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The Administration of Police Consent Decrees: Evaluating the Effectiveness of Reducing
Pattern and Practice of Police Use of Force

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Doctor of Public Administration

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Division of Online and Professional Studies

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ABSTRACT

As a reform instrument, federal consent decrees have been used by the U.S. Department of Justice Civil Rights Division to address issues associated with unconstitutional police misconduct. A problematic area of concern is police behavior involving the excessive use of force on minority citizens. The purpose of this comparative case study was to determine whether or not the implementation of consent decrees in the New Orleans and Seattle Police Departments resulted in a reduction of the use of force 3 years after implementation, in comparison to 3 years preconsent decree implementation. This study aims to contribute to closing the gap in understanding regarding what policy implementations may be useful in correcting patterns of behavior in police misconduct and in closing the gap between best practice conduct and actual patterns of behavior and unconstitutional practice. Integrated with this study, Lewin's change model is used as a guiding philosophical framework for this study, positing that organizational and underlying behavioral change occurs in three phases: (a) unfreezing, (b) changing, and (c) refreezing. These three steps explain the process by which longstanding patterns of adverse police misconduct may be altered, how resistance may be addressed, and how new ideal behaviors may be normalized and habituated.

Keywords: Police, consent decree, New Orleans, Seattle, use of force, pattern and practice

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At the time that this research was produced, I had been in policing for 18 years, having been a Deputy Police Chief for approximately 4 years. Although it may be a normal response for many in policing, “I joined this profession because I desired to serve and help people,” this is not a simple task because “We the Police” often encounter people at life’s most difficult moments. It is a profession that can be frowned upon or celebrated at a moment’s notice.

This shift often causes others to pick a side either in support of or against the police or either support “Blue Lives or Black Lives.” It is my opinion that each issue is separate but ultimately must stand on ethical and moral ground. One side argues the value of sacrifices that police officers make to protect communities while the other acknowledges a historical context of unjust treatment of African Americans by police. In my opinion, there is no other domestic profession that stands between good and evil daily like policing, nor can anyone identify the fear that many Black men feel while pulled over on the side of the road by the police. As an officer and Black male, I have experienced both. As a father of Black sons, I share the fear that a police interaction could turn negatively for my own children. Nevertheless, I am mindful that many officers serve with fairness and dignity, working to overcome this mindset with each police–citizen interaction. These are my transparent truths.

With this understanding, I have come to realize this can be a subjective matter: We do not have a policing problem or political problem in our nation; some simply lack the humanity and dignity for civil and human rights. When ethical courage ceases to exist, our moral conscience is deemed inoperable. This is the necessary evil that we must face as police and community. It is the stint of Selma, Alabama and police actions that resulted in bloodshed of African Americans on the Edmond Pettus Bridge and the weight of the knee on George Floyd’s neck as he said, “I can’t breathe.” It is the heroic actions of 71 officers who died on 9-11 as terrorists flew into the Twin Towers and the six Dallas officers who were ambushed walking alongside protesters on July 7, 2016 supporting citizens’ First Amendment rights to protest.

For this reason, I have dedicated my entire adult life to policing because I want to create a better world for my children, family, and all persons. It is my inspiration as I awake every morning because I desire to see Darren, Dejon, Isaiah, Camden, and Carter grow up in a society that is better than the one they were birthed into. In addition to my children, I acknowledge my parents who laid the foundation and my younger brother Xavier McGuire for who I am today. Xavier, I am so proud of your growth and thank you for your support. To watch you grow as a father to Xsa Xsa and Xia inspires me greatly. You and Taneshia are trailblazers. However, I truly want to emphasize, all that I am and all that I will ever become are because of Lawrence and Bessie McGuire. My parents have been essential for my growth, but you need support from a great woman to not only assist in raising children but support you regardless of life’s circumstances. Through thick and thin, regardless of personal disagreements, disfunction, or chaos,

Atasha McGuire has always been a superpower to pray for me and propel me forward. For that, I owe a life of gratitude.

Finally, there are many men and women whom I have learned from and who have inspired me in my policing journey. You have taught me the importance of scholarship and servant leadership as a police executive. As there are too many to mention by name, I hope my actions as a police chief are illustrated by the knowledge you have shared with me. You have helped me identify my “54th mile.” To God be the glory, this kid from “Oak Cliff” is now Dr. Tarrick McGuire.

TABLE OF CONTENTS

ABSTRACT.....	iii
ACKNOWLEDGEMENTS.....	iv
LIST OF TABLES.....	viii
LIST OF FIGURES	ix
CHAPTER 1: INTRODUCTION	1
Background.....	4
Statement of the Research Problem.....	7
Problem Justification and Significance.....	8
Purpose Statement.....	10
Research Questions	11
Overarching Research Question (RQ)	11
Subresearch Questions	11
Hypothesis.....	12
Significance of the Problem.....	13
Definitions.....	17
Organization of the Study	18
CHAPTER 2: REVIEW OF THE LITERATURE	20
Theoretical Framework.....	22
History of Police Reform and Management	28
Early Police Reform.....	31
Modern Context	31
Past Reform Failure	34
Exploration of Reform	35
Police Use-of-Force Reforms	43
Consent Decree Reform.....	59
Seattle Police Department Use of Force	71
New Orleans Police Department Use of Force	79
The Success of the LAPD Police Consent Decree.....	84
Pittsburgh Police Consent Decree.....	86
Summary	89
CHAPTER 3: METHODOLOGY	90
Purpose Statement.....	90
Research Questions.....	91
Research Design.....	93
Population	94
Sample (Data Set)	95
Instrumentation	95
Data Collection	96

Data Analysis	96
Limitations	97
Summary	97
 CHAPTER 4: RESEARCH, DATA COLLECTION, AND FINDINGS	99
Overview	99
Purpose Statement	99
Research Questions	100
Overarching Research Question	101
Subresearch Questions	101
Hypothesis	102
Research Methods and Data Collection Procedures	102
Variables	103
Population	103
Data Collection	104
Presentation and Analysis of Data	105
Demographics	106
Variables	107
Data Analysis	108
Poisson Models	108
Data Analysis Output Charts	109
Findings	109
Chemical Agent	110
Taser Use	110
Physical Force	111
Baton Use	111
Discharge of Firearms	112
Summary	112
 CHAPTER 5: FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS	115
Overarching Research Question	115
Methods and Analysis	116
Major Findings	117
Unexpected Findings	119
Conclusions	120
Implications for Action	122
Recommendations for Further Research	127
Concluding Remarks and Reflections	127
 REFERENCES	129
 APPENDIX—USE OF FORCE	142

LIST OF TABLES

Table A1. Frequency Table: Chemical Agent	142
Table A2. Frequency Table: Taser Use	143
Table A3. Frequency Table: Physical Force	145
Table A4. Frequency Table: Baton Use.....	146
Table A5. Frequency Table Results: Firearms	147
Table A6. Physical Force Model and Estimates	148
Table A7. Baton Use Model and Estimates	149
Table A8. Chemical Use Model and Estimates	149
Table A9. Taser Use Model and Estimates.....	150
Table A10. Discharge of a Firearm Model and Estimates.....	151

LIST OF FIGURES

Figure A1. Taser Use	144
Figure A2. Physical Force.....	146

CHAPTER 1: INTRODUCTION

At its core, policing is truly the most local of all government services. From its inception during early colonialism, the role of law enforcement within individual communities has been funded and enacted by local community members (Mosteller, 2020). This means that both the police agency representative of a governmental entity and citizens are equally called upon to coproduce public safety in a manner that is both fair and just while building trust in communities. This understanding of public trust is essential to community–police relations in a way that allows police and community to build a pathway forward toward sustainable civility.

Historically, the idea of public trust in the police for all communities has not been a reality. The frayed relationship between police and the African American community is haunted by past occurrences of excessive police use of force and continues to emerge as a critical issue in America. Such use of force detrimentally impacts public trust in police institutions—which ideologically are instituted to provide safety—yet when these bodies use excessive force, the result is a public erosion of perceived safety, especially relating to police and African American community relations. For instance, in March of 1965, America witnessed Alabama State Troopers brutally attack protestors in Selma, Alabama who were demonstrating for African Americans right to register to vote (Jeffries, 2011). Six decades later, George Floyd, an African American male died after a police officer kneeled on his neck for 8 minutes and 46 seconds (Knight, 2020). Incidents such as this, in which African Americans experience police violence, act as a constant reminder of why public trust of the police continues to dwindle in communities of color.

Evidence supports that African Americans and residents in predominately African American neighborhoods often view the police as illegitimate and untrustworthy (Cazenave, 2018; Moore, 2010; Tyler & Huo, 2002). These views are correlated through how law enforcement action is perceived and experienced. Kleinig (2014) proposed that police illegitimacy has a correlation to how police use force excessively and the violation this behavior has on police respect as moral agents, practices, and administration through street justice. This type of police misconduct is a stimulus that undermines public trust, creating a rift between police and community (Kleinig, 2014).

To date, policing is a profession and segment of government that has grown to encompass approximately 18,000 law enforcement agencies that vary in size, location, and population throughout the United States (Bureau of Justice Statistics, 2016). Even with this significant number, when the law enforcement system fails, it is typically the responsibility of local officials to address the failure and restore public trust (R. C. Davis et al., 2005). Often, police departments lack accountability and oversight of law enforcement personnel to address misconduct or law violations (R. C. Davis et al., 2005). When police neglect to lawfully exercise their ethical responsibility bestowed upon them by the U.S. Constitution and the public, there is a moral failure. Moreover, when a police department does not rectify discriminating behavior, federal law supports intervention from the Civil Rights Division of the U.S. Department of Justice (DOJ). Upon identifying a quantifiable gap between the need for police reform and the allowed jurisdiction of the DOJ, the power of this agency was expanded in 1994 when Congress passed legislation that allowed the DOJ to file civil lawsuits in relation to identified

patterns of illegal or unconstitutional policing (R. C. Davis et al., 2005). This legislation forms the foundation for the modern consent decree.

With the authority granted in 1994, the DOJ has actively investigated reports of police misconduct in geographies spreading from New York to Los Angeles (R. C. Davis et al., 2005). To date, none of these investigations have gone to trial. The individual departments have instead chosen to sign a memorandum of agreement that voluntarily places the specific agency under greater level oversight. This document, along with the consent decree, typically “specifies a series of reforms that the police agency in question will implement and provides for a federal monitor to be appointed to oversee the compliance of the local government with the decree or agreement” (R. C. Davis et al., 2005, p. 1).

Although a preliminary timeline for consent decrees can be established, completion is contingent upon the approval of a federal judge. During this time, all policing policies and practices are carefully reviewed as new standards and expectations are set into place. Upon completion of fulfilling all requirements, the consent decree is lifted, allowing the local government to regain control of their agency and continue forward with revised guidelines and standards. To date, this approach has proven to be progressive, but it is widely debated whether or not consent decrees are impactful in addressing misconduct (Archibald et al., 2019; Jiao, 2020). However, there exists a gap in the body of knowledge linking specific behaviors that result in a consent decree being enacted and quantifiable, long-term behavioral change (Archibald et al., 2019; Jiao, 2020).

In an attempt to contribute to closing this gap in knowledge regarding such specific resulting behaviors regarding consent decrees, this research tracked use of force, specifically within minority groups, as a stimulus for the enactment of a consent decree followed by the effectiveness of that behavioral modification tactic as a long-term solution by evaluating data of the Seattle and the New Orleans Police Departments 3 years before and 3 years after the implementation of consent decrees. A quantitative methodology was used to evaluate secondary documentation and published data to understand whether or not a statistically significant change in the use of force exists before versus after implementation of the consent decrees among the two departments evaluated. In this way, this research analyzed patterns of practice in correlation with consent decrees.

Background

Since the inception of the Violent Crime and Law Enforcement Act of 1994, the U.S. federal government, through the DOJ, has conducted 69 formal investigations under Section 14141 (DOJ, 2017). Diverse in nature, investigations have encompassed law violations associated with unlawful searches, stops, excessive use of force, racial bias, lack of training, and poor policy. In some cases, this unconstitutional misconduct may be isolated to a small group of officers or to emblematic of a systemic problem within the law enforcement agency (Worrall & Powell, 2019).

With the advancement of technology, these investigations are forecasted through the public recording of police misconduct that builds upon either the perception or reality of police behavior. These incidents often go viral on social media, building a consensus that dwindles public trust between police and community. Cases have shown that a

single event of police misconduct can have a lasting impact on another jurisdiction. In the summer of 2014, police killed Michael Brown in Ferguson and Eric Garner in New York. At the core of each incident, narratives involving excessive police use of force sparked national civil unrest expanding the divide between community–police relations. Tyler (1990) explained public trust is critical to the mission of policing and building public confidence. With this in mind, it is challenging for the police to gain compliance from the community absent without trust.

In most police consent decree findings, a central factor often associated with eroded public trust is excessive use of force by police. The DOJ (2017) acknowledged in a report on pattern and practice police reform, 17 of 21 police departments found a systemic problem of unlawful or excessive force (DOJ, 2017). In better understanding the relationship between police contact and excessive force, it is important to define the boundary between rational and excessive. Although it is challenging, administrating the issue must be managed subject to the legality of the force used.

Through case law, the U.S. Supreme Court has established that excessive force should be properly analyzed under the Fourth Amendment’s objective reasonable standard. Therefore, it is important to consider the following facts: (a) severity of the crime; (b) whether an individual possess an imminent threat to the safety of the officer or public; (c) whether he is actively resisting arrest; or (d) whether the individual is attempting to evade arrest. The “reasonableness” of a particular 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 (*Graham v. Conner*, 1989).

Although many police departments have different policies, the *reasonableness standard* is very clear. According to the International Association of Chiefs of Police (IACP, 2001), the appropriate amount of force is the “amount of effort required by police to compel compliance from an unwilling subject” (p. 1). As a theoretical model, to propel a standard of reasonable force, police departments guide the officer force through a use-of-force continuum. The National Institute of Justice (2009) defined the level of police officer response in a use-of-force continuum as follows:

- **Officer Presence:** No force is necessary. “The mere presence of an officer is suitable to deter crime or diffuse a situation” (para. 2). Considered the best way to resolve a situation.
- **Verbalization:** Force is not physical. “Officers use calm, nonthreatening commands, such as ‘Let me see your identification and registration. . . . Officers may increase their volume and shorten commands in an attempt to gain compliance: . . . ‘stop,’ or ‘don’t move’” (para. 3).
- **Empty-Hand Control:** “Officers use bodily force to gain control of a situation” (para. 4). There are soft techniques (grabs, holds, joint locks) and hard techniques (punches and kicks) used to restrain an individual.
- **Less-Lethal Methods:** “Officers use less-lethal technologies to gain control of a situation” (para. 5). These can be in the form of blunt impact such as using “a baton or projectile to immobilize a combative person” (para. 5); chemical: “chemical sprays or projectiles embedded with chemicals to restrain an individual (e.g., pepper spray)” (para. 5); or conducted energy devices (CEDs): These devices “discharge a high-

voltage, low-amperage jolt of electricity at a distance” (e.g., tasers); “officers may use CEDs to immobilize an individual” (para. 5).

- **Lethal Force:** “Officers use lethal weapons to gain control of a situation” (para. 6).

This is the last and most severe response in the continuum and “should only be used if a suspect poses a serious threat to the officer or another individual” (para. 6).

In the case of a federal consent decree, excessive use of force has been identified as a widespread problem. Excessive use of force is defined as that which exceeds the reasonable standard, and in which significantly more force is used than is necessary or required to gain compliance (Chanin, 2011). With this understanding, the DOJ has an obligation to investigate law enforcement action that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States (42 U.S.C.). In the event a pattern and practice of police misconduct is validated, the DOJ has legal authority to enact a police consent decree, subject to the order of a federal judge. A federal police consent decree is a negotiated settlement between the DOJ and police departments that requires significant and aggressive reforms to eliminate police misconduct (Chanin, 2011).

Statement of the Research Problem

Police misconduct in the form of excessive use of force is a critical and life-threatening issue that impairs community police relations across the United States, particularly in minority communities (Jeffries, 2011; Knight, 2020). Hence, such misconduct is counterproductive to the intent of police departments to begin with and results in an erosion of community safety, especially regarding minority communities’ experiences of safety as otherwise ought to be upheld by police departments (Cazenave,

2018; Moore, 2010; Tyler & Huo, 2002). Therefore, this problem of misconduct is both a legal, social justice, and social wellbeing issue. Historically, this misconduct produces public harm resulting in excessive police use of force, poor police policies, public mistrust, and lack of police accountability (Tyler & Huo, 2002). Federal consent decrees have been used to reform police organizations in the United States for more than 2 decades. Police departments having completed consent decrees and the data accumulated in the process, however, have rarely been examined (Jiao, 2020). This brings to question whether police consent decrees are of value, especially as related to reducing police use of force.

Problem Justification and Significance

Although the role of a police officer is not a job of simplicity, it is a position that requires great skill. Police officers are accountable for ensuring the safety of the public, but they also have the authority to use force when necessary in protecting the lives of themselves and others (National Institute of Justice, 2009). As it is the responsibility of police to protect society, it is equally important to uphold the Constitution while executing their duties. When police do not carry out or execute their duties in a legal impartial fashion, it can be detrimental to the public. Furthermore, when this behavior goes unchecked locally, federal laws support intervention from the DOJ (R. C. Davis et al., 2005).

As a tool, Section 14141 of the 1994 Violent Crime Control Act gives the DOJ the authority to investigate alleged unconstitutional violations of police. Known as a *pattern and practice* initiative, the scope of a consent decree is to take formal remedial action against state or local police departments to address systemic police misconduct and

inappropriate or excessive use of force. In several cases where consent decrees have been enacted, police use of excessive force has been identified as a problem (Archibald et al., 2019). When Archibald et al. (2019) conducted a consent decree analysis of government investigations of police practices throughout the United States between 2008 and 2018, their findings indicated that within the decade, 14 cities were investigated, 12 were identified as using excessive force, and four municipalities used excessive force against African Americans (Archibald et al., 2019).

