 1993).

After decreasing the sample size to 528 agencies, the means of rate of total and sustained excessive force complaints per 1,000 sworn officers are 39 and 3.33 respectively. However, it is important to note that the standard deviations of these two variables are high, consequently; the means of both variables might be distorted by extreme values in the sample. In other words, the extremely high rate of sustained excessive force complaints in several agencies affected the mean of the entire sample. To illustrate, 406 agencies reported no sustained excessive force complaints, nevertheless they have a mean of 3.33 sustained complaints per 1,000 officer because of extreme values in some agencies. In this situation, it is more appropriate to use the median as a measure of central tendency.

Independent variables: Gender of officers in the department is the first independent variable to be discussed. In this research, the focus will be on the percentage of female officers in the department, since research has indicated that female officers can improve relationships with citizens and decrease citizen complaints (Bloch & Anderson, 1974; Sichel et al., 1978; Steffensmeier, 1979). In this sample, the average percentage of female officers in the departments is 8.21%.

The next variable that will be examined in this thesis measures race and ethnicity. From this sample, the average percentage of white officers in each department is 90.5%. The average percentage of minority officers, including Blacks, Hispanics, Indians, Asians and others, is 9.5% in each department. It has been argued that officer race and ethnicity have an effect on officer's behavior (Sherman, 1980), and yet some have found no significant differences in the number of civilian complaints between black and white

officers (Cohen & Chaiken, 1972). Since the majority of officers in this sample are white, the percentage of white officers will be included in the analysis model.

According to several studies about the relationship between educational level and performance of the police, college-educated officers behave differently from less educated officers (Cascio, 1977; Cohen & Chaiken, 1972; Shernock 1992). Regardless of the attempt to increase the education level of the police, almost half of the departments in this survey are still made up of officers with only a high school education. The average percentage of officers in the department with only high school education in this sample is 43.51%.

The last two variables that will be included are average age and average time in service. The minimum average age that reported in this particular sample is 24 years and maximum at 60 years old. Overall, the average age of officers in the department is 36.24 years and average time in service is 10.06 years.

Methodology

Since the unit of analysis in this research is not a single officer but rather a single department, it is important to note that the results of analysis will be applied to the department, not an individual officer. The dependent variables for this thesis are ratio level and are labeled as “rate of total excessive force complaints per 1,000 sworn officers” and “rate of sustained excessive force complaints per 1,000 sworn officers”. Each number in this variable represents the rate of excessive complaints of each individual department.

The independent variables measure demographic characteristics are selected from 5 groups: gender, race and ethnicity, level of education, average age, and average time in service. Those selected five variables are percentage of female officers, percentage of white officers, percentage of officers with only high school education, average age and average time in service. These five variables are ratio level variables. An additional independent variable, type of agency, is measured as a dummy variable. City police departments were coded as one and other agency types were code as zero. Due to the nature of these variables, a multivariate regression will be employed in separate models for each dependent variable. This is to determine the effect of each demographic characteristic on rates of total and sustained excessive force complaints. The hypotheses in this research are that there is a significant relationship between:

1. The percentage of officers with high school education in the department and the rates of total and sustained excessive force complaints, controlling for gender, race, average age, average time in service and type of agency.
2. The percentage of female officers in the department and the rates of total and sustained excessive force complaints, controlling for level of education, race, average age, average time in service and type of agency.
3. The percentage of white officers in the department and rates of total and sustained excessive force complaints, controlling for gender, level of education, average age, average time in service and type of agency.
4. The average age of officers in the department and rates of total and sustained excessive force complaints, controlling for average time in service, gender, level of education, race and type of agency.

5. The average time in service and rates of total and sustained excessive force complaints, controlling for average age, gender, level of education, race and type of agency.
6. The type of agency and rates of total and sustained excessive force complaints, controlling for gender, level of education, race, average age and average time in service.

Since the average age and average time in service might be highly correlated due to the nature of the variables themselves, it is important to note that the problem of multicollinearity might occur. Multicollinearity might create a problem when determining the amount of attribution of a unique variable to explain variation in the dependent variable. This is because the explained variation is shared between more than one independent variable, if the independent variables are highly correlated among each other (Bachman & Paternoster, 1997). In other words, it might be difficult to distinguish the amount of explained variation determined by either average age or average time, since those two variable might possibly be highly correlated.