Excessive force is further a problem because it contributes to the alienation of citizens from police (Goldsmith, 2005). Whether it be perception or reality, the connection between public trust and excessive force cannot be taken for granted. Lee P. Brown, Former Police Commissioner and President of the International Association of Chiefs of Police commented that the problem of excessive force among America's police departments is critical and real and is in large part correlated to the context of challenges faced by police in American urban centers (Goldsmith, 2005; Lee, 1981). However, despite such causes and contributors, it must not be condoned and instead must be actively countered and managed by proactive justice reform professionals. Therefore, police infractions must be governed to address structural misconduct through reforms that reassure organizational legitimacy to the public. Additionally, such reform communicates to the public that the police department will be held accountable and make ethical decisions. This improves public trust because the community sees the police addressing negative behavior (Lee, 1981).

Despite a broad and often controversial impact and the troubled history of efforts to reform local police institutions, the initiative remains vastly understudied (Skogan,

2008; Walker, 2012). More to the point, the subject has yet to draw the attention of public administration scholars despite the potential value of their contributions to the practical and theoretical understanding of the matter. Drawing on past scholar positions, it is important to expand upon existing research. By conducting a comparative analysis of police departments in two major cities, Seattle and New Orleans, focusing on the areas of police use of force where police misconduct was present will aid in assessing improved police behavior and whether or not a statistically significant change in the use of force by these two police departments is evident in correlation with the implementation of decree forms.

Purpose Statement

The purpose of this comparative case study was to determine whether or not the implementation of consent decrees in the New Orleans and Seattle Police Departments resulted in a reduction of the use of force 3 years after implementation, in comparison to 3 years preconsent decree implementation. In doing so, this study examined the extent to which consent decrees reduce police use of force during officer citizen interactions. Furthermore, this study sought to determine whether a statistically significant difference exists between the rate of force used on citizens before and after the consent decree by using pre- and postintervals for a period of 3 years before implementation and 3 years after implementation. Hence, this study used a comparative analysis evaluating secondary data. As a theoretical framework, the researcher used change theory, a three-stage model that requires prior learning to be rejected or replaced (Lewin, 1952). For the purpose of this research, aggregate data were policy associated with use of force and statistical changes in police use of force.

Research Questions

The primary goal of the research study is to contribute to closing the existing gap in empirical literature regarding pattern and practice reform of federal police consent decrees and evaluate consent decrees' impact on police use of force. In pursuit of this goal, it is important to identify behaviors and problems from each police department evaluated, including Seattle and New Orleans, associated with use of force and the consent decree. More specifically, it is important to answer the overarching question.

Overarching Research Question (RQ)

Regarding police pattern and practice, are police use-of-force rates statistically reduced in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

This is relevant to the study in that informing this question will aid in determining whether statistically significant differences are present in the variations observed over the lifespan of the consent decree, which may or may not have an effect on police pattern and practice.

Subresearch Questions

1. Are gender-based changes in use-of-force rates more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
2. Are racial disparities in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

3. Are the uses of force with a weapon that results in deadly force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
4. Is the discharging of a firearm in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
5. Are batons in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
6. Are hands, feet, and fists in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
7. Are chemical sprays in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
8. Is taser usage in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

Hypothesis

H0: There is no difference in the rate of police use of force in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree.

Significance of the Problem

In addressing police misconduct, the DOJ (2001) acknowledges poor behavior is not inadvertent, incidental, or unavoidable. Instead, it is systematic, arising out of departmental deficiencies that undermine officer adherence to constitutional law and departmental policy (DOJ, 2001). This acknowledgment implies that cases of misconduct are problematic and warrant being addressed and corrected, thereby justifying this study's intent which sought to examine the efficacy of consent decrees in contributing to correcting such misconduct. Officers often engage in misconduct when there is no perception of administrative oversight by which departmental supervisors effectively manage and document poor employee behavior. The rationalization of this misconduct is often the product of poor morale and leadership, therefore creating a deficiency in organizational integrity. To reduce departmental susceptibility, police administrators must not lack the ability to make sound decisions that reinforces constitutional values through organizational accountability.

Furthermore, the lack of police accountability has a direct correlation to police misconduct. Police accountability can be defined as a system of internal and external checks and balances aimed at ensuring police personnel carry out their duties properly and holding them responsible should they fail to do so (United Nations Office on Drugs and Crime, 2011). When a police department resists community feedback, provides insufficient training and policy guidance to officers, and fails to discipline, it facilitates a toxic environment absent of accountability. When public discourse happens, there is usually a significant focus on the officer engaged in misbehavior. However, countering the systematic causes of police misconduct requires more than disciplining officers. It

requires structurally changing police departments that permit the police misconduct to create accountability for officers and supervisors and foster norms for professional integrity (DOJ, 2001), thereby justifying attempts to understand the impact or efficacy of accountability interventions such as consent decrees, as this study aims to do.

Debate exists regarding whether or not police reform is needed or whether it is necessary (Bell, 2018). Police reform has played a continual role in the history of policing, ensuring constitutional mandates are executed by law enforcement. In police reform circles, scholars and policymakers diagnose the frayed relationship between police forces and the communities they serve as a problem of illegitimacy, or the idea that people lack confidence in the police and thus are unlikely to comply or cooperate with them (Bell, 2018). It should not be understated that a majority of police officers serve the community with dignity and respect daily, never wavering to the oath they have taken. Despite the actions of many, allegations and factual occurrences of police misconduct damage the core of American democracy and the freedoms afforded by the Constitution (Bell, 2018; Knight, 2020; Moore, 2010). Poor police behavior and excessive use of force not only undermine the legitimacy of a police agency, but they also create a negative pattern and practice of misconduct that damage community–police relations and public trust.

The passing of the 1994 Violent Crime Control and Law Enforcement Act does not reflect an indictment on police departments. Its purpose is to increase public safety and promote civil rights for all persons. It does not undermine police authority, but it subjects unconstitutional behavior to legal examination. The DOJ has opened 11 new pattern-or-practice investigations since 2017 and negotiated 19 new reform agreements

since 2012 (DOJ, 2017). Pattern and practice investigations begin with allegations of police misconduct. If these allegations are sustained, the DOJ works to negotiate a settlement that guides the police agency on a path for self-improvement (DOJ, 2017).

Although allegations that some police use of force is excessive, unjustified, and discriminatory, current data regarding police use of force are insufficient to determine whether instances are occurring more frequently and progressively during recent years (U.S. Commission on Civil Rights, 2018). If so, police officers must assume the responsibility of maintaining order and also the responsibility of maintaining a level of consistency in decision-making. As a standard, in making a use of force decision, police officers are to use the minimal amount of force to achieve lawful compliance (Goldsmith, 2005). To better assess police patterns of behavior and use of force, the F.B.I launched a national use-of-force database to provide a central point for police reporting (F.B.I. National Press Office, 2018). By contributing data annually, police can not only improve data collection efforts, but they can also improve public trust through transparent reporting that is available to the public (F.B.I. National Press Office, 2018).

Research further documents the disparities in police use of force by U.S. police departments. This is commonly answered by benchmarking age against group population (Cesario et al., 2018). Buehler (2016) conducted a study on racial and ethnic disparities among males who were 10 years and older. The mortality rate for African Americans and Latinos was 2.8 and 1.7 times higher compared to Whites. Kramer and Remster (2018) discovered African Americans are more likely to experience lethal police use of force when police uncover criminal activity and Black youth, as compared to White youth, face the greatest risk of this disparity. Mock (2019) expressed that in the United

States, African Americans are 2.5 times more likely to be killed by the police than White people. For Black women, the rate is 1.4 times as likely (Mock, 2019).

Researchers further explored this topic in a study on lethal force among police and African American males. Under their models, they found that roughly one in 1,000 Black boys and men will be killed by police during their lifetime. For White boys and men, the rate is 39 out of 100,000 (Edwards et al., 2019). Said another way, the likelihood that a Black male will be killed by the police is nearly 3 times the likelihood that a White man will be killed by the police. Researchers concluded that people of color, especially African Americans, are at a greater risk for experiencing police-involved harm.

Research documents how this disparity is manifest in the use of force (Johnson, 2014). Johnson (2014) acknowledged the widespread concern about racial disparities and officer-involved shooting (OIS) reported through databases, but conveys they provide limited information. Because of voluntary reporting, OIS regarding lethal force fails to capture on duty justifiable homicides. The notion that a police homicide was justified defends the officer's actions in relation to criminal law.

The challenges in reporting and racial disparities offer great complexity. Some police departments often require that officers submit a written report to document a use-of-force incident that reaches a certain threshold, but others may not. For example, an officer may point his weapon at an individual in response to a threat. Departments may have varying opinions on whether this was a use of force because the officer did not discharge the weapon; therefore, it is not documented as a use of force. Another

department may acknowledge pointing a weapon presents a threat and is a use of force (Johnson, 2014; Police Executive Research Forum, 2016).

A review of consent decrees managed by the DOJ often requires local police departments to implement specific reforms to prevent civil rights violations relating to police use of force (Police Executive Research Forum, 2016). This is necessary because consent decrees often identify a disconnect between officer use of force, racial disparities, and policy. Common reforms that are mentioned related to use of force recommend departments provide a clear policy that defines use of force describing the consequences for using unreasonable or excessive force. As a result, from this type of guidance, departments develop a clear policy and directives for officers.

Many police departments have experienced significant public discourse in relation to OIS that have resulted in public discourse, particularly in the African American community. As a result of these incidents, the American public has demanded increased police accountability and transparency, often questioning police legitimacy. As public administrators in government lead organizations, it is important to make ethical decisions that will not only improve police departments but also enhance trust and social equity between the community and police. The American Society for Public Administration (ASPA, n.d.) *Code of Ethics* acknowledges that public administrators must “uphold the Constitution and law” (p. 1). When Constitutional violations that create a pattern and practice that is detrimental to the public go unchecked, it is imperative to identify external solutions to solve organizational challenges.

Definitions

This section provides definitions of all terms that are relevant to the study.

Excessive force. The application of force beyond what is reasonably believed to be necessary to gain compliance from a subject in any given incident (Bureau of Justice Statistics, 2016).

Lethal use of force. Force that a law enforcement officer uses with the purpose of causing, or that the officer knows to create a substantial risk of causing, death or serious bodily harm (Bureau of Justice Statistics, 2016).

Pattern and practice. A reoccurring behavior that violates the Constitution or federal laws (DOJ, 2001).

Police consent decree. A negotiated settlement agreement between the DOJ Civil Rights Division and police department by which mandated reforms are implemented to eliminate police misconduct (Chanin, 2011).

Police misconduct. Inappropriate conduct and/or illegal actions taken by police officers in connection with their official duties (DOJ, 2001).

Police reform. A process that transforms the values, culture, policies and practices of police organizations so that police can perform their duties with respect for democratic values, human rights, and the rule of law (DOJ, 2001).

Use of force. The amount of effort required by law to gain compliance from an unwilling suspect (Bureau of Justice Statistics, 2016)

Organization of the Study

The remainder of this study looks at the early forms of police administration, changes in police use of force, and police reform as evidenced through an examination of secondary information regarding New Orleans and Seattle, 3 years before and 3 years after the implementation of consent decrees in both cities' police departments. Data were

evaluated using quantitative comparative analysis to understand whether or not a statistically significant difference in the use of force is exhibited pre- versus postconsent decree implementation, regarding both police departments. Data included a literary analysis, through which early stages of police reform were explored peaking at the integration of case law and federal reforms to address police misconduct. In Chapter 2's literary review, this research communicates the evolution of policing highlighting two case studies where police misconduct was problematic and its relationship to use of force. This provides the foundation of what is currently known, upon which to carry out this study's methods, which are described in Chapter 3. A comprehensive understanding of research methodology provides a process specific to a quantitative study aligned with theory and research design. Finally, this study aimed to address the complexity of the reform process and its ability to address excessive use of force and police misconduct.

CHAPTER 2: REVIEW OF THE LITERATURE

Police departments represent a localized manifestation of government, with roots in early colonialism (Mosteller, 2020). Traditionally, the role of police departments as government entities is to contribute to ensuring a state of public safety in a just, fair, trustworthy manner, which perpetuates both physical and psychological security (Mosteller, 2020). Unfortunately, this trust between police departments and the public has been compromised historically in the context of African American communities, resulting from the excessive use of force by police departments, which continues to be an issue in present-day America. Instances of excessive use of force and police brutality, particularly toward African American individuals erodes public trust in police departments otherwise intended to foster ideological safety among communities. A recent culmination of the longstanding intersection of racial discrimination and excessive use of force by police departments was evident in the recent death of George Floyd (Knight, 2020). Another prominent occurrence was marked by the attack of Selma, AL protestors by Alabama police troops in 1965 during the Civil Rights Movement (Jeffries, 2011). Such incidents clearly demonstrate why public trust in police departments continues to erode among African American communities (Cazenave, 2018; Kleinig, 2014; Moore, 2010; Tyler & Huo, 2002).

Understanding that excessive and inappropriate use of force by police departments, especially toward African Americans, erodes public trust makes clear that this erosion of trust simultaneously calls into question the legitimacy of such police departments (Kleinig, 2014). Kleinig (2014) suggested the legitimacy of a police department is in large part correlated with how the police force is used. In other words,

the more appropriately rather than excessively that force is used and only when needed, the more legitimate the police department is. This recognition underscores the need for police departments across the states to resume legitimacy and public trust through intentional action and collaboration between federal and state agencies. Consent decrees offer one potential intervention (R. C. Davis et al., 2005). As local law enforcement agencies now top 18,000 nationwide (Bureau of Justice Statistics, 2016), an opportunity exists for police department moral failure to be rectified through the use of U.S. Department of Justice (DOJ) measures that identify patterns of behavior or unconstitutional policing and work to correct such patterns of behavior through interventions such as consent decrees (R. C. Davis et al., 2005). The consent decree stems from a 1994 legislation passed by Congress allowing the DOJ to file civil lawsuits in relation to patterns of behavior (R. C. Davis et al., 2005). A consent decree is generally accompanied by a memorandum that outlines a voluntary agreement between the police department being overseen by the DOJ and the DOJ. This memorandum agreement specifies patterns of behavior intended to be reformed and outlines guidelines for federal monitoring and oversight (R. C. Davis et al., 2005).

The efficacy of the use of consent decrees in police reform and/or correcting patterns of behavior, such as minimizing excessive use of force, is debated (Archibald et al., 2019; Jiao, 2020). A gap between practice and guidelines exists regarding what measures are actually effective in initiating and producing desired police reform. Hence, in an attempt to contribute to informing this gap in understanding, the present study used quantitative comparative analysis to evaluate whether or not the implementation of consent decrees in New Orleans and Seattle Police Departments has been effective in

minimizing excessive use of force to a statistically significant degree. Secondary data were evaluated 3 years prior to and compared to secondary data 3 years following the implementation of consent decrees in both contexts. The independent variable studied was the implementation of consent decrees, and the outcome variable is use of force.

To provide a solid, literary, and contextual understanding informing this study's research questions, methods, and hypothesis, it is essential to research what is currently known about police reform. Therefore, the purpose of Chapter 2, the literature review, is to provide a substantial review of related existing literature. The literature review discusses the following subsections before providing a summary transition to Chapter 3, the methodology of the study: (a) theoretical framework, (b) history of police reform and management, (c) early police reform, (d) police use of force reforms, (e) consent decree reform, (f) the Seattle Police Department use of force, and (f) the New Orleans Police Department use of force.

Theoretical Framework

Lewin's three-phase change model provided a relevant philosophical framework for understanding how organizational and governmental change, and most relevantly, patterns of behavior, may be reformed. Lewin posited that change occurs in three phases: (a) unfreeze, (b) change, (c) refreeze (Cran, 2015). Although the model is clearly simple and straightforward, it nonetheless asserts that these three basic yet often overlooked steps are necessary to facilitate lasting change. First, current behaviors or systems of practice in place must be unfrozen or disrupted. This first step, unfreezing, describes the necessity that to enact change, natural resistance to change must be addressed. Many, and in this case including police departments, may resist proposals for change, simply

because of the innate human tendency toward habits that are familiar and comfortable, therefore providing an increased sense of ontological security. Hence, to alter a process, these longstanding habits must be uprooted or unfrozen (Cran, 2015). In the case of police reform, this relates to altering the process by which roles are filled and actions are carried out in a traditionally less monitored manner. The introduction of a consent decree in conjunction with a memorandum agreement in this regard demonstrates an attempt to unfreeze a process.

The changing process, or the second step of Lewin's change model, describes the phase of transformation in which new behaviors begin to be engaged in and actual change occurs. In other words, this phase signifies transition, and the resuming of movement toward a new and soon-to-be habituated behavior. This phase also signifies the learning of new behaviors. Often, it is accompanied by uncertainty and fear and for that reason can be the most difficult phase to move through (Cran, 2015). However, humans are instinctually motivated by fear over logic, and thus with the imposition of consequence-accompanied memorandums and agreements are more likely to move toward new, desired behavior (Cran, 2015), just as has been evident during the 2020 worldwide rapid transition toward dramatically altered human social behavior. However, within the context of this study, the change sought is intended as positive rather than dehumanizing, and the actions and guidelines followed by the Seattle and New Orleans Police Departments while under the monitoring of a consent decree are representatives of steps toward changed behavior.

The final phase of Lewin's change model is the refreezing process, during which reinforcement is used to signify the normalization and solidification of new behaviors,

reinstilling certainty and alleviating fear by associating new behaviors with notions of security and habit (Cran, 2015). The refreezing process in the case of this study would be signified by a sustained reduction of incidents of excessive use of force among the two police departments evaluated. In some cases, refreezing is a process that must be continually reinstilled, especially in instances involving complex issues such as those influencing social justice movements. Varying political opinions may, for instance, motivate prolonged resistance to change requiring repetitive change attempts followed by repetitive, subsequent, refreezing processes.

The model of organizational change that has been developed by Lewin provides an excellent framework in which the development of change processes within the context of police organizations can be pursued. However, it is likely necessary to examine parallel models of change that can be applied either on a general level or within a particular context in ways that enhance the change process and facilitate the development of positive outcomes. The literature that is available regarding organizational change processes includes additional frameworks that can be applied on a contextual basis that might render the change process more effective. As an example, Burke (2002) theorized about potential organizational change models that can be applied on a circumstantial basis related to particular organizational paradigms. A critical area of concern involves the need for an organization to engage in a comprehensive change planning process before the relevant changes are integrated into the overall organizational model that is already existent.

Various organizational change theorists have noted that the acceptance of change by organization members is a critical factor in the effectiveness of the changes once they

are introduced. The implementation of organizational change practices that are intended for the purpose of reducing negative interaction between police officers and members of the public, particularly citizens and residents from disadvantaged communities, involves a change process that is likely to be met with resistance. Therefore, it is necessary to formulate a change model for the organization that allows for the changes to be integrated into the wider organizational culture. The suggestions recommended by Burke (2002) in this regard are helpful in the sense of advocating for a holistic paradigm regarding the implementation of organizational change. However, certain additional factors of a more specific variety may often need to be examined when introducing changes into police organization practices.

Such concerns indicate the relevance and validity of Golembiewski's (1979) "reinventing organizations." The particular model that was developed by Golembiewski nearly half a century ago remains practically valid in a contemporary context because of the core insights that were identified. A foundational element of Golembiewski's theory was that organizational behavior, both on a collective level and on an individual basis, is rooted heavily in the organizational culture in which the behavioral factors are present. The thesis that was advanced by Golembiewski involved the sociological concept that organizations function as miniature societies of their own. An application of social science principles, along with parallel insights from social psychology, indicates that just as societies maintain metalevel norms, mores, folkways, and taboos, a similar process of cultivating a primary social fabric occurs on an organizational level as well.

The result of such social processes is that an organizational culture develops with its own norms. As an illustration, many advocates for police reform have criticized what

some refer to as a “code of silence” when it has been found that officers do not exercise ethical courage or otherwise report questionable behavior of fellow officers that may undermine accountability processes. Indeed, Golembiewski’s (1979) theory is vividly illustrated by incidents that occurred during the protests against police brutality during 2020 in which members of police forces and community members in some jurisdictions erected “Blue Lives Matter” flags, indicating loyalty to officers, while others held signage and flags expressing “Black Lives Matter,” noting resistance against the shooting of unarmed Black males. As social norms shifted, many officers emerged publicly, walking in support of protestors against police misconduct with a focus on serving and protecting. This response acknowledged implications for organizational change in mindset and upholding the U.S. Constitution in response to police misconduct.

Further implications for organizational change and police reform were introduced after the police shooting of Ferguson, Missouri teen Michael Brown. Although this incident was deemed justified after a DOJ investigation, it brought national outrage and attention to fatal police–citizen encounters. As a guide, the President’s Task Force on 21st Century Policing (2015) provides a comprehensive model on which organizational change can be introduced into the practice of policing on both an effective and practical level. The Task Force was created and introduced by the administration of President Obama in 2015 for the purpose of addressing ongoing concerns regarding incidents of violence or preventable killings that have taken place during encounters between police officers and members of the public. In particular, concerns about racial and socioeconomic disparities have been raised along with individual cases involving persons killed by the police or who died while in police custody under suspicious circumstances.

The Task Force introduced what is known as the “Six Pillars” involved in the development of positive relationships between the police and the wider community. The Six Pillars are as follows: (a) building trust and legitimacy, (b) policy and oversight, (c) technology and social media, (d) community policing and crime reduction, (e) officer training and education, and (f) officer safety and wellness (President’s Task Force on 21st Century Policing, 2015). It can be argued that the first pillar that has been identified as trust and legitimacy is the foundation of all of the other pillars as it relates to the development and maintenance of public trust. In addition to Pillar 1, building trust and legitimacy, Pillar 6, officer safety and wellness focuses on mental health. As each pillar is complementary as a pathway toward police reform, Pillars 1 and 6 are of extreme importance. When officers have the trust of the community and are viewed as legitimate, this increases the likelihood of compliance. Criminologists have long recognized that the cultivation of positive police and community relations is an essential aspect of effective police work as community cooperation is required for the purpose of fighting crime in an efficient manner that protects public safety while simultaneously upholding the civil rights of citizens fosters a relationship between the police and community that is based on mutual respect.

A major obstacle to the reform of police organizations and policing practices involves the difficulty that is involved in the securing of data regarding the use of force, including lethal violence, by police officers during the performance of their professional responsibilities. For example, it has been observed that annual reporting on police use of force is not mandated federally. As a result, all police use-of-force incidents are not captured and statistically accounted for. As a result of this issue, in 2015, the

Washington Post developed a law enforcement use-of-force database. The Washington Post expressed concern with the fact that although half of the people shot and killed by police are White, indicating that the use of lethal force by the police occurs on a cross-racial basis, it is also true that Black Americans are shot and killed by the police disproportionately.

Although African Americans account for slightly less than 13% of the U.S. population, African Americans are killed by police at more than twice the rate of White Americans. Hispanic Americans and Native Americans are also killed by police at a disproportionate rate. This information, documented on the website that is maintained by the Washington Post, is not the result of information that is reported by police departments but is assessed by Washington Post staff members through a process of reviewing local news reports, law enforcement websites, and social media. Nevertheless, the Washington Post's (2015) information website provides a public-facing tool for the purpose of documenting fatal police use-of-force encounters. It should be noted as well that in the United States there are approximately 18,000 police forces including federal, state, local, tribal, military, campus, institutional, and private police agencies, which makes statistics gathering regarding the police use of force a daunting task.

History of Police Reform and Management

The history of police management and reform follows very closely that of American public administration. Much like his orthodox administrative brethren, August Vollmer, widely recognized as the father of modern law enforcement and as the first to formally study the business of policing, pursued administrative efficiency through centralized Weberian accountability structures, expertise and professionalism generated

by educational requirements and advanced officer training protocols, and a culture built around a military style respect for the chain of command (Walker, 2012). To Vollmer, self-regulation was paramount. After all, the police had unique insight and expertise into the business of public safety; subjecting the cops to external oversight would be inefficient and ineffective.

Oliver (2017) recognized that Vollmer brought policing out of its wholly corrupt and often brutal era of politics by professionalizing not only his own police department in Berkeley, California but also police departments across the country and around the world. Vollmer revolutionized policing, placing officer on bicycles, motorcycles, and then patrol cars. Vollmer also addressed government corruption in the city of Berkley, California by changing policies on the treatment of prisoners (Oliver, 2017). All of Vollmer's changes were supported by strong policy formalizing organizational standards for police.

As Vollmer provided a foundation for early police reforms, policing brutality and misconduct were not eliminated. Moreover, many communities, particularly minority communities, desired responsiveness to individual differences and fairness in equity through accountability and the administration of justice. Fyall (2012) defined accountability in the context of public administration as distinguishing boundaries of responsibility for actions, decisions, and policies.

No greater example of police misconduct was exhibited than in the 1960s. N. Lewis (2018) noted that during the summer of 1967, more than 150 cities erupted into violence, fueled by pent-up resentments in the cities' Black communities over police brutality and other forms of racial injustice. Many communities responded with defiance and civil unrest throughout the United States. Images of horror, police misconduct, and

brutality had summoned federal government action to bring calm to communities across America. As a result, President Lyndon Johnson called for federal and legislative action into municipalities in an effort to bring peace and calm (National Advisory Commission on Civil Disorders, 1968).

President Johnson responded by organizing a commission, comprising lawmakers, law enforcement, and stakeholders to understand what caused violence that left multiple people deceased and resulted in millions of dollars in damage. After evaluating multiple factors, the National Advisory Commission on Civil Disorders (1968) released recommendations to President Johnson citing that America is moving toward two societies, one Black and one White—separate and unequal still has truth (National Advisory Commission on Civil Disorders, 1968). Described in the report was the inequality and racism experienced by many Black Americans at the hands of the police. The government further evaluated the administration of justice and the importance of law and order.

The police are not merely a spark factor. To some Negroes police have come to symbolize white power, white racism, and white repression. And the fact is that many police do reflect and express these white attitudes. The atmosphere of hostility and cynicism is reinforced by a widespread belief among Negroes in the existence of police brutality and misconduct is a double standard of justice – for Negroes and one for whites. (N. Lewis, 2018, p. 8)

With a rising crime rate and millions of dollars in federal funding, the government leveraged the war on poverty and the war on crime. Black communities requested the government focus on police reform and poverty, but the government equipped municipal

police departments with equipment to address public discourse (National Advisory Commission on Civil Disorders, 1968). In the wake of these actions, President Johnson also had to evaluate bureaucratic groups' perception of the problem as he was up for reelection within a year. One main point was concluded: Government action was needed to provide insight into the nature of police brutality, poverty and segregation, and violence.

Early Police Reform

Modern Context

To fully and comprehensively understand the progression and context of police reform, including early reform, it is not only necessary to recognize the roots of the police departments in colonialism (Mosteller, 2020) but equally important to understand the modern state of the police department, which serves as a comparison and benchmark characterizing changes. Ideally, and according to the U.S. Commission on Civil Rights (2018), police officers have a profession that requires them to assume a high degree of responsibility and often places them at risk of harm, such as within circumstances of conflict and civil unrest. Thus, the U.S. Commission on Civil Rights (2018) stated that police officers must behave with the highest standard of accountability and professionalism.

The U.S. Commission on Civil Rights (2018) specified several statements of creed in terms of the roles and responsibilities of police departments as well as the objectives of police departments in optimizing community safety and culture. For instance, it stated that every community ought to enjoy the ability to live, work, and travel confidently with the expectation that any interactions with police officers or

members will be carried out in a fair and constitutional way, uninfluenced by personal, gender, racial, or other nonconstitutional bias. Contrary to this ideal standard, many communities, especially African American communities, are plagued by distrust in police departments, as evidenced by national data revealing increased likelihoods of police use of force toward individuals with disabilities, those of color, LGBTQ individuals, those with health concerns, and those who are socioeconomically compromised (U.S. Commission on Civil Rights, 2018). Unfortunately, this leaves minority groups including those of color in a culture in which it is reasonable to distrust police officials unless reform action is taken. This characterizes the current climate of the modern police state, nationwide.

The U.S. Commission on Civil Rights (2018) speculated that factors such as lack of training and funding may have previously and continue to contribute to a lack of awareness, professionalism, and nonbiased behavior among police officers contributing to increased use of force against such minority groups. However, mere observation of U.S. history since the abolition of slavery and through the Civil Rights movement of the 1960s suggests that such patterns of behavior may be the result of deeply systemic bias and racism threaded into the very fabric of hierarchical authority across the nation. Thus, lack of awareness and education may very well be a contributing factor. Nonetheless, it seems also worth considering the impact that systemic, longstanding cultural norms, patriarchal, monotheistic cultural contexts, and historical phenomenon may have upon the subconscious increased tendency for an officer to use force against the *other*—or the individual who is otherwise different and representative of a minority. This suggestion and recognition illuminate the possibility that it could be equally if not more important to

consider psychological context and change measures to the same degree that it is important to consider policy reform such as the use of consent decrees. As a starting point, however, this study examined the correlation of use-of-force change with consent decree implementation, and the study's findings and discussions may then provide further insight into how such additional and underlying psychological factors may be explored through future research.

Considering the current context of mistrust between communities of color and police departments nationwide, the DOJ has made the recommendation including pursuant to 42 U.S.C. § 14141 alongside the implementation of consent decrees as a means to attempt to change unconstitutional patterns of behavior. Furthermore, the U.S. Commission on Civil Rights (2018) suggested that the DOJ ought to financially support localized efforts to reform police practices, including congressional grants supporting external oversight, the use of independent monitors, and police professional development educational programs. Implementation and reform of best practices are recommended to include the following:

1. The training of officers regarding de-escalation tactics and conflict management including strategies aimed at conflict minimization rather than aggravation, including emotional intelligence training and the use of factors such as time and distance to minimize the need for force.
2. The requirement for judges to preside over grand jury proceedings.
3. Federal investigation and prosecution of use-of-force cases made publicly and independently.

4. The provision of aggregate information bet departments, to the public, concerning allegations of force and type of force use, including contextual factors and whether or not the use of force was excessive. Included in this aggregate information should be departmental objectives and initiatives that will be used to address any issue of excessive use of force. The data are recommended to be disaggregated according to gender, race, and disability status (U.S. Commission on Civil Rights, 2018).

Past Reform Failure

A simple observation of U.S. history and the current context of continued police use of excessive force despite legislative initiatives and social phenomena such as the civil rights movement suggests failures of past and early police reform. According to Skogan (2008), police reform is difficult because of reform resistance and internal opposition on numerous organizational levels. Internally, it is not uncommon for change to be perceived as a threat to organizational viability, power, authority, and the capacity to maintain the economic security of police institutions. For instance, as is evident in the current context in which defunding of departments is being initiated, such actions of reform are often viewed as a threat to not only officers' job security viability but also as a threat to community safety (Skogan, 2008). This is but one example of how certain attempts at reform are often met with resistance, and thus, the unfreezing and change phases of change are most difficult. Additionally, this difficulty highlights the fact that the manner of change is likely important in determining the extent to which it is met with resistance (Skogan, 2008).

For instance, many perceive defunding as a threat to safety because of its omission of resources for an otherwise needed, protective, government entity. An

alternative solution would be to provide additional funding to police departments provided that the funding is used for specific initiatives such as antiracial and de-escalation education and continuing professional development training. Moreover, instances of change requiring cooperation between multiple institutions and stakeholders are often met with resistance because of their cumbersome and often complex nature (Skogan, 2008). Such examples demonstrating the complexity of change contexts demonstrate that mere policy creation or financial allocation does not always effectively address complex issues. Rather, reform, contrary to the way in which early reform attempts have often been initiated, often requires a deeper, more multifaceted evaluation of options, motivations, and potential outcomes, to be made and sustained successfully.

Exploration of Reform

This need for successful, effective, and sustained change has sparked interest among scholars during the past 3 decades, specifically regarding the history of police departments and reform. Evaluating police developments over the past 300 years of American society, concepts such as authority, crime prevention, professionalism, and discretion become important when understanding how roots of issues such as corruption, inefficiency, and brutality arose (Uchida, 2004). The Progressive Era or reform era between 1890 and 1920 perhaps characterizes the most prominent evolutions and reforms within American police departments, spurring further changes that took place during the Civil rights movement.

As the industrial revolution spurred social, economic, and political change in cities across the states, government entities including police departments naturally were subject to evolution as well, which further formalized systems from communal entities

into bureaucratic institutions. The period between 1910 and 1960 is often referred to as the Second Reform era, in which police chiefs became involved in movements aimed at professionalizing police departments. This era was characterized by riots and protests that resulted in policy reforms and further antidiscriminatory legislation (Uchida, 2004). These reforms ultimately aimed to correct and direct policing to more closely reflect and achieve the objectives of its origins, which were ultimately to protect fellow community members. The idea of policing, though also rooted in colonialism, actually arose during 900 A.D. when law enforcement was assumed as a responsibility of common everyday citizens, who were thought to be responsible for assuming the position of being good neighbors protecting brethren, or kin from outlaws and thieves (Uchida, 2004). This resulted in a system in which relatives and friends were known as Kin Police, known to be their brother's keeper. Eventually, this casual system evolved and morphed into a more community-based, formal model after the Norman conquest of 1066 (Uchida, 2004).

During the latter half of the 20th century, U.S. police reform has been characterized largely by the broad sweeping, stereotyping view of police culture, which has long assumed police officers to share common values, goals, and resistance to organizational change. However, more recent changes among police professionals reflect the diversity that is emerging within other parts of the American workforce, including gender, sexual, racial, and religious diversity. This evolution and diversification are resulting in police departments that are nearly as diversified as the communities they serve, thereby calling for reform not only in how police departments are viewed internally and by the public but also and more importantly, how police departments are

addressed in terms of change management and professional development relating to accountability and reform of patterns of behavior (Sklansky, 2007). Said another way, it is becoming evident that it is imperative for policymakers and reformists to not make unanimous assumptions about the nature and culture of all officers, which would be to erroneously infer the same degree of marginalization and discrimination upon officers who are hoped to be abolished in instigating change and reform toward patterns of behavior and minimization of the use of force (Sklansky, 2007). Rather, reform efforts must assert and address and be tailored to fit within the emerging and complex, dynamic nature of police departments. This means tailoring reform efforts to account for cultural and demographic differences among officers. One pivotal highlight of reform during the 20th century was undoubtedly characterized by the Voting Rights Act of 1965, which was noted by Mazzone and Rushin (2017) to be the most successful Civil Rights Act of the 20th century. Mazzone and Rushin suggested that the Voting Rights Act provides a blueprint for police reform in response to numerous instances of continued police misconduct in that it provides a more centralized federal initiative for addressing misconduct rather than leaving the responsibility to individual states and communities alone.

According to Cordner and White (2010), U.S. police reform history may be categorized within three distinct eras: the political era, the reform era, and the community era. More specifically, Cordner and White (2010) explained these eras as characterizing the roles of police departments in the United States and how they have evolved from serving a primarily political role, then undergoing civil-rights led reformations, and finally, currently entering into a community-centric model in which police departments

are being increasingly expected to function as community stakeholders. Cordner and White (2010) further suggested that minorities and the misconduct suffered by minorities from police have served as driving factors in this reform, instigating congressional acts. For instance, Congress passed 42 U.S.C. § 14141 in an attempt to counter unconstitutional police behavior and promote just reform among local departments nationwide. The statute provided the U.S. attorney general with the power to activate structural reform litigation, specifically in cases in which local departments exhibited documented patterns of practice of unconstitutional behavior, through the use of consent decrees and memorandum agreements. The passage of this law, as previously described in the introduction of this study, was widely praised, though since that time, many have expressed concern that the DOJ has not taken action to effectively enforced the measure. Furthermore, as noted, very little research has examined the use of decrees and their efficacy (Rushin, 2014), thereby justifying the need for this study.

Rushin (2014) concluded that the DOJ has underenforced Section 14141. This underenforcement is thought to be due to limited financial and educational resources, which may prevent the DOJ from otherwise addressing reported misconduct cases. Additionally, Rushin (2014) reported that the DOJ has unevenly enforced Section 14141. Although limited resources may play a role, it also may be suggested that the lack of attention paid to enforcement of Section 14141 could be in part due to systemic apathy, racism, lack of awareness, and/or corruption. Without further inquisition, this remains unknown. In light of these possibilities, Rushin (2014) suggested enforcement of the statute may be better accomplished if the DOJ were to adopt increased transparency as well as internal case selection processes, which work to perpetuate proactivity among

local departments. Rushin (2014) also recommended state and national policymakers seek alternative means of improving structural reform cases among police departments.