One way to identify multicollinearity is to examine the correlation between independent variables. The higher the correlation between independent variables, the greater the problem of multicollinearity. Bivariate correlation procedure will be used to examine the correlation between these variables. If the correlation between each pair of independent variable is .70 or higher, multicollinearity might be a problem (Bachman & Paternoster, 1997).

CHAPTER FOUR

RESULTS

Chapter 4 will address the following findings: 1) the comparison between the rate of total excessive force complaints and the rate of sustained excessive force complaints by types of agencies, 2) the relationship between demographic characteristics and rate of excessive force complaints, and 3) multivariate regression analysis of the effect of each independent variables on the dependent variables.

The comparison between the rate of total and sustained excessive force complaints

Table 5

Average rate of excessive force complaints per 1,000 officers by type of agency

Type of agency	Statistics	Rate of total excessive force complaints per 1,000 officers	Rate of sustained excessive force complaints per 1,000 officers
Sheriff	mean	20.39	1.41
	Number of agencies	125	125
	Standard deviation	49.27	9.46
County	mean	29.21	4.13
	Number of agencies	14	14
	Standard deviation	24.74	8.28
City	mean	45.81	3.97
	Number of agencies	380	380
	Standard deviation	67.41	9.39
State	mean	22.55	1.71
	Number of agencies	9	9
	Standard deviation	28.98	1.79

Table 5 contains statistical information of the rate of total excessive force complaints and rate of sustained excessive force complaints by type of law enforcement

agency (i.e., sheriff, county, city and state police). When comparing the mean of the rates of total and sustained excessive force complaints by types of agencies, city police departments in this sample had the highest average rate of total excessive force complaints per 1,000 officers (45.81 complaints). Because the standard deviation is also high (67.41), it is an indication that the distribution among city police departments is highly dispersed, and the mean might be effected by extreme values. Unlike the rate of total excessive force complaints, the average rates of sustained complaints appear to be similar regardless of the types of agencies. As shown in Table 5, not only the city police departments in this sample appear to have a higher rate of total excessive force complaints than other types of agencies, but city police are also the most common in this sample (380 agencies from the total of 528 agencies). Furthermore, city police departments also have more contact with citizens than other types of agencies therefore they will probably receive more complaints than the other agencies. For these reasons, the following analysis will include type of agency to examine the difference of rate of excessive force complaints when controlling for the type of agency.

The relationship between demographic characteristics and rate of excessive force complaints

A correlation matrix was calculated to observe the relationship between the independent variables and the rates of total and sustained excessive force complaints. The results of the analysis are displayed in Table 6.

Table 6
Correlations of demographic characteristics and excessive force complaints

Demographic characteristics	Rate of total excessive force complaints in the department per 1,000 officers		Rate of sustained excessive force complaints per 1,000 officers	
	Correlation	Sig.	Correlation	Sig.
Percentage of officers with high school education	-0.007	0.874	-0.042	0.340
Percentage of female officers	0.069	0.112	0.042	0.338
Percentage of white officers	-0.138**	0.002	-0.191**	0.000
Average age of officers in the department	-0.039	0.368	-0.098*	0.025
Average time in service	-0.032	0.456	0.021	0.635
Is this agency a city department?	0.174**	0.000	0.110*	0.012

*Significant at $p \leq .05$

**Significant at $p \leq .01$

The result of the correlation matrix indicates low correlations ($r \leq .464$) among independent variables, therefore eliminating the concern of multicollinearity (see Appendix A). As seen in Table 6, the racial composition of the department and type of agency seems to be significantly related at the 0.1 level to both rates of total excessive force complaints and rate of sustained excessive force complaints. It is negatively related to the rates of excessive force complaints. In other words, the higher percentages of white officers the department has, the fewer rates of total and sustained excessive force complaints in the department ($r = -.138$, and $r = -.191$ respectively).

The average age of officers in the department does not seem to have any relationship with the rate of total excessive force the department received, but it appears to be significantly related to the rate of sustained excessive force complaints in the department ($r = -.098$, $p \leq .05$). This finding can also be interpreted that when the

average age of officers in the department increase, the rate of sustained excessive force complaints decreases. However, the correlation between average age and rate of sustained excessive force complaints (-.098) is relatively small.