Livingston (1999) provided further clarification of the contextual nature of police misconduct, patterns of behavior, and needed reform. Livingston (1999) described the concept that the police are responsible for regulating community behavior but that occasionally officers misuse their authority, which may result in discriminatory practices and unconstitutional seizures, searches, abuses of use of force, and misbehavior. These are often isolated incidents that occur within a small group of officers rather than occurring department wide. However, Livingston (1999) noted that in some cases, misbehavior might be more systemic to a local department. Livingston stated, “To the extent that the pattern of practice or unconstitutional behavior exists, the interest of any government, and the people governed, is in limiting official misconduct” (p. 817). Livingston (1999) also confirmed that the consent decree is potentially the best current or known form of correcting this unconstitutional behavior, defining a consent decree as a court-ordered agreement that is presented after a major DOJ investigation, ultimately designed to reform long-standing unconstitutional practices of a police department.

Limited evidence suggests consent decrees hold promise for correcting police patterns of behavior, yet this is also because consent decrees have been studied very little. Livingston (1999) attributed this in part to the presidential administration’s resistance to their use in recent years and also stated that their use has been limited over the past 25 years. However, research outlining correlations of behavior with consent decrees has revealed their use is likely to increase trust among citizens, lower counts of civil misbehavior, and lower rates of crime. Finally, Livingston (1999) found, based on focus

group interview data gleaned from law enforcement officers operating under consent decrees, that many officers felt apprehensive about the use of consent decrees and their impact on officers' day-to-day lives and ability to do their jobs effectively. These findings suggest that officers feel uneasy about the use of consent decrees and may fear that their implementation will inhibit officers' ability to exercise authority when and where needed. This points to potential systemic resistance to consent decrees that may need to be alleviated through education to more successfully implement measures instigating reform and change (Livingston, 1999).

The psychological resistance to reform that has been present through the years and arguably since early attempts at reform (in part explaining why reform has been halted to the extent it has) may be further explored by delving into the philosophical underpinnings of police reform. Ortony (1979) discussed consent decrees in light of research seeking to understand what factors contributed to successful versus unsuccessful use of consent decrees by both the Bush and Clinton administrations in localities such as Los Angeles, Detroit, New Jersey, Cincinnati, Ohio, and Prince George County, Maryland, and other jurisdictions.

For instance, Pittsburgh was the first city to enter into a consent decree with the justice department, and most of the decree provisions were lifted after the bureau of police was found to be in adequate compliance. Therefore, Pittsburgh provides an ideal example and case study by which to evaluate and potentially understand what factors successfully produced reform. Specifically evaluating a reform instigated by federal intervention, research exploring this topic collected data from interviews with police officers in the Pittsburgh department as well as notes from observations of officer

conduct and behavior (R. C. Davis et al., 2005). Study conclusions found the use of the consent decree in Pittsburgh resulted in officers being less active and less aggressive in fighting crime. Findings, however, did reveal that the Pittsburgh public lacked a role to play in the reform process while the consent decree was implemented and that citizens currently lack access to data demonstrating how the police were monitored during the use of the decree. The researchers concluded that public participation could have and may have made the use of the decree more effective, but that the overall of the use of the decree resulted in police reform that incorporated greater accountability (Ortiz, 2005).

In evaluating the success of reform attempts historically in the United States, it is critical to assert, as Williams and Murphy (1990) discussed, there is an underside to every historical story. For example, the authors noted that the history of slavery is told from the perspective of the plantain owners and that the history of economics is told from the privileged class. Similarly, the history of the evolution of departments of justice is likely told by government entities and the privileged class (Williams & Murphy, 1990).

Therefore, when understanding the use of consent decrees and their efficacy, it is important to consider the possibility of bias. Different perspectives according to race, class, stakeholder, and whether or not the data are coming from police officers themselves, department of justice individuals, community members, or marginalized populations unavoidably influence the nature of data. Such considerations beg one to question why little research exists seeking to understand police reform from the perspectives of marginalized citizens, for example. Although this research study is quantitative and used secondary data evaluating incidents of the actual use of force in correlation with the use of consent decrees, when understanding the contextual

background of the subject, it is nonetheless important to consider the influence of various divergent perspectives and sources of data reporting (Ellison & Pino, 2012; Williams & Murphy, 1990).

Interesting insights about the nature of police reform throughout the 20th century can also be gleaned from examining the state of American police departments following World War II. For instance, reform and evolved police behaviors and practices following World War II were not all necessarily overt or even conscious or intentional but followed patterns evident in the aesthetics, language, and conduct of the police. These variances in behavior reflected and narrated the evolution of government on a local and national level. Specifically, an observation of the evolution of Italian police departments sheds light upon similar patterns occurring within the United States. Though taking an international perspective, such observations are nonetheless interesting to note. For instance, after the demise of Mussolini's fascist dictatorship, threads of fascist values still trail throughout the behaviors and practices of Italian police following World War II. Often, democratic credentials and values were stressed to the public while controversial and fascist behavior continued to be normalized under the guise of protecting public safety (Douglass, 2017; Dunnage, 2015; Worrall & Powell, 2019). Said another way, cultural practices that these Italian police departments learned while under the regime still influenced behaviors post-World War II despite culturally reformed ideologies of democracy (Douglass, 2017; Dunnage, 2015; Worrall & Powell, 2019).

It may be suggested that a similar pattern, yet in a different way, is being observed in the United States. Though the United States is not riding the wake of a post-World War wave, it is clear that U.S. and global government censorship has been

continually, slowly, and insidiously encroaching upon all aspects of citizen behavior and citizen life on federal and state levels involving police and other district entities' exercise of authority. This follows that whether consciously or unconsciously practiced, police behavior is following such patterns. Such encroachment may lead officers to practice patterns of behavior that also encroach upon individuals' rights in a biased way. The use of consent decrees may provide a means of monitoring such behavior and keep authority roles in check with the objective of reform contributing to a new, true democracy rather than what some fear to be a communist or totalitarian nation (Douglass, 2017; Dunnage, 2015; Worrall & Powell, 2019).

Although consent decrees offer considerable promise in working to reform police patterns of behavior, they are nonetheless costly to implement and enforce. For instance, preliminary evidence studying the efficacy of consent decrees suggested that they significantly minimize civil rights violations by the police, as operationalized by section 1983 litigation, which indicates police misconduct (Powell et al., 2017). Also, one study's findings indicated that the use of consent decrees may produce minimizations in crime filings and use-of-force filings as well as result in increased satisfaction among the public with local police agencies and local police departments (Powell et al., 2017).

Police Use-of-Force Reforms

Further connecting legislative reforms to police use of force, *Tennessee v. Garner* (1985) was a Supreme Court case in which a police officer shot an individual whom the officer believed was fleeing from a felony-level offense. After what was reported as a burglary, Officer Elton Hymon shot 15-year-old Edward Eugene Garner with a hollow tip bullet. Officer Hymon admitted before he shot Garner, he was unarmed. After being

shot in the rear of the head, Garner later died at the hospital. Garner's father sued seeking damages for violating Garner's constitutional rights. After being elevated to the Supreme Court, it was ruled the Fourth Amendment prohibits use of deadly force when an individual poses no imminent threat or violence to an officer or community (*Tennessee v. Garner*, 1985).

A secondary case study was *Graham v. Conner* (1989) in which Dethorne Graham, a diabetic, who had an insulin reaction later asked a friend to drive him to the store to purchase orange juice. After driving up to the store at a high rate of speed and exiting the car, Graham noticed the line was long, leaving the store at a high rate of speed. Officer Conner of Charlotte, North Carolina believed the behavior to be unusual and pulled the car over. After pulling the car over, Graham exited the vehicle running hysterically. Graham was handcuffed by Officer Conner who placed him on the hood of the car. After going in and out of consciousness Graham sustained multiple injuries, including a broken foot, after committing no crime.

Graham filed a lawsuit citing unlawful assault, unlawful imprisonment, and excessive use of force, all of which were viewed as a violation of Graham's constitutional rights. After the case was presented to the Supreme Court, it was ruled that the officer was not held liable for any excessive force under the Fourth Amendment objective reasonableness standard. The officer did not act maliciously or sadistically but operated in good faith. It was impossible for the officer to know Graham's condition during his diabetic episode (*Graham v. Connor*, 1989).

Both Supreme Court landmark cases have shaped the fairness and partiality of police action and reform relating to the protection of civil rights. *Graham v. Conner*

provided parameters for use of force during these dynamic events and focused on what the officer perceives at the time force is used. *Tennessee v. Garner* denied law enforcement the ability to shoot individuals from seizure because of their being a felon. This caused police to digress from discriminatory actions that resulted in serious bodily injury or death.

More specifically, evaluating the outcomes and influence of these Supreme Court cases, the following highlights are evident in observing the effects of the *Graham v. Conner* case:

1. Simply the fact that the *Graham* case became the subject of over 1,200 log review articles demonstrates its monumental impact on law enforcement in America.
2. Ultimately, the *Graham* case resulted in a revised definition of *unreasonable seizures*, considering the *Graham* seizure was ultimately found to be unreasonable because the officer could not have known the subject's diabetic situation, and instead repeatedly referred to him as potentially drunk, in a biased way.
3. The case resulted in a new standard by which to analyze police use of force, stating that force must be examined under the guidelines of the Fourth Amendment rather than the Eighth Amendment because the Eighth Amendment requires an inquiry into the subjective beliefs rather than objective data. Differently, the Fourth Amendment allows for the right of citizens to be secure in themselves and their houses and protects citizens against unreasonable searches and seizures and from violation. This protection is consistent with the court's holding 3 years prior to the *Tennessee v. Garner* case, which also relied on the Fourth Amendment. The Eighth Amendment,

which previously set the standard for analyzing the use of force, defined unlawful use of force as cruel and unusual punishment. However, this definition was subjective.

4. The Fourth Amendment provides more reasonable guidelines for use of force, which are more objective in inquiring whether the officers' actions were objectively reasonable in comparison to the circumstances and regardless of underlying motivation. In other words, an officer's intentions cannot cause a Fourth Amendment violation from a reasonable use of force. The objectivity of evaluation lies in the assessment of tangible use of force rather than intention or motivation, the latter of which is not necessarily observable. Additionally, an officer's good intentions can make reasonable use of force constitutional.
5. The court's definition of *reasonable* was outlined to be judged from the perspective of a reasonable officer on the scene rather than through hindsight. Additionally, following this case, the court advised any court evaluating the use of force to consider the always uncontrollable and imperfect context of environments in which officers use force.
6. The Graham court case also resulted in the consideration of three key stakeholders, including law-abiding citizens who retain the right to move unrestricted, the law enforcement officer (LEO) retaining the obligation to enforce the law without promoting the suffering of injury, and the government retaining the right to enforce the law.
7. Ultimately, the Graham case led to reforms such as those in California and other states changing the way that LEO use of force is analyzed, using objectivity rather than

hindsight. In this way, the Graham case provided and led to the development of a more solid foundation for evaluating police use of force (*Graham v. Conner*, 1989).

Evaluating this discrepancy and change in how use of force is evaluated sheds light upon the difficulty of objectively defining reasonable use of force in the first place. Although the Fourth Amendment clearly provides a more objective definition by which to evaluate the use of force, subjectivity still infiltrates any case assessment, because officers almost always must make these reasonable use-of-force calls within split seconds. This undoubtedly requires incredible reflexivity and emotional maturity to exercise clear judgment in the face of adversity.

As Obasogie and Newman (2019) essentially pointed out, the *Graham v. Conner* case essentially established a more modern constitutional landscape by which to evaluate and navigate police excessive use-of-force claims. Following the case, the Supreme Court redefined reasonable use of force by a new constitutional standard, the fourth, rather than the Eighth Amendment, which impacted federal court proceedings.

One qualitative study evaluating 500 federal court cases (half of which occurred before the *Graham v. Connor* case and half of which occurred after the case) found interesting results illuminating discrepancies in court proceedings as a result of the Graham case. Court cases were qualitatively coded and thematically analyzed. Findings revealed that before the Graham case, federal courts relied much less frequently upon the Fourth Amendment as a means of assessing what constituted an excessive use of police force. Findings also revealed that after the *Graham v. Connor* case, police much more frequently used the Fourth Amendment as an assessment measure. The use of the fourth versus the Eighth Amendment was a pattern of Supreme Court proceedings that

dramatically changed pre- and post-*Graham v. Connor*, in alignment with the theoretical observations of the case described above. Specifically, only 28% of Supreme Court cases held before the Graham case included mention and discussion of the Fourth Amendment. However, 90% of Supreme Court cases after the Graham case included consideration and discussion of the Fourth Amendment. This represents an over 60% increase. Search findings confirm the impact the Supreme Court case had in changing the way claims were analyzed and police violence was deemed or not deemed excessive (Obasogie & Newman, 2019).

A. J. Davis (2017) pointed out that it is particularly interesting that the issue of police excessive use of force through the years has been framed as a case of so-called bad apples, or rather, an issue relating to select officers within an otherwise well-functioning system. However, an evaluation of the *Graham v. Connor* case and its results reveals that the issue is likely more systemic than has been recognized. In other words, the problem of police misconduct is manifesting through select groups of officers or so-called bad apples, but in actuality, it is likely the result of systemic corruption, racial bias, and historical failure to address claims by objective, constitutional standards such as by the Fourth Amendment rather than the eighth. Additionally, the fact that these so-called bad apples have the chance to exhibit unlawful patterns of behavior further demonstrates the idea that systemic racial bias and misconduct or instances of misconduct are byproducts of unchecked corruptions, systemic flaws, and the lack of accountability. This warrants correction through not only individual case corrections but also through systemic reform (A. J. Davis, 2017).

Such assumptions and speculations are also evident in the fact that police use of force tends to be, as documented, considerably more brutal when used from police upon racial minorities than toward Whites (A. J. Davis, 2017). More importantly, even addressing these issues through simple reform that uses the Fourth Amendment rather than the Eighth Amendment still only leaves this reform subject to legal discourse and individualization, rather than addressing and acknowledging the pervasive and systemic racial tensions between minorities and police officers that give rise to these patterns of behavior (A. J. Davis, 2017).

Asserting these factors, A. J. Davis (2017) took a different stance on the efficacy of using the Fourth Amendment to specify how claims involving excessive use of force should be dealt with. A. J. Davis (2017) argued that the approach relying upon the Fourth Amendment actually individualizes police violence and scales it down from a structural, systemic issue stemming from centuries of oppression and racial segregation to instead become an individual dispute between citizens and officers. In this way, using the Fourth Amendment decontextualizes and deracializes what is actually a racial justice issue, and thereby inhibits the DOJ's understanding of the issues. In this way, A. J. Davis (2017) suggested that though the *Graham v. Connor* case radically changed the way in which court proceedings address excessive use of force, these reforms and changes were still not effective because they failed to address the systemic root causes of use of excessive force issues.

Pearson (1993) also suggested the *Graham v. Connor* case resulted in a reliance upon the Fourth Amendment and therefore took an unnecessarily reductionist approach to handling cases of excessive use of force in court. Pearson argued that this approach is

structurally unsuited to address racial harm and racial issues and that in doing so, reliance only on the Fourth Amendment ignores other areas of constitutional law that may be useful to take into account in such cases of excessive use of force, especially those involving police brutality targeted toward groups of minority populations.

Pearson's (1993) argument is set on the basis of three primary assumptions: The first is that the Fourth Amendment is a component of the Bill of Rights, which grants rights based on individual conception and individual rights. The second is the assumption that the history and language used by the Fourth Amendment evidences a lacking awareness toward social structure and instead an awareness only toward individual needs rather than group harm. Although this is not faulty in and of itself, when used as a use-of-force evaluation tool, it fails to address the truth of racial and systemic injustice and inequality. The third assertion of Pearson's (1993) is that the Fourth Amendment uses frameworks and language used in criminal procedure cases indicating that the court continues to consider excessive use of police force as a matter between individual and citizen rather than a byproduct of racial injustice.

Said another way, the Fourth Amendment primarily addresses the relationship between citizen and state, thereby requiring that certain specifications be met to justify personal invasions of privacy such as suspicion to warrant actions such as seizure or search (Michael, 2013). Plausible as this may seem at first, this specification still leaves a certain degree of subjectivity to terms such as suspicion while altogether ignoring the root or systemic cause of why a greater likelihood of use of force occurs toward African Americans than toward White Americans. In this way, Michael (2013) argued that the Fourth Amendment, applicable as it is to some areas, is simply insufficient to address the

systemic, racial inequalities characterizing many police interactions with people of color. Consent decrees potentially have the capability to address in part a bit broader scope by being accompanied by a department-specific memorandum that does not address only the claims of a specific case based upon a component of the Bill of Rights but rather department-wide behavior by a set of standards and through DOJ oversight.

This perspective of the shift in focus toward the Fourth Amendment, resulting in a hyper-focus on a single amendment rather than the broader issue, was echoed by Greene (2015). Greene (2015) stated that post-*Graham* legal empirical discourse, similarly, reflects this nation-wide emphasis and doctrinal shift. This shift becomes further evident when evaluating the *Garner* and the *Tennessee* cases in comparison. For instance, the outcome of the *Tennessee* case essentially held that police officials could not use deadly force against an individual if that individual was merely fleeing and/or unarmed but instead declared that deadly force could only be used if that person posed a threat of physical injury and/or death (Greene, 2015). This specification further clarifies what may be thought of as reasonable use of force and thereby exemplifies an evolution and reform in the understanding of the use of force. However, although the *Tennessee* case set these parameters, the outcomes of the *Graham* case merely shifted focus from using the Eighth to the Fourth Amendment as an evaluation framework. In other words, rather than specifying when the use of force could be deployed, it attempted to clarify objectivity versus subjectivity yet never specified prohibited deadly force in unwarranted scenarios (Greene, 2015).

According to Greene (2015), in this way, what has arguably gone underrecognized is that the *Graham* case actually unexplicitly overruled the *Tennessee v.*

Garner case in that it pushed police use of excessive force evaluation and doctrine into a more restricted arena, focusing merely on reasonableness standards instead of obvious rules actually restricting police use of force. Said another way, whereas the *Garner* case outcomes actually restricted use of force to an objectively definable standard outlined by openly posing threat of death, the *Graham* case rolled back this standard, calling use of force justifiable based on reason, which though implied to be more objective than subjective, in actuality is much more subjective than the bright lines delineation the *Garner* case outcome placed upon restricting the use of force (*Graham v. Conner*, 1989; Greene, 2015).