Another variable that is significantly related to both rates of total and sustained excessive force complaints is type of agency. Being a city police department is significantly related to the rate of total excessive force complaints in the department at the .01 level ($r = .174$) and related to the rate of sustained excessive force complaints at the .05 level ($r = .110$). Since the city police departments might have more of a chance to associate with the public, there is more of a chance to receive complaints than any other type of agency.

From Table 6, the correlation matrix indicates that there is no significant relationship between educational level, gender of officers, average time in service and the rates of total and sustained excessive force complaints. Furthermore, the significant relationships that have been found are also weak since the highest correlation is only .174 (type of department). This finding is surprisingly different from the precedent literature which suggest that the college-educated officers behave differently from less educated officers and have fewer citizen complaints (Cohen & Chaiken, 1972; Sherman, 1980).

Multivariate analysis of the effect of each independent variables on the dependent variables

Table 7
Regression analysis of demographic characteristics and rate of excessive force complaints per 1,000 officers

Demographic characteristics	Rate of total excessive force complaints per 1,000 officers		Rate of sustained excessive force complaints per 1,000 officers	
	Coefficients	Standardized coefficients	coefficients	Standardized coefficients
Constant	70.931*	-	18.884**	-
Percentage of officers with high school education in the department	0.022	0.010	-0.007	-0.021
Percentage of female officers in the department	0.696*	0.101	0.058	0.057
Percentage of white officers in the department	-0.567**	-0.118	-0.126**	-0.177
Average age of officers in the department	-0.093	-0.007	-0.218*	-0.108
Average time in service of officers in the department	-0.461	-0.027	0.194	0.078
Is this agency a city department?	28.716**	0.204	2.235*	0.107
R ²	0.060		0.061	

*Significant at $p \leq .05$

**Significant at $p \leq .01$

Table 7 displays the results of multivariate regression analysis in separate models for each dependent variable. This is to estimate the directed effects of each of the dependent variables on the rates of total and sustained excessive force complaints. From the correlation matrix in Table 6, the correlations indicate that there are negative correlations between racial composition, average age of officers and the rates of total and sustained excessive force complaints. These relationships have changed slightly when the multivariate regression is applied.

The demographic characteristics and type of agency explain 6.0% of the variation in the rate of total excessive force complaints ($r^2 = .06$). The multiple coefficient of determination (r^2) indicated the proportion of variation in the dependent variable explained by the independent variables in the model. By using all of the demographic characteristics (racial composition, educational level, gender of officers, average age and average time in service) and type of agency (city police department), 6.0% of the difference among rate of total complaints in the department can be explained. In other words, $r^2 = .06$ indicated that the model did not suitably for the data in terms of combined ability of the independent variables to explain the variation in the dependent variables. However, 94% of the variation in the rate of total excessive force complaints remains unexplained by using only demographic characteristics variables.

As shown in Table 7, gender of officers in the department is significantly related to the rate of total excessive force complaints at the .05 level. The unstandardized coefficient value of 0.696 means that for an increase of 1% the female officers in the department, the predicted rate of total excessive force complaints increases by 0.696. The racial composition in the department also has significant relationship with the rate of total excessive force complaints. The predicted rate of total excessive force complaints decreases by .567 complaints for a change of 1% increase in white officers in the department. In addition, the agency type is also significantly related to the rate of total complaints in the department. While controlling for other demographic variables, city police departments are predicted to have 28.716 more complaints than non-city police.

Another dependent variable “the rate of sustained excessive force complaints per 1,000 officers” can also be explained by these demographic characteristics. However, the

demographic characteristic variables can explained only 6.1% of the variation in the rate of sustained excessive force complaints ($r^2 = .061$). Three independent variables that have a linear relationship with the rate of sustained complaints are racial composition, average age of officer, and type of agency.

Similar to the linear relationship of racial composition and the rate of total excessive force complaints, the rate of sustained excessive force complaints decreased to .126 complaints when the percentage of white officers increases by 1 %. However, the significant relationship of gender and the rate of excessive complaints disappear from this model, but the significant relation of average age appears while controlling for other variables. The rate of sustained excessive force complaints decreases by .218 complaints for a 1 year increase in average age of officers in the department. Since agency types were coded as 0 and 1, it can be interpreted that the city police departments will have 2.235 more sustained excessive force complaints than non-city police departments.