Continuing this argument, Greene (2015) cited additional scholars positing that the Supreme Court's decision to base use-of-force claims evaluations on the Fourth rather than Eighth Amendment results in incomplete, impoverished, and indeterminate conclusions about whether or not use of force was warranted unless the reasonableness standards are explicitly defined based upon the imminent threat. Scholars thereby have suggested the subjectivity of this understanding of the Fourth Amendment can be improved to become more objective by operationalizing the term reasonableness in this way. If such operationalization is not done, scholars have argued that such reliance upon the Fourth Amendment actually does not protect citizens and is thus counterproductive—potentially in part serving to explain why so many cases of police brutality continue today (Greene, 2015). Essentially, Greene (2015) was suggesting that the *Garner* case provided critical insights into evaluating police use-of-force claims that have since been muddled and lost following the *Graham* case and deserve to be recovered as a starting point for addressing police brutality in America. Greene (2015) finally suggested that the

Garner case outcomes ought to be revived within the context of the Fourth Amendment, with the Garner case outcomes continuing to define police violence case law, rather than the Graham case outcomes. Such would imply that police use of force—and especially life-threatening force—could not be lawfully used as a means to stop fleet suspects attempting escape because those suspects are merely fleeing and not posing life threats. This assertion leads to a revisiting of the Tennessee case in greater minutia, detail, and layered specificity than was outlined previously.

Outcomes of the Garner case found that although officer Hyman acted in so-called good faith in observance of state law, the state law itself was found to be unconstitutional in that the shooting violated Garner's constitutional rights. This led to an alteration of the legal landscape defining how force could be used, objectively deeming the use of deadly force against fleeing persons unconstitutional and prohibited. For this reason, the Garner case is often known and referred to as the *fleeing felon case*. Tennenbaum (1994) offered that it was actually the first Supreme Court case to apply a reasonableness standard objectively (contrary to the subjective application of the standard by the later Graham case outcome) to the use of deadly force by police officers. In this way, the Garner case contributed to the Graham case proceedings and decisions that took place 4 years later though scholars such as Greene (2015) argued that the Graham proceedings represented a backslide in legal evolution and progress in comparison to the Garner proceedings. Still, Tennenbaum (1994) argued that the Graham case actually expanded the operationalization of the term *reasonableness* to make it applicable to all police uses of force, rather than only a deadly use of force.

Law enforcement standards directly changed as a result of the Garner case. Prior to it, the use of force was analyzed in light of the Eighth and 14th Amendments' clause, which allowed force in instances in which there was an evident (a) need for use of force, (b) based on the proportionality of force used, (c) based on the extent of injury to the suspect resulting from the force, and (d) based on the officer's subjective intent (Tennenbaum, 1994). Not only are items one through three subjective, but even more so and most importantly, item four is terribly subjective. Hence, the outcomes of the Garner case resulted in the use of force specified more simply, objectively, and clearly by prohibiting deadly use of force upon fleeing, nonthreatening subjects even if Items 1 through 4 were met.

During the court hearings of the Garner case, the Supreme Court and the lower court were both in agreement that the Tennessee shooting was a violation of Garner's constitutional rights despite the officer acting in accordance with local state law. Hence, rather than relying on the prior method, which would have been to consult the 14th Amendment's due process clause, the Supreme Court ruled that the use of deadly force by police in such cases ought to be evaluated in light of the Fourth Amendment as a seizure. Hence, based on this use of the Fourth Amendment as a primary evaluation measure, the Garner case outcomes held that

[The] use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. . . . Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so.

(Tennenbaum, 1994, p. 241)

Ultimately, the legacy left by the Garner case related to an alteration of the use of deadly force and redefinition of the reasonableness standard. This reasonableness standard that was initially instigated and redefined after the Garner case continues to guide modern-day court proceedings. For instance, the *Scott v. Harris* case in 2007 entailed the use of this standard by evaluating the use of police deadly force to end a fleeing vehicle pursuit (Yates, 2017). In the Scott case, a Georgia sheriff, Timothy Scott, used a precision immobilization technique (PIT) maneuver to halt a motorist who was fleeing. B. Lewis (2013) defined a PIT maneuver as “a technique used by law enforcement personnel to force a fleeing vehicle to abruptly turn 180 degrees, causing the vehicle to stall and stop” (abstract). The motorist, as a result, became a quadriplegic. The court case ultimately found and held that the use of force enabled by the deputy was reasonable because the officer was attempting to stop an otherwise dangerous fleeing, not on foot, but as exhibited through a high-speed car chase that threatened the lives of innocent bystanders. In this way, even though the officer’s use of force placed the suspect at risk of serious, life-threatening injury, because the suspect’s behavior placed innocent citizen’s lives in danger, the officer’s use of such deadly force was considered reasonable (Tennenbaum, 1994; *Tennessee v. Garner*, 1985).

Another example of how the Garner case directed following court proceedings may be seen by examining a 2014 court case known as *Plumhoff et al. v. Rickard*, during which police officers fired 15 rounds during the course of a police chase entailing 100 mile per hour speeds. Court findings deemed that in light of circumstances, it was “beyond serious dispute that Ricard’s flight posed a grave public safety risk and . . . the police acted reasonably in using deadly force to end that risk” (Tennenbaum, 1994, p.

241). In this way, the outcomes of the Plumhoff case were directly guided by earlier court rulings following the Garner case.

Though the Graham and Garner cases have undoubtedly evolved the reasonableness standards and subsequent court handlings in notable ways—despite debates as to their efficacy among scholars—these altered court rulings also illuminate what many would contend to be the necessity of a reasonableness standard in contrast to no standard at all. For instance, some modern-day, progressive critics argue for the abolishment altogether of deadly use of force by police, which clearly in cases such as the Scott and/or Plumhoff case could have resulted in the allowance of suspects' actions placing even more innocent citizens' lives in grave danger. Thus, the need for objective guidelines for when to use force becomes clear. For example, critics of the reasonable standard have lobbied in leftist states such as Washington and California to reform state laws to prosecute the use of force with more severity and in more instances. Such critics advocate for use of force to be evaluated on the basis of necessity rather than reasonableness, which arguably could result in and lead to a prohibition of the use of force, considering that necessity could be defined only at a point at which determining that necessity is too late. In other words, necessity remains unknown until the point of harm, thereby why the reasonable standard provides a much more effective and objective means of evaluating the lawfulness of the use of force (Tennenbaum, 1994). Therefore, the federal course in cases such as the *Scott v. Henrich* case of 1994 has rejected such critical approaches, deeming that relying on necessity would leave the courts in a so-called game of endless second-guessing of decisions made by police and otherwise be subject to momentary exigencies (Tennenbaum, 1994; *Tennessee v. Garner*, 1985).

Another means of summarizing the Garner and Graham outcomes is through the understanding of how the common law rule evolved. As common law, it was once considered legitimate for police officers to kill fleeing felons. However, when this rule was enacted, most felons were also punishable by death, and differentiation between misdemeanors and felons was considerably larger than today. However, in modern-day America, the gap between misdemeanors and felons has narrowed. To clarify matters even further, the common law rule was established at a time before the existence of modern firearms (Culliver & Sigler, 1995). Understanding these key contextual differences makes clear why reform of this assumption of common law and ultimately, use of police force is and was so needed: use of force has become increasingly deadly because of the inclusion of modern firearms, and the widening of felonies makes such use of force in some cases less just.

Another critical consideration that is useful when evaluating the term reasonableness and the ways in which both aforementioned cases have evolved case law is the assertion that police officers almost always must exercise spur-of-the-moment decision-making when on patrol and faced with critical situations. Such contexts and conditions can make the use of reasonable judgment even more difficult to exercise within intense and often emotionally charged situations (Culliver & Sigler, 1995). This realization further illuminates the importance of understanding underlying psychological climate factors that may influence officers' subconscious, spur-of-the-moment reactions and inclinations. For instance, if an officer is trained within the guise of a culture infiltrated with systemic racism, that officer is more likely to exercise judgment influenced by such bias and thus may be more prone to use greater use of unnecessary

force against a minority individual or person of color without even realizing the root instigator of such action (Culliver & Sigler, 1995). Such a realization further illuminates the importance of not only addressing legal policy but also of addressing systemic racism and culture in reforming police use of force and changing unconstitutional patterns of behavior.

Further evaluating outcomes of the Garner case, Culliver and Sigler (1995) found that the number of homicides committed by police officers nationwide reduced by approximately 16% the year following the Garner case as compared to the year prior. This change represents a statistically significant correlation. This percentage was found to be a nationwide average, with an even greater reduction in states altering state laws to limit police use of deadly force (Culliver & Sigler, 1995). Tennenbaum (1994) suggested this reduction is not due to a minimization of police shootings of fleeing felons but more specifically due to a general minimization of police shooting. Tennenbaum (1994) took these conclusions a step further by citing literature documenting that police officers still shoot African Americans at a greater rate than they shoot White individuals. This leads some scholars to question the validity of arming officers to begin with. However, although this suggestion seems justified based on evidence, it also calls to mind the inquisition of why shootings happen involving African Americans at a greater rate. For instance, is it because instances of crime occur at a greater rate in areas of high African American demographics—not because of race but because of the social pressures placed upon these demographics because of systemic racism and behavior to begin with—thereby causing higher rates of crime in such areas. Such deeper inquiries are important

to address as a means of understanding comprehensive, complex contributing factors to such complex issues.

Consent Decree Reform

In the early 1990s, America encapsulated the horrors of police misconduct as the Los Angeles Police Department (LAPD) brutally assaulted African American motorist Rodney King. M. P. Stone (1994) explained on March of 1991, Rodney King led police officers from LAPD, California Highway Patrol, and the Unified Police District on a high-speed chase for 7.8 miles. After a short pursuit and refusing to comply with officers' command to lie down, King was repeatedly hit and kicked by several officers until he was subdued. A bystander captured the incident on a camcorder. It was later shown on national television causing disarray through the country. Four LAPD officers were later indicted for assaulting King and later found not guilty. Subsequently, two officers were later tried in federal court for civil rights violations and found guilty (M. P. Stone, 1994). This decision was more taxing on the city of Los Angeles as the city was engulfed in flames because of rioting.

Morris (2012) explained a commission was assembled to review the Rodney King case and the actions of LAPD. The commission, led by U.S. State Secretary Warren Christopher, depicted the LAPD as an organization that was out of control. Furthermore, the commission published messages from the LAPD to show the King incident was not an isolated incident. Comments were described as follows:

I hope there is enough units to set up a pow-wow around the suspect so he can get a good spanking, and nobody see it. . . . I obviously didn't beat this guy enough. He got right back up and is still obnoxious. . . . The last road

went to a family of illegals living in the brush along-side the Pasadena Freeway. I thought the woman was going to cry so I hit her with my baton. (Morris, 2012, p. 1)

While police conduct or excessive force was politicized, the Rodney King beating was captured on camera. The commission would sight changes to completely restructure oversight of the LAPD.

Such instances illuminate questions such as, In a self-governed municipality, what should be done when there is a moral failure by police? Lewin (1952) noted there must be fundamental organizational change, which takes place in three stages. The environment must go through the process of unfreezing, changing, and freezing again. This ideology was harnessed in President Bill Clinton's 1994 Crime Bill. Introduced by Representative Jack Brooks of Texas, and Senator Joe Biden of Delaware, the Violent Crime Control and Law Enforcement Act of 1994 was the largest crime bill passed in history providing 100,000 police officers, \$9.7 billion in funding for prisons, and \$6.1 billion in prevention programs. Specific to police misconduct, Section 14141 allowed the review of police practices and misconduct that violate citizen civil rights. Legal controls placed on government actors created the possibility for victims of illegal police behavior to seek both civil and criminal recourse. The clear expectation was that the liability of individual government actors and agencies would deter future administrative abuse. Some argue that the process of using legal principles to constrain bureaucratic action has helped to temper the authority of government officials and reduce instances of misconduct.

Relative to the discussion on police use of force and misconduct, the legal basis of the Violent Crime Control and Law Enforcement Act, Section 14141 and the DOJ's ability to legally intervene in the process of a consent decree is to address police misconduct. At the discretion of the U.S. Attorney General, the DOJ may arbitrate and provide oversight relief by investigation on pattern and practice reform. A significant challenge in integrating reforms is that lawsuits against police are subjected to a variety of robustness checks. Ultimately, the risk of litigation in consent decree jurisdictions was reduced between 22% and 36% depending on the success during implementation. The cost of litigation-related payouts was greater than the costs of police consent decrees.

Recently, the methods and data have become available allowing for more detailed analyses of the objectives and outcomes of these agreements. As a result, several reviews of consent decrees have been conducted, noting the successes and failures. Scholars express that consent decrees are successful in the short term but have not been sustainable (Alpert et al., 2017). With the changing political landscape, consent decrees may not be available in the near future, in which case efforts will revert back to the individual agencies and their political entities. Since the start of the DOJ, its Civil Rights Division opened 22 investigations into police departments. In the first five fiscal years of the administration, the department has opened more than twice as many investigations than were opened in the previous five fiscal years. This concerning number speaks to the need for police consent decrees.

Since the start of the administration, the DOJ's Civil Rights Division has opened 23 investigations into police departments. In the first five fiscal years of the administration, the department has opened more than twice as many investigations as

were opened in the previous 5 fiscal years. The department is enforcing 17 agreements with law enforcement agencies, including 13 consent decrees and one postjudgment order (DOJ, 2015). Most law enforcement agencies enter into voluntary agreements; however, the department has filed suit when agencies have been unwilling to correct patterns or practices of misconduct. The department does not always find constitutional violations. The DOJ (2015) reported that over the past 6 years, the department has concluded six investigations of law enforcement agencies without finding constitutional violations.

Connecting the value of consent decrees to the reality of the need for police reform is of great significance. This stark truth is subjective to the ongoing argument that the DOJ is essentially thought to be out to manage police departments. Benner (2018) expressed that Former Attorney General Sessions drastically limited the ability of federal officials to use court-enforced agreements to overhaul local police departments accused of abuses and the civil rights violations. Through the issuance of a memorandum, Mr. Sessions supported a change in how police consent decrees were executed. Furthermore, he ordered a review of existing agreements and newer agreements with police departments like Baltimore and Chicago and Ferguson, Missouri. Mr. Sessions imposed three requirements for agreements: (a) Top political appointees must sign off on the agreement rather than lawyers; (b) Department layers must lay out clear evidence of additional violations beyond unconstitutional behavior; (c) All agreements must identify an end date. Mr. Sessions believed the DOJ should have minimal involvement and more accountability should be placed upon state and local governments for police oversight (Benner, 2018).

In understanding the current state of pattern and practice, it is important to understand case studies associated with ongoing consent decrees. Per the most recent 2010 census, Seattle is the largest city in the state of Washington and the Pacific Northwest with a population of 608,660 people. The Seattle Police Department (SPD) is the largest law enforcement agency in the state of Washington, staffing approximately 1,300 sworn officers. Since 2010, widely publicized incidents in the last several years involving SPD officers' use of force, particularly inflicted upon minorities and persons with mental illnesses, have further deteriorated the public's trust of the department as the population of the city at large continues to balloon (Benner, 2018; Skogan, 2008).

On August 30, 2010, an SPD officer shot and killed John T. Williams, a Native American woodcarver (United States v. City of Seattle, 2012). SPD's Firearms Review Board (FRB) concluded that the shooting was "unjustified" (p. 8). While patrolling downtown Seattle in the afternoon, the officer observed Mr. Williams crossing the street with a knife in his right hand, carving a piece of wood held in his left hand. Within 7 seconds, the officer shot and killed Mr. Williams even though he posed no immediate threat to the public or to the officer. Further, the FRB concluded that the officer did not take reasonable steps to ensure that Mr. Williams received sufficient warning that a Seattle police officer was directing him to put down his knife. In fact, evidence suggested that Mr. Williams was not facing the officer as four rounds from the officer's firearm struck Mr. Williams's side. SPD's failure to supervise an inexperienced officer on how to make appropriate decisions about when to use deadly force, how to appreciate cultural traditions of Native Americans, and how to determine when to call for supervisory assistance, led to this tragic death. In addition, after Mr. Williams was shot,

responding officers lacked sufficient training to determine the degree to which he represented a threat or whether aid should be called. SPD ultimately settled the claim brought by Mr. Williams's family for \$1.5 million (Halt Law Directory, 2017; Harmon, 2015).

On April 17, 2010, SPD officers stopped Martin Monetti, Jr., a Latino man they believed might be a robbery suspect (Halt Law Directory, 2017; Harmon, 2015). After the officers ordered Mr. Monetti to lie face down on the ground, video shows that an officer threatened to violently beat him and referred to Mr. Monetti as homey. Even though Mr. Monetti was under control and did not pose a threat, the officer kicked his head and stepped on his hands. Another officer stepped on his lower back or legs with her foot. Although two supervisors were present at the scene, no officer filed a use-of-force report or otherwise reported the conduct until a video was later made public. Only after the incident became widely publicized in the media, sparking an outcry in the Seattle community, did SPD take a harder look at the incident and discipline one of the involved officers. During a deposition in a subsequent civil lawsuit, the officer who stomped on Mr. Monetti testified that the racially inflammatory language was a control tactic and acknowledged that SPD had a culture of tolerating such language. The supervisor on the scene justified the failure to report the event by testifying that the threat to beat the "fucking Mexican piss out of you" was racially neutral and not derogatory and that the use of force did not rise to the reportable level. After a federal district court denied the City's motion for summary judgment, SPD settled the lawsuit brought by Mr. Monetti for \$150,000 (Halt Law Directory, 2017; Harmon, 2015).

On March 31, 2011, the DOJ publicly announced its investigation into allegations of excessive force and discriminatory policing by SPD. As part of this investigation, DOJ reviewed hundreds of thousands of pages of documents, including SPD policies and procedures, training materials, internal use-of-force reports, public reports, the Office of Professional Accountability's (OPA) complaints and investigative files, and data generated from SPD and OPA databases. The investigation also included hundreds of interviews and meetings with SPD officers, supervisors, and command staff as well as Seattle city officials and community members. In May and September of 2011, DOJ conducted on-site tours of SPD and hosted 6 full days of interviews with community members. The city and SPD were fully cooperative throughout the investigation. They provided free access to documents and SPD personnel. On December 16, 2011, DOJ released its report announcing that it had found reasonable cause, under Section 14141, to believe that SPD engages in a pattern and practice of excessive force. Specifically, the DOJ cited leadership failures for holding officers accountable and failing to adequately review police use of force, lack of policy, and officer training (*Department of Justice v. Seattle*, 2012).

Similar implications were handed down for the New Orleans Police Department in 2012 because of a federal consent decree. The city of New Orleans, Louisiana has a population of approximately 400,000. The New Orleans Police Department (NOPD) has approximately 1,200 officers. The DOJ noted multiple constitutional violations subject to the pattern and practice of the NOPD. A significant factor was the disparity and over enforcement of the minority community and multiple arrests and convictions of NOPD officers. The most significant criminal convictions were civil rights violations of

minority citizens that officers committed on duty under the color of law. What was disheartening about these criminal cases was that officers intentionally covered up evidence, criminal acts, and criminal acts that caused deaths. The department also failed to ensure supervisors properly evaluated police use of forces in a timely manner and holding officers accountable for police misconduct. In many cases, the police contact associated with the use of force was not constitutional. Furthermore, the NOPD lacked formal policies to adequately track and analyze management data associated with officer performance (U.S. Department of Justice Civil Rights Division, 2011). The report made it evident after multiple interviews, review of data sets, and unconstitutional pattern and practice that the NOPD was failing.

After review of each of these case studies, each presents a unique set of circumstances. There are indications of police misconduct as it relates to minority citizens of color. Second, in both reports the investigation identified management and policy failures and excessive police use of force that intersect with nonstructural accountability and review among police leadership. Finally, the investigation offered that the minority communities are greatly impacted by the lack of administrative structure. These themes help to provide a broader understanding of the complex issues surrounding official responses to systemic police misconduct and make possible a detailed discussion of Section 14141 as well as the need for federal intervention to improve police departments.

Police reforms and the use of consent decrees can further be explored by examining the Los Angeles Police Department, which currently is undertaking one of the most sizeable experiments of police reform attempted in America. The reform, originally

instigated by the beating of Rodney King in 1991, culminated through a corruption scandal in 1999, at which point the DOJ announced its finding that the LAPD was evidently exhibiting a pattern and practice of unconstitutional misconduct. Following, in 2000, the LAPD entered a consent decree, which promised reform measures under the U.S. Federal Court's supervision (C. Stone et al., 2009).

In the case of Los Angeles, the attempt of reform focused on two components, the consent decree, which involved the DOJ's intervention and the leadership of Chief William Bratton, focusing precisely on the police department's reduction of crime, morale improvement, and compliance with consent decree memorandums. C. Stone et al. (2009) sought to understand whether the implementation of the consent decree in Los Angeles and the accompanying memorandum actually achieved the goals of reducing crime, minimizing unwarranted police use of force and patterns of unconstitutional behavior, and most importantly, whether or not the initiative increased the public's trust in the LAPD. To inform these questions, the LAPD collected data, using multiple research methods that included hundreds of participant observations involving police patrol officers, command staff, and interviews, and analyzed administrative crime, arrest, and civilian complaint data and police use-of-force incidents.

These data were collected over the period of a decade, involving numerous and varied participants such as police officers and residents and using qualitative interview and quantitative survey data. Formal focus groups were also conducted using structured interviews with officers, public officials, and citizens of Los Angeles. Some questions went unanswered; however, this in addition to the quantitative data previously mentioned ultimately compiled a highly comprehensive study and data set providing insight to the

consent decree's influence on crime reduction, improvement of police department morale, and trust in the police department (C. Stone et al., 2009).

The findings were positive. Overall, it was found that the LAPD changed significantly over the 8 years during which data were collected. The most significant change took place during the last 4 to 5 years of data evaluation between 2005 in 2009. Specifically, public satisfaction rose. Eighty-three percent of Los Angeles citizens attested to the LAPD doing an excellent job of their duty. Additionally, the frequency of use of excessive and serious force fell consecutively each year following 2004. This was not at the expense of public safety, as evidenced by the fact that crime rates plateaued and declined. Although some officers attested to the belief that the consent decree was actually inhibiting their authority and ability to use force when needed, it was found that the quantity and quality of enforcement activity actually rose substantially with respect to efficacy in crime reduction. In other words, the greater quantity was evident in the doubling of pedestrian stops and motor vehicle stops, and the rising arrests over that period of time also increased. The quality was evident in the fact that the higher proportion of arrests involved district attorney files of felony charges. However, excessive force was not unnecessarily used in such cases (C. Stone et al., 2009).

When citizens were asked about their perception of the Los Angeles police department, more than double the participants noted to witnessing improvement rather than deterioration in police behavior. Even racial and ethnic minority groups, when questioned, expressed approval of the new policing behavior, noting that they hoped it would soon be a routine or standard (C. Stone et al., 2009). C. Stone et al.'s (2009) comprehensive analysis essentially confirmed the consent decree to be effective in

substantially minimizing crime in Los Angeles over a period of years following the implementation of the decree and memorandum. This suggests that comprehensive efforts to reduce crime, improve police department morale and culture, and increase public trust and safety are effective when comprehensively approached in the manner exemplified by Los Angeles.

One of the specific implementations that was found to be effective and useful within the Los Angeles situation was the officer tracking system referred to as TEAMS-II, which essentially forces supervisors to become more aware of officers attracting civilian complaints or frequently using excessive force at a greater rate than their peers. In this way, the team tracking system measures police officer behavior in comparison to colleagues', correlating behavior with the use of force and civilian perception or complaint. This is paired with a management tool known as CompStat, which essentially holds commanders accountable for taking action to reduce crime with integrity while still working on building public trust (C. Stone et al., 2009).

When looking at minority citizens' responses to the initiative, the overwhelming majority of Hispanics and Blacks in Los Angeles attested to experiencing significant improvements in the way they were treated following the implementation of the consent decree. However, 10% of Blacks interviewed said that they still experienced little to no respect from police officers. To this end, the implementation of this initiative remains strong and constant in Los Angeles as the city's police department continues working to improve and increase public trust (C. Stone et al., 2009).

Despite these plausible attempts at reform using consent decrees, scholars such as Rosenbloom (1983) argued that contemporary theorists and public and administration

officials have liberalized definitions of police reform from leftist perspectives, causing constitutional distortions. Rosenbloom questioned whether or not it is perhaps time for such public officials to consider restoration of rules of law as an American initiative and a basis for considering the role that constitutional law plays in contemporary public caselaw.

In contrast to Rosenbloom's (1983) stance, Simmons (2014) described how cases of pervasive public mistrust stem from a nationwide greater tendency for police to use excessive force and almost military-like heavy-handed behavior against those of color. Such practices became particularly evident following the shooting of Michael Brown, an unarmed Black teen in Missouri. This incident raised criminal justice reform to the forefront of the American public agenda. Protesters marched to the streets as gas tanks and rubber bullets were used in police-attempted containment. Police tactics used to contain crowds were aggressive and militaristic. This represented a massive crisis in policing that negatively impacted public trust and hindered police efforts to maintain public safety. Simmons (2014) argued these actions in the case of Brown's shooting highlighted the endemic corruption within United States police departments—specifically stating that racial profiling and overmilitarization of police forces, especially in response to civilian protest, exemplified the excessive use of force that is working to be abolished.

Said differently, on the basis of the Fourth Amendment, it could be argued that even modern-day use of police force to contain protesters such as those in Portland who were tearing down patriotic statues is unconstitutional and that brute force should not be used to contain such groups because such groups were not posing any immediate life threat to any other citizen but were merely vandalizing government property. Similar

issues arose, therefore, during and after the Brown case as are arising today with the current civil rights issues and movements following George Floyd's death. As Tushman and O'Reilly (1997) noted, success can only be achieved through striving toward continued societal and community evolution. Although destruction of property does not achieve reform solutions, police must balance use-of-force actions, preservation of property, and sanctity of life.

Seattle Police Department Use of Force

The SPD provides use-of-force data that are now available to the public as part of an open portal database. These data are being provided with the intent of increasing public trust in Seattle's police department in addition to involving the public sector in the implementation of the consent decree. As stated, maintaining public trust remains one of Seattle's core principles and agendas following the implementation of the consent decree. This entails including specifics on public records such as officer-involved shootings (OIS) and use-of-force documentation, including the level of force used as specified with a one, two, or three (SPD, 2020b). The SPD (2020b) reported that they actually receive hundreds of calls each year, with the majority being service calls and only .3% resulting in the use of force. Any incident involving the use of force is thoroughly explored and investigated, as has been the case since the consent decree and oversight of the DOJ upon the SPD was implemented in January of 2014.

The SPD (2020b) also publicly outlined the department's core use-of-force policy and core principles as follows and as set into efficacy during the fall of 2019. These core principles are intended to govern the use of force and provide an evaluative foundation for use in reporting and investigating the reasonableness of force used, especially in spur-

of-the-moment and otherwise challenging situations. Hence, Seattle officers are expected to apply these principles to their behavior and conduct (SPD, 2020a):

1. Officers are to use de-escalation tactics as a means of minimizing the need for use of force and as a first-line defense.
2. In cases in which the use of force is necessary and unavoidable, officers are to exercise physical control of assaultive, resistant, and/or violent individuals by making an arrest and protecting other officers and/or the public from harm.
3. Officers are to recognize and be self-aware of their conduct before the use of force, which includes the use of weaponry and thereby influences the level of use of force.
4. Officers are to take reasonable care to ensure their behaviors do not precipitate into unnecessary or otherwise disproportionate uses of force that place either a subject and/or officers' safety in jeopardy. In other words, de-escalation tactics ought to remain primary and officers should take care to ensure their use of force is not carried out in a way that further aggravates physical violence and/or retaliation.
5. Police officers are to continually reassess a situation in order to change circumstances and if necessary, moderate and modulate their manner of use of force more appropriately.
6. The use of force is to remain reasonable and only be used when necessary and in proportion to the threat and resistance of the subject it is being used upon. The SPD provides additional guidelines for clarifying proportionality.
7. Officers will be responsible for explaining the facts of the situation and reasonable inferences from those facts in order to justify their own level of use of force.

8. Each officer's explanation will be reviewed by the department in order to determine whether or not the force was justified. If any use of force fails to be adequately justified or documented in relation to the facts of the contextual circumstance, a conclusion may be drawn by the department that the force was out of conduct or out of the bounds of policy and constitutional validation.
9. The Seattle Police Department claims to be committed to upholding lawful and ethical standards and exercising leadership supervision prior to and during, as well as after any use-of-force incident. This is exercised in the form of proactive education, oversight of an incident, and postincident evaluation. Such efforts include force prevention efforts, effective tactic use, objective reviews of incidents and force, explanation, and directives.
10. The Seattle Police Department also assumes that a strong partnership between the police department and the community is critical in order for affective law-enforcement to be exercised and in order for public safety and trust in the Seattle Police Department and law-enforcement to be bolstered. The Seattle Police Department further attests to recognizing that the manner of use of force directly impacts and affects the public's perception of the police department. Based on this realization, the department and officers are required to be aware of negative implications of the use of force and thereby empowered to use force appropriately and mitigate such negative effects including but not limited to (a) offering aid to members of the public when necessary or feasible; (b) offering need to those affected by the use of force; (c) treating witnesses, bystanders, and subjects with courtesy and professionalism; (d) following up with neighbors or family or witnesses as a means

of explaining incidents and actions; and (e) addressing citizen concerns and feedback. In addition, follow-up and support should be provided throughout the whole process.

The SPD (2020b) also outlined specific operationalized definitions related to the term reasonable as documented on their website. These operationalized definitions were put into effect on June 19 of 2020 following the death of George Floyd. According to the SPD, reasonable force is generally defined as force that is proportional to the resistance of the subject or the threat posed by the subject. Force that is objectively reasonable is described to be based upon an objective evaluation of the total contextual circumstances known to and available for evaluation by the office or at the time of an incident in which force was used. This total objectivity and comprehensive view of circumstance determines the level of force and actions an officer may be prohibited to use against the subject. In this way, the use of force is judged from the perspective of any reasonable by-standing officer on the scene rather than through 2020 hindsight (SPD, 2020b).

Although such a definition sounds possible, it nonetheless does not alter the fact that any evaluation of any incident is done through 2020 hindsight even through the eyes of a witness or bystander. Therefore, it is worth recognizing that subjectivity can never be completely escaped.

The SPD (2020b) further attempted to clarify the term reasonable by defining it as the objective evaluation of the level of force used in light of the circumstance regardless of the officer's potential underlying intent or motivation. This requires any review of an incident to, first of all, be aware of an officer's intent or motivation. In this way, such an operationalize definition of reasonability requires the practice of reflexivity toward

potential bias, intent, or motivation, including racial bias, and then the dismissing of that bias to understand whether or not the level of force used actually matched that that was warranted, regardless of the race or other underlying factors that could subjectively motivate either individual.

Factors considered by the SPD (2020b) to contribute to determine the objectiveness of reasonableness of force include the following:

1. The severity of offense or crime.
2. The degree of resistance or threat presented by a suspect.
3. The degree of threat posed by a subject to the community.
4. Potential for injury caused to citizens, officers, or bystanders by the subject.
5. The attempt of the subject to escape, which interestingly begs for more inquisition as to its inclusion, considering attempt to escape does not necessarily pose an immediate threat to harm, let alone life-threatening risk to anyone.
6. The time provided within which an officer could make a decision and the available resources for an officer at the time.
7. An officer's level of training and expertise.
8. The proximity of weapons.
9. Environmental factors.
10. The degree of and whether or not a subject or suspect has any physical disability or mental disability.

The SPD (2020b) also takes measures to define terms such as necessary, proportionality, and types of force. According to the SPD, *necessary* implies that there is no useful alternative to the use of force within an incident or situation and therefore that

the amount of force used by an officer was determined reasonable and lawful.

Proportional refers to the level of force applied that is required to reflect, as noted previously, the totality of any context describing a situation or incident, which includes contextual environmental factors, threats posed to officers, the subject, the public, and an officer's level of training, experience, and ability to assess the situation. However, it should be noted that proportional force does not require an officer to use the same type nor the same amount of force as that used by the subject. Rather, proportional states that as a threat becomes more immediate or more likely to cause death or serious harm, the greater level of force that may be used by an officer is to be considered proportional as well as objectively reasonable.

De-escalation is also a term thoroughly described and publicly available for a review on the SPD website. De-escalation refers to an officer's attempt to take action to stabilize any situation of conflict so that physical violence does not escalate or become aggravated, thereby minimizing the risk of threat and involving alternative options and resources for conflict resolution. In other words, the goal of de-escalation is to increase subject compliance and reduce the necessity of the use of physical restraint or force (SPD, 2020b).

The SPD (2020b) also described different types of physical injury classification such as bodily injury, physical pain, illness, impairment, and/or substantial bodily harm that may involve disfigurement, loss of function, or fracture. Understanding the discrepancies between these terms are all components of understanding levels of physical force used in comparison to the threat of harm posed. These operationalized definitions

provide a framework within which to more objectively evaluate incidents after the fact and determine whether or not a reasonable use of force occurred.

Recognizing these terms as a means for evaluation naturally leads to a discussion of types of use of force. Broadly stated, force is defined as any physical restraint, contact, or corporate coercion used by a police officer, including minimal force in which physical force is intended to separate, control, or guide without the likelihood of causing pain, harm or injury. This includes the use of control holds, stops, push backs, or escorts. Force is also categorized into three types as documented and used in the data sets on the SPD's website. Type 1 use of force includes that which causes minimal pain or complete and/or transitory pain. This includes disorientation, use of restraints, last deployment, or pointing a firearm. Type 2 force may cause physical injury at a level between transitory pain but less than substantial harm. This includes using a taser, OC (oleoresin capsicum) spray, and impact weapons as well as the deployment of canines and stop sticks against vehicles.

Finally, Type 3 force may cause significant bodily harm, unconsciousness, and even death. Types of Type 3 force include the use of stop sticks on a motorcycle or vehicle, strikes to the head or body with an impact weapon, and gunshots. Deadly force is considered force through the use of modern firearms, which is likely to cause significant bodily harm if not death. This includes hard strikes, use of firearms, stop sticks, and use of impact weapons (SPD, 2020b).

A brief review of the SPD documented cases of use-of-force incidents in 2014 reveals that the vast majority exhibited the use of Level 1 force (SPD, 2020c). This study's methodology conducted a greater, more in-depth review collecting quantitative

data to comparatively analyze to determine with greater acuity changes in the types of use-of-force incidents pre- and postconsent decree implementation in the context of Seattle. Widespread sentiments by police officers following George Floyd's death contended that the public outcry calling for more justice was in fact warranted even if the majority of officers interviewed did not feel that police defunding was altogether warranted. This leaves room for considerable inquiry and interventions aimed at meeting the needs of all stakeholders while still attempting to reform police use of force and lead to more just outcomes.

This issue is further difficult because, as noted, it requires addressing systemic racism as well as policy changes that will hold police departments accountable for their type of use of force (SPD, 2020b; U.S. Census Bureau, 2020). Data taken from the U.S. Census reveal that despite reforms having taken place during the past decade, disparities still exist regarding incidents and Seattle police use of force. For instance, data collected from 2019 reveal that 29% of cases of use of force against Seattle citizens were against Black individuals despite the fact that only 7% of Seattle's population is Black. All 29% of use-of-force incidents against Blacks were significantly less than the 45.6% use of force against Whites. This 29% figure is still disproportionate when considering that only 7% of Seattle's population is Black. These findings were in relation to Level 1 use of force. In relation to Level 2 use the force, statistics were nearly identical. In relation to Level 3 use of force, use of force against Blacks was 25%, still disproportionate in relation to the fact that 7% of the city's population is Black, although 37.5% of Level III use of force was against White, and 37.5% was nonspecified (SPD, 2020b; U.S. Census Bureau, 2020).

These dramatically disproportionate statistics have led many Black Lives Matter protesters to assume mantras such as *Abolition, no reform!* However, many still argue that it is essential to maintain some type of law and order to protect populations and communities at large from the threat of crime, especially in large urban centers such as Seattle. However, according to labor union data collected by the SPD (2020b), police officers interviewed attested to feeling misunderstood, betrayed, and having deteriorated working conditions because of minimized funding. Such sentiments suggest defunding is not necessarily the best option because lack of resources will contribute to a problem of lack of education and a lack of resources with which to promote more safe policy, oversight, and review. This leads to the suggestion that consent decrees may instead provide a viable solution in terms of a policy aimed at minimizing inappropriate use of force.