The standardized coefficients for rates of total excessive force complaints yield the assumption that type of agency is the best predictor for the rate of total excessive force complaints. This is because the standardized coefficient for type of agency is higher than any other independent variable, nevertheless; $r = .204$ is still an indication of weak relationship. The standardized coefficient demographic characteristics and the rate of sustained excessive force complaints suggest that racial composition be highly related than other independent variable ($r = .177$). In other words, the rate of sustained excessive force complaints in the department is best predicted by the racial composition in the department.

It is important to note that the percentage of white officers and type of agency remains significant in explaining the rates of both total and sustained excessive force complaints, even controlling for other demographic characteristics. The most consistent predictor for both models is race of officers in the department and type of the department. Since the education level and average time in service are no longer significant, the null hypotheses for both variables are accepted.

In addition, the coefficients for the independent variables can be used to create the estimated regression equation as:

The rate of total excessive force complaints = $70.93 + 0.022 \times \text{percentage of high school graduated officers} + 0.696 \times \text{percentage of female officers} - 0.567 \times \text{percentage of white officers} - 0.093 \times \text{average age of officers} - 0.461 \times \text{average time in service} + 28.716 \times \text{city police department}$.

For example, the non-city police department with 50% high school graduate, 50% female officers, 50% white officers, 20 years of average age, and 10 years of average time in service would have 35.8195 total complaints per 1,000 officers.

Another equation is for estimate the rate of sustained excessive force complaints in the department. This equation is:

The rate of total excessive force complaints = $18.884 - 0.007 \times \text{percentage of high school graduated officers} + 0.058 \times \text{percentage of female officers} - 0.126 \times \text{percentage of white officers} - 0.218 \times \text{average age of officers} + 0.194 \times \text{average time in service} + 2.235 \times \text{city police department}$.

By using the same conditions used in the above equation, the calculated rate of sustained excessive force complaints is 14.31 complaints per 1,000 officers in the department.

Summary

The finding in the thesis came from 528 police departments all over the United States. The attempt in this thesis is to find the relationship among demographic characteristics and the rates of total and sustained excessive force complaints. The unit of analysis is each department not the individual officers. Of the six independent variables considered in this thesis, type of agency and racial composition in the department have constantly shown significant relationship with both the rates of total and sustained excessive force complaints. Furthermore, education level and average time in service showed no significant relationship with the rates of excessive force complaints. However, the regression models show small amounts of explanation in the variation of the rates of excessive force complaints ($R^2=0.060$, $R^2 = 0.061$).

CHAPTER FIVE

DISCUSSION

This final section will discuss the result reported in Chapter 4 and drawn conclusions based on those results. The purpose of this thesis was to determine the relationship between demographic characteristics and the rates of excessive force complaints. Although police officers rarely employ force let alone excessive force, it is important to understand it. This is because a single incident of excessive force can create a disturbance in the society.

The quantitative methods used in the previous chapter provide the understanding of some of the rates of excessive force complaints in the departments, nevertheless; many variations of them remain unclear. In this chapter, the limitation of this study will be discussed and each research hypothesis will be addressed followed by a discussion on the implication of these findings.

Limitation of this study

The definition of and measurement issues regarding excessive force are problematic (Alpert and Smith, 1994). There is no single, accepted definition of excessive force among researchers and analysts (McEwen, 1996). The same incident might be reported in different ways from one department to another. For example, if a

complainant files two complaints about one incident, one department might record these as two separate complaints but another department might record them as one incident.

Another problem with this thesis is that it is difficult to find sufficient literature on the effect of demographic composition of the department on use of excessive force. Although the first empirical study of police use of deadly force was done over 30 years ago (Robin, 1963), most of the prominent research has focused on the individual level (Cohen and Chaiken, 1972; Sherman, 1980; Friedrich, 1980). However, due to the nature of data, the unit of analysis in this research is the department, not the individual police officer. The number of sustained excessive force incidences is the number of misconduct that each department reported. Therefore, the only type of conclusion that will be used throughout this study refers to the characteristic composition of the department, not the individual officer. Furthermore, the analysis of the macro-level (department) rather than the micro-level (individual) seems most appropriate to study police behavior (Wagner & Decker, 1997).

Because analysis in this thesis relies on data gathered in the national survey on police use of force during 1991 and 1992 by Pate and Fridell (1993) for the Police Foundation, several assumptions about this data set must be taken into consideration. First, the issue of excessive force is sensitive. It might be possible that agencies refused to respond to the survey or provide inaccurate information because of the sensitive nature of the topic. Second, the problem was about the reliability of the original research. It is important to note that I have to assume that the responses from each agency were consistent, dependable, and stable.