New Orleans Police Department Use of Force

The NOPD's use-of-force specifications and policy closely mirrors that of Seattle. State guidelines now mandate that the police department should use a minimum level of force required that is objectively reasonable within the context of circumstances and in comparison to the level of threat of harm posed by the subject. Similar to the way in which the SPD outlines and operationalizes terms related to the use of force, the NOPD also provides definitions related to terms such as *active resistance*, *aggravated resistance*, *aggressive resistance*, *anatomical technique in compliance*, *apprehension*, and *arrest*. The NOPD also defines terms such as levels of threat, different types of use of force, and levels of use of force including Levels 1, 2 and 3, which include causing a risk of serious physical injury, serious use of force, and minimal use of force, aggressive

resistance, anatomical technique in compliance, apprehension, and arrest (City of New Orleans, 2015a).

Use of force is similarly evaluated according to the context in which it is used and environmental factors that are used to evaluate whether or not the use of force was appropriate and proportional to the threat posed. This includes an account for the level of resistance entailed and the threat posed by the subject. Active resistance is defined as resistance that is presented by a subject in a manner between passive and aggressive. For example, if a subject tries to leave, hide, or flee from detection and/or present verbal resistance, this constitutes active resistance. Aggressive resistance is defined by that in which the subject's actions present the risk of attack. This could include striking the officer with fists, hands, or an attempted plunge. Neither passive nor active resistance, according to the NOPD, constitutes aggressive resistance. Aggravated resistance defines resistance in which the suspect's behavior creates a reasonably objective perception by the officer that another person is subject to serious injury as a result of the circumstances surrounding the attack (City of New Orleans, 2015a).

The NOPD delineates the use-of-force levels in a way similar to the SPD. The department categorizes the use of force into four distinct levels. Level 1 includes the use of force minimally, which includes pointing a firearm, hand control escort, pressure point compliance, and other uses of restraint that are not considered to cause serious injury. Level-2 use of force includes that in which an officer points a conducted energy weapon but misses, uses an impact weapon or strike, or uses as a weaponless defense technique such as kicks, leg sweeps, or takedowns. The Level-3 use of force includes anything that is suspected to cause serious injury such as a strike to the head, the use of impact

weapons, or the destruction of an animal, regardless of actual injury incurred. A Level-4 use of force is that which includes serious attack and is deemed to be deadly, such as the use of a firearm inflicting a life-threatening blow, the use of lethal force, and any other force requiring hospitalization or serious injury such as force that results in loss of consciousness. Canine bites are also included in the level for use of force (City of New Orleans, 2015a).

The NOPD also outlined several policy statements that clarify the department's objectives. First, for instance, the NOPD policy states the priority of valuing and preserving human life and community safety when using lawful force. This mandates that NOPD officers are to use a minimum amount of force necessary to achieve outcomes in an objectively reasonable way in light of the circumstances. Once again, this requirement sounds theoretically reasonable and just, yet it is nonetheless hypothetical and requires careful insight and discretion on the part of officers who are faced with circumstances in which they must make quick, spur-of-the-moment, and emotionally intelligent and discriminate decisions.

The NOPD guidelines also state that officers should carry out their work in a way that avoids jeopardizing an officer's own safety or the safety of others and civilians through poor tactical decisions. When possible, and dependent upon circumstances, guidelines state that officers are to also use de-escalation techniques as a front line and first-line approach to conflict resolution, containment, and minimization of the need for use of force and violence escalation. Within this guideline is also stated that officers ought to de-escalate the level of force used as a subject's resistance minimizes (City of New Orleans, 2015a). City of New Orleans (2015a) guidelines also state officers are to

use verbal commands and persuasion before resorting to physical force. Sound judgment is required when making subjective decisions concerning what level of force use is appropriate. Additionally, guidelines state that officers are not to use force based on the discretion of another officer. In other words, if another officer has unjustly chosen to use force in a situation against the subject, it does not justify other officers' use of that same unreasonable force (City of New Orleans, 2015a).

The city of New Orleans also provides publicly available, open data regarding use-of-force incidents by the police department. These data have been reported by the NOPD use-of-force policy. Current data sets available online and open to the public include initial reports, which continue to be subject to judicial change through the federal review process, considering that the city of New Orleans is under a consent decree. Current data sets posted online reflect the current status. These data are available to the public and are updated daily. Therefore, data available on this website were of particular use to this study that evaluated the use of force according to the level of use, 3 years prior to and 3 years after the implementation of the consent decree upon New Orleans (City of New Orleans Open Data, 2020).

Finally, data presented by campaign zero provide critical insight into climate characteristics of the NOPD following the death of George Floyd. Numerous national and local calls have been made to defund police departments following George Floyd's death. Additionally, the NOPD faced harsh criticism for using tear gas to deter protesters in the city. In response, the department superintendent held a press conference in which the city's police reforms were highlighted. The conference included an assertion that

progress still must be made, asserting that the city of New Orleans has been under a consent decree since 2013 and therefore is in compliance with constitutional standards.

This consent decree was instituted in the city of New Orleans following Hurricane Katrina in 2005 at which time Henry Glover, Ronald Madison, and James Brissett were killed by police officers. An investigation of the killings by the NOPD found the use of force to kill these individuals to be a pattern of misconduct and a violation of the Constitution because of the excessive use of force and racial profiling. During the press conference, the NOPD also touted successes and its compliance with the decree including the banning of a chokehold, the increased use of de-escalation techniques, and providing a warning shortly before shooting. Additionally, the NOPD attested to using all alternatives before deploying any shooting. The NOPD also confirmed to be in compliance with all eight guidelines outlined by the memorandum accompanying the city's consent decree (Campaign Zero, 2020).

Another response to excessive use of force in the death of George Floyd has been the #cantwait campaign named in response to the 8 minutes that the officer allegedly kneeled over George Floyd, during which time Floyd allegedly yelled, "I can't breathe" (Campaign Zero, 2020). As feelings and emotions over the death of George Floyd intensified, allegations toward both the Seattle and New Orleans Police Departments and departments across the nations demanding greater reform, the methods and inquiries carried out by this study aimed to determine whether or not the use of consent decrees in both cities have been effective in minimizing excessive use of force. Such findings will serve as a first step to understanding potential effective policies that might continue to be implemented across the nation for positive progress and change.

The Success of the LAPD Police Consent Decree

The LAPD consent decree resulted in an extensive effort to reform police policies and practices, one of the most far-reaching such efforts that has ever been undertaken in the United States. The 1991 incident involving police brutality inflicted upon African American motorist Rodney King was the beginning of a series of severe challenges faced by the LAPD during the decade of the 1990s. Indeed, the decade closed with a severe scandal rocking the LAPD involving the Rampart revelations of corruption. In early 2000, the DOJ announced a suit against the city of Los Angeles concerning the issue of misconduct among the LAPD (C. Stone et al., 2009). After the suit was announced, the municipal government of Los Angeles agreed to a consent decree arrangement in which a variety of efforts toward police reform were implemented. The federal court system supervised the reform effort.

Two primary factors that were involved in the reforms were introduced. The consent decree rooted in the investigation by the DOJ was one of these. The other involved the policies that were introduced by the Chief of the LAPD, William Bratton, who had previously been the Chief of Police in New York City and assumed the leadership of the LAPD in 2002. Chief Bratton's primary objectives were to decrease crime levels in Los Angeles, increase the level of morale experienced by members of the police department, and ensure full compliance with the provisions of the consent decree (C. Stone et al., 2009). Connecting the DOJ and the police chief's objectives, it is necessary to examine the question of to what degree the consent decree has impacted the practice of policing in Los Angeles and whether the consent decree has been successful for the purpose of reducing police misconduct.

Primary issues of concern involved the need to effectively control the use of force by Los Angeles police officers, work to maintain harmonious relations between the police and the wider community, maintain a system of effective internal and external supervision of the LAPD, and introduce changes to the organizational culture of the department that would work to enhance compliance with the consent decree. A parallel consideration involves the degree to which the efforts of the LAPD have exercised the effect of gaining public trust and renewing the level of public confidence in the department. Finally, it is essential that the department is fulfilling its primary purpose of reducing overall crime rates and apprehending individuals who threaten public safety. C. Stone et al. (2009) applied a range of research practices for the purpose of examining these issues and concerns. The research design model that was utilized involved the use of a mixed methods research approach.

The researchers spent hundreds of individual hours engaging in interviews with members of the LAPD, including members from every level within the department. A process of data analysis was undertaken regarding crime reports, the number of arrests, the number of stops that were conducted, complaints that were registered by civilians, human resources considerations, and the frequency with which force was applied within the context of the activities of the LAPD. Surveys were also compiled that were used to gather information collected from current and former officers, residents, and arrestees. Focus groups were created, and more formal interview sessions were conducted with current members of the LAPD, officials within the city government, and residents of various communities in Los Angeles (C. Stone et al., 2009). The research that was

completed represented a landmark study of a police reform effort, the largest of its kind that was ever conducted in the United States.

The results of C. Stone et al.'s (2009) research indicated that many changes had taken place in the LAPD during the course of the 8-year period in which the reforms associated with the consent decree had been implemented. The impact of the reforms also tended to accelerate over time. At the time that C. Stone et al. reported their research, 83% of Los Angeles area residents expressed a favorable view of the LAPD. Additionally, an annual reduction in the use of force by officers had taken place for each of the previous 5 years. Although some department members claimed to have been unduly limited by the provisions of the consent decree, the actual number of stops of both motorists and pedestrians had doubled over the previous 7 years, with the result being not only an increase in the number of arrests but a parallel increase in the rate at which felony charges were filed by the District Attorney of Los Angeles County. The evidence indicates that the reforms associated with the consent decree were instrumental in improving police–community relations without compromising public safety.

Pittsburgh Police Consent Decree

The federal courts have increasingly assumed the role of supervising both state and local police forces during the past 25 years. Legislation enacted by Congress in 1994 provided the DOJ with the authority to initiate suits related to pattern and practice when policing activities are found to be either in violation of federal civil rights law or the constraints imposed by the Constitution. Pittsburgh, Pennsylvania, was the initial case brought by the DOJ under this legal provision. Pittsburgh subsequently entered into a consent decree arrangement with the DOJ beginning in 1997. At the time that R. C.

Davis et al. (2002) reported their research, approximately six police departments in the United States were under the direct supervision of federal courts, with four of these departments having been investigated by the DOJ.

The pattern and practice supervisory authority that has been granted to the DOJ has also been controversial. However, both law enforcement officials and civil rights organizations have indicated a generally favorable view of the consent decree that was applied to the Pittsburgh Police Department in terms of the overall level of success that has been achieved. The increase in the levels of accountability to which police officers are now held and the improvements that have been introduced concerning the training of officers have been widely praised. The report by R. C. Davis et al. (2002) examined the practice of policing in Pittsburgh over a five-year period between 1997 and 2001 when the consent decree was fully operative for the purpose of determining what lessons from Pittsburgh's experience might be applied in other jurisdictions.

The research that was conducted by R. C. Davis et al. (2002) was sponsored by the Vera Institute and included interviews that were conducted with the chief of police for Pittsburgh, the monitor charged with the responsibility of observing compliance issues on behalf of the federal courts, and officials within the city government. A range of focus groups was also conducted by the researchers. The participants in the focus groups included rank and file officers along with their immediate supervisors. The researchers also explored data that had been collected by the department regarding officer morale level, disciplinary concerns, statistics related to public safety issues, and overall types and levels of activity that were conducted by the police. Participants in a range of community activities were interviewed as part of the research process. Approximately 400 residents

also participated in a survey that was distributed by the researchers. The information that was gathered indicated why the city of Pittsburgh was able to engage in a rapid compliance with the requirements of the consent decree once the arrangement had been agreed upon.

Initially, local officials had a negative view of the consent decree, including the mayor. However, efforts to implement the provisions of the decree were taken seriously. The monitor representing the federal court provided supervisory manuals indicating the changes that needed to be made to ensure compliance (R. C. Davis et al., 2002). The compliance process was organized into individual states, and members of community organizations were allowed to participate in the compliance process. The chief of police made an important contribution by cultivating a system through which problematic officers could be detected and subsequently subjected to disciplinary or corrective actions. The police chief was fully committed to this program. Officers were also provided with training in which they were required to provide a justifiable explanation for any use of force that was used (Powell et al., 2017). Drug raids also became less indiscriminate and more rooted in information gained from intelligence sources. Additionally, supervisors were held accountable for the behavior of their subordinates.

A yearly meeting engaged in a review of problematic officers in the department that determined what corrective action had been taken or what progress had been made. However, the city was less successful in the investigation of complaints brought by civilians. It is clear from the efforts of the Pittsburgh Police Department to implement meaningful reforms that the employee morale as well as public relations factors are essential to policy reform efforts (R. C. Davis et al., 2002). No evidence exists that

policing was made less efficient in Pittsburgh because of the provisions of the consent decree. Crime rates have continued to decline since the consent decree was implemented. Retention rates increased, and rates of absenteeism decreased along with decreases in the overall use of force by the Pittsburgh police during the consent decree.

Summary

Chapter 2, the literature review, outlined a background of the history of police reform in the United States including landmark Court cases such as the *Graham v. Connor* and the *Tennessee v. Garner* court cases. These court cases resulted in significant changes in the way that reasonable use of force is defined. Additionally, they resulted in the implementation of consent decrees, which according to some scholars, have been underused as a means to hold individual state police departments accountable for their appropriateness of use of force and patterns of behavior.

This chapter also established that although policy changes have been attempted, patterns of behavior likely stem from long-standing systemic racial inequalities and that effectively and comprehensively combating the issue will likely require a systemic and psychological as well as policy approach involving education and behavioral reform. Finally, this chapter set the stage for understanding the context of the Seattle and New Orleans Police Departments, data of which were evaluated. Both police departments have been operated under a consent decree and use similar standards to define what reasonable use of force is. Chapter 3, the methodology, outlines the quantitative methods that were used to evaluate the efficacy of consent decrees in both city police departments as a means of minimizing excessive use of force.

CHAPTER 3: METHODOLOGY

Purpose Statement

The purpose of this comparative case study was to determine whether or not the implementation of consent decrees in the New Orleans and Seattle Police Departments resulted in a reduction of the use of force 3 years after implementation, in comparison to 3 years preconsent decree implementation. This study sought to understand whether or not the implementation of police decrees minimizes the use of force to a statistically significant degree. Both police departments were evaluated using secondary evidence 3 years prior to and 3 years after decree implementation.

The goal of this chapter is to outline this researcher's methodological approach. The methodology used to understand this gap in literature was quantitative research. Creswell (2002) stated that quantitative research is the process of collecting, analyzing, and interpreting data as well as writing the results of a study. Furthermore, quantitative research studies "test objectives by examining the relationship beyond variables" (Creswell, 2014, p. 4). In conducting this quantitative analysis, the researcher applied descriptive statistics and comparative analysis to better understand the impact of consent decrees in correlation with reducing police use of force. Sharma (2019) expressed that descriptive statistics are brief descriptive coefficients that summarize a given data set, which can be either a representation of the entire or a sample of a population. These statistics are often broken down into measures of central tendency and measures of variability.

As descriptive statistics assists in analyzing and organizing data, inferential statistics uses the data collected to determine a probability or conclusion. Furthermore,

Kern (2013) expressed that inferential statistics attempts to create conclusions that reach far beyond the observed data and question specific points raised prior to the study. With this understanding, it is important to unpack multiple transformative factors that result in any change. Therefore, not only the process of pattern and practice but also the impact that police consent decrees have on police behavior and outcomes must be evaluated. Descriptive statistics form a major component of all quantitative data analysis when coupled with several graphics' analysis. Descriptive statistics is quite different from inferential statistics as it is more about describing what data are being shown.

Finally, to better understand whether consent decrees are impactful in creating reforms to a statistically significant degree, this topic requires a systematic theory that is rooted in change. To support this phenomenon, the researcher utilized Lewin's change theory that identified three stages for organizational change. Lewin (1952) identified the concept that change occurs in three stages: unfreezing, change, and refreezing. After the final or third stage, behavior should be habitual, establishing a new concept and identity.

Research Questions

In this research, the primary goal was to examine the implementation of police consent decrees and evaluate its impact on use-of-force pattern and practice. In pursuit of this goal, it is important to identify practices and patterns outlined in the consent decree from officers that resulted in a use of force in comparison to statistical improvements in reducing use of force. More specifically, it is important to answer the question of how police consent decrees measure as a tool to reduce police use of force in police departments.

Therefore, this study sought to inform the following overarching research question: *Regarding police pattern and practice, are police use-of-force rates statistically reduced in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?*

This study's subresearch questions, contributing to informing the general research question are as follows:

- 1 Are gender-based changes in use-of-force rates more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 2 Are racial disparities in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 3 Are the uses of force with a weapon that results in deadly force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 4 Is the discharging of a firearm in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 5 Are batons in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

- 6 Are hands, feet, and fists in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
 - 7 Are chemical sprays in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
 - 8 Is taser usage in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- H0: There is no difference in the rate of police use of force in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree.

Research Design

This study used a comparative design to compare findings between data evaluated from two police departments, the Seattle and New Orleans Police Departments. Harmon (2009) suggested reducing police misconduct requires substantial institutional reform in the nation's police departments. Therefore, this study examined a secondary data set involving use-of-force data 3 years prior to the implementation of the consent decree and 3 years after the implementation of the consent decree. This study sought to determine whether any observed differences are statistically significant. In completing this process, the researcher aimed to establish the probability of occurrence that misconduct is identified in relation to use of force and the degree to which reform addresses the use-of-force patterns. The independent variable studied includes the implementation of consent

decrees, and the outcome variable is the use of force. This outcome variable was examined in the context of eight outcome variables, each demonstrating and representing a component of force in correspondence to the use of force highlighted by each of the eight aforementioned research questions.

For statistical evaluation, the researcher compared the level of force used, the racial composition of the recipient of force, and whether the use of force was legally justified. Regarding any allegation of misconduct, the DOJ investigations examine not only whether there is a pattern and practice of police misconduct but also why such a pattern and practice exists to identify the right reform steps to eliminate it (DOJ, 2017). This factor is one of importance because all allegations do not result in investigations. Therefore, a pattern and practice must be identified to institute federal reforms.