Third, there are some concerns about the validity of the original survey. Some agencies might be unable or unwilling to provide certain types of information. For example, small agencies might not have systematic record of use of force in the department. Furthermore, it is also possible that different agencies use the different definitions in responding to the original survey.

Fourth, another assumption that needs to be understood is that the reported data is incomplete. Therefore, the conclusion from this research based on this particular data set cannot and should not be interpreted to represent more than what it is intended to be.

Fifth, there might be some variables other than demographic characteristics of department that influence the rate of sustained excessive force complaints. Examples of those variables include demographic characteristics of suspects, suspect demeanor, situation of the incident, and department policy. However, this thesis is focused on the composition of demographic characteristic of the department, not other variables. This is because of the belief that the officer with different personality characteristics presumably produce different responses to similar situations (Worden, 1995).

Conclusion drawn from hypothesis one

H₁: There is a significant relationship between the percentage of officers with high school education in the department and the rates of total and sustained excessive force complaints, controlling for gender, race, average age, average time in service and type of agency.

Surprisingly, as observed from Table 7, the level of education and the rates of total and sustained excessive force complaints do not have a linear relationship with one another. This is because it is reasonable to believe that officers with higher education should perform significantly better than the officers with lesser education. The results of this analysis support the null hypothesis that there is no significant relationship between

the percentage of officers with high school education in the department and the rates of total and sustained excessive force complaints, while controlling for gender, race average age, average time in service and type of agency. This finding is opposite from the existing literature which indicated that the officers with high education receive fewer citizen complaints (Carter & Sapp, 1989; Cascio, 1977).

The null finding for the effect of education on the rate of excessive force complaints question the attempt of increasing education level in police requirements. However, the rate of excessive force complaints is not the only measure of police performance. Though increasing educational level does not seem to decrease the rate of excessive force complaints, it is reasonable to believe that by increasing educational level in the department the police performance might be better. For instance, the higher education enable police officers to write better reports and communicate better with public (Carter & Sapp 1989). Therefore, the benefit of increasing educational level in the department should not be overlooked due to the null finding per se.

Conclusion drawn from hypothesis two

H₂: There is a significant relationship between the percentage of female officers in the department and the rates of total and sustained excessive force complaints, controlling for level of education, race, average age, average time in service and type of agency.

As presented in Table 7, the significant relationship of percentage of female officers in the department with total excessive force complaints was suppressed when applied to the rate of sustained excessive force complaints. This finding might be interpreted that people filed excessive force complaints more toward female officers than male officer ($R=.696$), but the complaints were not sustained or the force were justified.

Conclusion drawn from hypothesis three

H₃: there is a significant relationship between the percentage of white officers in the department and rates of total and sustained excessive force complaints, controlling for gender, level of education, average age, average time in service and type of agency.

The finding indicated that the racial composition in the department is significantly related to the rates of total and sustained excessive force complaints, while controlling for other demographic characteristics. Though the relationship is significant, the coefficients for both rates of total and sustained excessive force complaints are weak. It is possible to assume that other variables might be a better explanation for the variation in the rate of excessive force complaints. The relationship between the racial composition and the rate of excessive force occur because people might possibly choose to file complaints against minority officers rather than white officers. Another possible reason is that there are more minority officers in the high crime rate area and have some culture conflict with citizen, therefore, they tend to have more complaints than white officers.

Conclusion drawn from hypothesis four

H₄: there is a significant relationship between the average age of officers in the department and rates of total and sustained excessive force complaints, controlling for average time in service, gender, level of education, race and type of agency.

As shown in Table 7, average age of officers in the department is independent for the rate of total excessive force complaints, while controlling for other demographic characteristics. However, it is significantly related to the rate of sustained excessive force complaints at .01 level. The negative coefficient suggests that the rate of sustained excessive force complaints in the department might decrease when the average age of officers in the department increases. The result of this analysis specifies that age has

linear relationship with the rate of sustained excessive force. One can conclude that the age of officers associate with experience and patient, therefore; the relationship might not be only age per se. Nevertheless, according to the finding, it is possible that by increasing the minimum age requirement, the rate of sustained excessive force complaints might decrease.

Conclusion drawn from hypothesis five

H₅: there is a significant relationship between average time in service and rates of total and sustained excessive force complaints, controlling for average age, gender, level of education, race and type of agency.

The analysis showed that average time in service of officers in the department does not have any significant relationship with the rates of excessive force complaints. This result is, somehow, surprising. This is because it seems reasonable to assume that experienced officers should perform significantly better than novice officers, thereby; the rates of excessive force should be significantly related to the average time in service of officers in the department.

Conclusion drawn from hypothesis six

H₆: there is a significant relationship between the type of agency and rates of total and sustained excessive force complaints, controlling for gender, level of education, race, average age and average time in service.

The type of agency is significantly related to the rates of total and sustained excessive force complaints. City police department seems to have more excessive force complaints than other type of agency. This finding is understandable because city police might associate more with people and deal with people from all walks of life,

consequently, they have more chance to receive more complaints than other type of agency.

Since this finding suggests that the type of agency is significantly related to the rate of excessive force complaints, the city police departments should be aware of the potential problem they might have with excessive force complaints. For example, the city police departments might want to create a program focus on reducing use of force, or educate the officers in the department about the use of appropriate force in various situations.

Summary

The findings in this thesis suggest that in general the rate of excessive force complaints does not highly significantly related to the demographic characteristics. These findings can be implied that there are something else more than just the character of officers in the department that contribute to the excessive force complaints in each department. The study of excessive force should be done in every police department in order to improve public relations and regain public trust. In addition, the study of excessive force can also served as an indication of officers who are prone to use force in the future.

During the past 30 years, the study of use of force has become more refined. However, the study about the strategies to reduce, control, and, limit the use of force by their agencies remain at large. If the agency has the power to target the violent-prone officers, the number of excessive force cases will decrease. A possible topic for future

research should focus on the identification of violent-prone officers and education program to reduce the use of force by the agency.

APPENDICES

APPENDIX A

Correlation matrix of demographic characteristics and excessive force complaints

	High school	Female officers	White officers	Average age	Average time	City police	Total complaints	Sustained complaints
High school	1.000	.111*	-.067	.055	-.151**	-.195**	-.007	-.042
Female officers	.111*	1.000	-.142**	-.008	-.136	-.262**	.069	.042
White officers	-.067	-.142**	1.000	.123**	.084	-.008	-.138**	-.191**
Average age	.055	-.008	.123**	1.000	.464**	-.024	-.039	-.098*
Average time	-.151**	-.136	.084	.464**	1.000	.114**	-.032	.021
City police	-.195**	-.262**	-.008	-.024	.114**	1.000	.174**	.110*
Total complaints	-.007	.069	-.138**	-.039	-.032	.174**	1.000	.332**
Sustained complaints	-.042	.042	-.191**	-.098*	.021	.110*	.332**	1.000

*Significant at $p \leq .05$

**Significant at $p \leq .01$

APPENDIX B

Definition

The following is a list of definition for some terms and concepts used in this study. Some terms were selected from the study of Pate and Fridell (1993):

Police misconduct: A police officer's commission of criminal offense; neglect of duty; violation of Departmental policies, rules, or procedure; conduct which may tend to reflect unfavorably upon the employee or the Department. The type of misconduct examines in this study is excessive/ undue/ unnecessary use of force; brutality (including use of weapons, cuffs, etc.)

Unfounded: The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.

Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful and proper.

Not sustained: The allegation is supported by insufficient evidence which could not be used to prove or disapprove the allegation.

Sustained: The allegation was supported by sufficient evidence to justify disciplinary action against the officer(s).

Civil suits: Legal action alleging non-criminal negligence such as false arrest, negligence, and abuse of authority.

Criminal charges: Legal action based upon police misconduct that violates local, state or federal law.

Other important terms and concepts for this study are:

Citizen complaint: An allegation of misconduct that was filed by citizen against the law enforcement agency or police officer.

Necessary force: The least possible level of psychological, verbal, or physical force appropriate for the circumstance used to solve a problem, restrain a suspect, and control the situation.

Unnecessary force: The excessive level of force that officer utilized to control the situation when the lower level of force can be used to overcome the resistance.

Excessive force: “Any officer behavior involving the use of more force than is necessary to effect an arrest or search; and/or the wanton use of any degree of physical force against another by a police officer under the color of the officer’s office” (Carter, 1994).

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