Population

The researcher identified two police departments in the United States fitting the sample criteria: one on the west coast (Seattle) and one in the south (New Orleans). To impart consistency that equates to department size, this research included an examination of these two major city police departments with significant and comparable populations. As a member organization, Major Cities Chief Association (MCCA) is a professional association of chiefs and sheriffs representing the largest cities in the United States and Canada. These agencies influence public policy on law enforcement matters while supporting comprehensive policies on relevant topics in policing. Each police department that was identified, Seattle Police Department and New Orleans Police Department, is a member of MCCA. In addition to being a part of MCCA, each police department is currently under a police consent decree for a similar time period. Both the

Seattle Police Department (SPD) and New Orleans Police Department (NOPD) entered a police consent decree between 2010 and 2012 and offer a substantial amount of information and data on the topic. Both police departments have experienced strained relationships between the police and the community. Once participants agreed to participate in the study, they were given a confidentiality agreement form. This form outlined the opportunity to be identified or remain unknown.

Sample (Data Set)

The researcher proposed that data associated with this research be a secondary set. The data collected were representative of annual use-of-force reporting from each identified major city police department. Primarily, the use-of-force data reflected 3 years prior to consent decree implementation and 3 years after consent decree implementation. The data also represented the level of force used consistent with the use-of-force continuum and the race or ethnicity of the individual upon whom force was being used. The data sample provided a roadmap to examine any statistical changes in use of force.

Instrumentation

The instrument that was used for this study was Statistical Package for Social Sciences (SPSS). SPSS provided a tool for descriptive statistics to analyze data for the purpose of this study. A central tendency associated with SPSS is the mean, median, and mode. Therefore, the variability of the data (variance, standard deviation, and range) must also be presented. When selecting an instrument, the researcher must consider the validity, reliability, and ethics of the study. Tavakol and Dennick (2011) asserted that reliability and validity in research enhances the accuracy of the assessment and the evaluation of the research. Internal validity refers to the causal relationship not created

by a spurious relationship (a relationship in which a second or confounding independent variable exerted influence upon the dependent variable; Price & Murnan, 2004).

Creswell (2014) stated that a research design with high internal validity is one in which changes to the dependent variable (or outcome variable) are a result of changes measured or observed in the independent variable. External validity refers to the finding's ability to be generalized to other groups (Price & Murnan, 2004). According to Creswell (2014), external validity is the extent to which the results of an experiment can be generalized across populations, time, and settings.

Data Collection

Regarding the collection of data, the researcher submitted an open-records request from each police department. Information outlined in this report is accessible by law because of the passing of the 1967 Freedom of Information Act, which provides the public the right to request access to records from any federal agency. This purpose of this law is to keep citizens informed about their government (Fyall, 2012). In addition to filing an open-records request the researcher ensured that the data were sent electronically and password protected. The data were then saved on a protected drive assessable only to the researcher and committee chairperson. The data integrity met California Baptist University standards and were only used for the purpose of research.

Data Analysis

Using the SPSS program, data were analyzed with the use of descriptive, comparative statistics. The descriptive statistics were based on the research goals and questions related to this study. This analysis reflected variance, standard deviation, and range. The researcher outlined statistical differences in an excel spreadsheet for analysis

to code each variable for the SPSS program. Established coding allows for research content to support associated findings and outcomes. In addition to coding, the researcher completed an analysis of the inferential statistics data utilizing the chi-square analysis for statistical significance. Data are presented according to factors including the severity of force use, incident date in relation to consent decree implementation, racial factors involved, and the police department of the two studied.

Limitations

Addressing a study's limitations is essential to bolster the study's credibility and validity (Price & Murnan, 2004). It is important to acknowledge the fact that police consent decrees are reforms predicated on a recognition by DOJ attorneys, political leaders, and police management that the pattern and practice reform effort is both legal and a policy process (Chanin, 2011). There is not an expansive amount of knowledge on police consent decrees because of the time period a police department can be under federal direction. Therefore, no body of knowledge exists on long-term reforms. Additionally, this research only focused on a small sample size versus the larger body of police departments that have either been reviewed by the DOJ or where consent decrees have been enacted.

Summary

Federal police consent decrees have remained a reform tool that has been utilized by the U.S. government since 1997. In policing, the word *reform* is a widely debated topic, but in the interest of federal police consent decrees, it represents a paradigm shift in accountability and legitimacy. Furthermore, it asserts that the values of the Constitution and the equal treatment of citizens should be demonstrated through the execution of law.

The goal of police consent decrees is to eliminate the recurring pattern and practice that demonstrated the inability of a police department to function without federal technical support. This methodology underscores the process by which police consent decrees impact change and police misconduct by seeking to understand not only implementation but also all associated outcomes. This study's methodology used a comparative analysis and descriptive statistics to understand whether or not a statistically significant impact is elicited from the implementation of consent decrees by evaluating two major city police departments: Seattle and New Orleans.

CHAPTER 4: RESEARCH, DATA COLLECTION, AND FINDINGS

Overview

This chapter contains the outcomes of research data and findings associated with the police consent decree as an instrument on implications in reducing use of force. In addition, an inference is drawn as it relates to Lewin's change theory to reduce the police misconduct in both the Seattle Police Department and New Orleans Police Department. In review of all data, this researcher concluded that Seattle Police Department (SPD) use-of-force data were inconclusive because of multiple or unreported variables that could not be assessed for the time period identified for this research. Regarding the New Orleans Police Department (NOPD), data could only be assessed 2 years prior to consent decree implementation and 2 years post consent decree implementation to achieve any consistent statistical outcomes. For the purpose of this research, the implementation of the police consent decree is the time period that the agreement was signed. It should be noted that a federal judge has to place a monitoring team together to oversee the consent decree, which takes time. As time may vary in assembling a team of experts, the responsibility of law enforcement to police communities does not cease. Therefore, the police department is still constitutionally accountable in the actions it takes.

Purpose Statement

The purpose of this comparative case study was to determine whether or not the implementation of consent decrees in the New Orleans and Seattle Police Departments resulted in a reduction of the use of force 3 years after implementation, in comparison to 3 years preconsent decree implementation. This study aimed to contribute to closing the gap in understanding what policy implementations may be useful in correcting patterns of

behavior in police misconduct and in closing the gap between best practice conduct and actual patterns of behavior and unconstitutional practice. Specifically, the study evaluated whether or not the administration of DOJ police consent decrees upon New Orleans and Seattle correlated with a statistically significant change in the use of excessive force by these two police departments. In doing so, this study examined the extent to which consent decrees reduce police use of force during officer–citizen interactions. Furthermore, this study sought to determine whether a statistically significant difference exists between the rate of force used on citizens before and after the consent decree by using pre and post intervals for a period of 3 years before implementation and 3 years after implementation. Therefore, this study used a quantitative comparative analysis evaluating secondary data. As a theoretical framework, the researcher used the change theory, a three-stage model that requires prior learning to be rejected or replaced (Lewin, 1952). For this research, aggregate data were associated with the use of force and statistical changes in police use of force.

Research Questions

The primary goal of the research study was to contribute to closing the existing gap in empirical literature regarding pattern and practice reform of federal police consent decrees and evaluate consent decrees' impact on police use of force. In pursuit of this goal, it was important to identify behaviors and problems from each police department evaluated, Seattle and New Orleans, associated with the use of force and the consent decree. More specifically, it was important to answer the overarching question:

Overarching Research Question

Regarding police pattern and practice, are police use-of-force rates statistically reduced in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

This was relevant to the study in that informing this question aided in determining whether statistically significant differences were present in the variations observed over the lifespan of the consent decree, which may or may not have an effect on police pattern and practice.

Subresearch Questions

- 1 Are gender-based changes in use-of-force rates more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 2 Are racial disparities in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 3 Are the uses of force with a weapon that results in deadly force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 4 Is the discharging of a firearm in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

- 5 Are collapsible batons in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 6 Are hands, feet, and fists in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 7 Are chemical sprays in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?
- 8 Is taser usage in use of force more or less likely in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree?

Hypothesis

H0: There is no difference in the rate of police use of force in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree.

Research Methods and Data Collection Procedures

The research methods used in this study were to conduct a quantitative analysis of police use-of-force data of the New Orleans and Seattle Police Departments 3 years prior to consent decree implementation and 3 years post consent decree implementation to understand whether there was any statistical significance in the reduction of police use of force. The researcher completed an online open-records request to solicit annual use-of-force data. After making contact with both organizations, and because of the impact of

COVID-19, a reduction in the workforce delayed the receiving of information. The researcher was redirected to resource persons who were assisted in managing each agency's police consent decrees and use-of-force data that included level of force used, race, and sex. This information was sent electronically on a secured drive and was password protected.

Variables

This study's independent variable was the implementation of consent decrees, and the dependent or outcome variable was the use of force. The outcome variable was examined in the context of eight outcome variables, which demonstrated a component of force, in correspondence to each of the eight aforementioned research questions. To statistically evaluate data collected, the researcher compared the level of force used, the racial composition of the recipient of force, and whether the use of force was legally justified. Regarding any allegation of misconduct, the DOJ investigations examined not only whether there was a pattern and practice of police misconduct, but also why such a pattern and practice existed to identify the right reform steps to eliminate it (DOJ, 2017).

Population

Two police departments in the United States fit the sample criteria and were used: one in Seattle and one in New Orleans. Both the SPD and NOPD entered a police consent decree between 2010 and 2012 and were selected because they both offered a substantial amount of information and data. Both police departments have experienced strained relationships between police and the community.

These two police departments were also chosen for review because of the way in which they present a dichotomous sample of the US population: one city being

representative of a northwestern population and one representing a southern population. One city (Seattle) represents an urban environment that is primarily White dominant, and New Orleans represents a community dominated by non-White populations. Therefore, by collecting, analyzing, and comparing data from both cities, this study provides broader insight regarding the potential for consent decrees to change the use-of-force patterns of behavior nationwide and between cities of varied demographic and racial characteristics, rather than merely respective of one subculture or geographic region of the nation at large. Furthermore, because both cities have been under recent consent decrees, they have both demonstrated considerable issues with the use of force, which made these cities ideal candidates for studying how the consent decree can potentially improve patterns of behavior. Studying changes in patterns of behavior among larger cities with considerable populations provides insight into how consent decrees may make significant impacts in large urban areas with high populations. Moreover, relative to other large urban centers, Seattle currently has a low number of deployable police officers (1,200). New Orleans stands similarly with just over 1,400 deployable officers (as of 2020; Maciag, 2012).

Data Collection

The researcher submitted an open-records request from each police department. The information outlined in this report is assessable by law because of the passing of the 1967 Freedom Information Act, which provides the public the right to request access to records from any federal agency. The purpose of this law is to keep citizens informed about their government (Fyall, 2012). In addition to filing an open-records request, the researcher ensured that the data sent electronically was password protected. The data were then saved on a protected drive assessable only to the researcher and committee

chairperson. The data integrity met California Baptist University standards, and they were only being used for the purpose of research.

Presentation and Analysis of Data

As previously stated, the SPD had multiple variables that were not consistent to run an analysis on, making it impossible to develop an outcome that could be measured. As a result, no statistical inference could be determined. The data assessed from the NOPD was not conclusive to assess 3 years prior consent decree implementation and 3 years post. However, use-of-force data could be developed to understand any statistical difference 2 years prior consent decree and 2 years after. New Orleans's date of consent decree implementation was January 11, 2013. The data case dates range from January 2011 to December 2015. There are 2 years of data preconsent decree and 2 years and 11 months of data postconsent decree. SPD's date of implementation was September 10, 2011. Seattle provided 2 years prior and 6 years of data post implementation. Again, the data was inconsistent. What made Seattle's data inconsistent was missing variables regarding sex, race, or level of force used. What was determined was that years beyond the time period of analysis for Seattle, the reporting of data improved. In the time period reviewed for New Orleans, it was determined that reporting improved categorically as well.

In addition to review of all assessed data, it is important to note that even in NOPD, all variables could not be assessed. For example, there is no analysis on Asian's because of lack or absence of data. There are assessments that do not include Hispanics for the same reasoning.

Demographics

With this understanding, by experience, many police use-of-force contacts are through dispatched calls, not self-initiated calls. A dispatch call is when the dispatcher has received a request for a police officer through a 911 call service. A self-initiated call is when an officer makes the decision to make contact for lawful reasoning or investigation. Therefore, in review of the data, it is of value to understand the population of cities during the time of analysis can influence whom police regularly come in contact with. According to the U.S. Census, which is populated every 10 years, at the time of consent decree use of force, race and ethnic categories were White 33.9%, Black 59.5%, Hispanic 5%, and Asian 2.9%. Women accounted for 52% of the population, and men accounted for 48% of the population. The total population count was 343,829 with Blacks accounting for the majority of the population.

Although it is not relative because of the inability to assess consistent data, Seattle, Washington's total population was 753,675 at the time of data assessment with 67.3% of their population being White, 7.3% Black, 15.4% Asian, 6.7% Hispanic, and 49% women and 51% males.

In evaluating the population, one could assess that the police are more than likely to contact a subject (race/sex) because of dispatch or self-initiated calls in accordance with population density. Also, one could assess that when minorities are not the majority, it could be inferred that despaired treatment in the use of force is present or police misconduct is present.

Variables

Therefore, in further analysis of data, several count charts were developed to answer the research questions for the NOPD. When applicable, the tables show categorically the use-of-force counts 2 years preconsent decree and 2 years post. The tables also show variables such as race and gender relevant to the data available. When any variable is not present, it was not available or lacked the consistency to be measured.

To understand each area measured, it is helpful to understand deeper knowledge of what the variables mean, categorically, related to the use-of-force levels. In reference to the earlier definitions regarding the use-of-force categories—chemical agent, physical force, baton use, and discharging a firearm—all information is consistent with use-of-force reporting. In listing the research questions, for the use of analysis, physical force was categorized as to when the use of force not only involves hands, feet, or fists but also involves any restraint hold or tactic where an officer goes hands-on or physically applies pressure. For example, take-down, physical force-hands, or head strike are all actions in addition to hands, feet, fists that can represent a hands-on tactic.

In addition to the tables that represent the use-of-force counts, to better understand the impact of the identified use-of-force areas and the impact that the consent decree reduces use of force, this researcher used a linear graph. A linear model shows a correlation or relation between two variables defined by points. The linear model interacts with the police consent decree as the primary variable in relationship to force used, race, and sex.

Data Analysis

The R program was used within SPSS Statistical Analysis Software to run the statistical tests informing the research questions of this study and to generate Generalized Linear Models. R is a statistical package that was created by the R Project for Statistical Computing. R is essentially a language that allows researchers to write custom functions that allow for analyses to be custom-tailored to different types of data. This allows for more easily automating tasks that are frequently run or developing a novel analysis. Examples include nonlinear and linear modeling, classic statistics tests, clustering, and more (RDocumentation, n.d.). All computations and graphics were done using the statistical programming language R. The models in the following sections were computed using the *glm* function. Parameter confidence intervals were computed using the *confint* function from the MASS library. Significance was determined using a *p* value cut-off of less than .05. This is indicated in the model coefficients table output by parameter *p* values and one or more asterisks.

Poisson Models

The Poisson distribution can be used to model count data. The following models are Poisson generalized linear models. The models estimate parameters (or rates) and predict counts based on the factors/variables of interest. For example, the first model predicts physical force counts based on race, sex, decree implementation, and two-way interactions between these variables (interaction between decree and sex, decree and race, and race and sex).

Interactions examine whether the effect of one factor/variable on the outcome (i.e., physical force counts) may depend on the levels/values of another factor/variable.

For example, the relationship between changes in physical force counts across race may depend on whether or not males or females are being considered. Modeling interactions where possible allow for answering questions about how consent decree implementation relates to race or sex with respect to an outcome such as physical force counts. Modeling interactions were used to answer Subresearch Questions 1 and 2. In addition, the effect of decree implementation may need to be considered in relation to any significant interactions. However, if decree implementation does not interact (or does not depend on) the other variables in the model, it can be considered by itself as an overall average across race and sex.

Data Analysis Output Charts

In further analysis of the use-of-force table counts and linear model, the only area that could be fully analyzed with all variables interacting with the impact of police consent decree was physical force. In the areas of chemical agents, taser, baton, and discharging of a firearm, all areas were inconclusive because of the lack of data to support a statistical significance. In all data reported, none included deadly force. Outputs in this study's data analysis were factored into a Poisson model. See the appendix for the Poisson model figures.

Findings

The findings in this chapter are described narratively. The appendix provides the findings in addition to the tables and graphs used to illustrate those findings. Overall, it was found that the consent decree made little to no statistical change to police use of force 2 years pre- and postconsent decree in the NOPD.

Chemical Agent

Evaluating changes in chemical agent use informed the research question: Does the implementation of a consent decree make a difference in the use of chemicals counts? Interactions could not be modeled here, so it can be considered the main/average effect of consent decree in the presence of race and sex (the other variables considered in the model). From the table, the parameter estimates for changing from baseline (postdecree) to preconsent decree is significant. This implies that there is a significant difference between the use of chemical agent counts as a result of consent decree implementation with respect to the subpopulation considered in this model for Black and White people.

Taser Use

Evaluating taser use informed the research question: Does the implementation of a consent decree make a difference in the use of taser counts? In this model, there is significant interaction between race and consent decree. This means that changes in taser use counts from pre- to postconsent decree depend on which race is being considered (or changes within race [pairs] depend on whether preconsent decree or postconsent decree is being considered). The rates of change in taser use counts from pre- to postconsent decree for Black and White people are negative and larger than the rate of change for Hispanics, which also moves in the opposite (positive/increasing) direction. Taser use count decreases are associated with consent decree implementation for Black and White people, but this is not the case for Hispanic people. The parameter estimates indicate that consent decree implementation is associated with decreases in taser use counts, but the rate of decrease is significantly higher for White people. Overall, consent decree is associated with changes in taser use counts, but how this change occurs depends on

which race is being referenced. Therefore, considering the question, Do the changes in the use of taser counts across race depend on consent decree, the answer is yes, as noted previously. The researcher also asked, “Do the changes in the use of taser across sex depend on consent decree?” By examining the parameter estimates, it can be seen that the interaction between consent decree and sex is insignificant. Therefore, consent decree implementation is not significantly associated with changes in taser use disparities across sex.

Physical Force

Evaluating changes in physical force use before and after the consent decree informed the research question: Does the implementation of a consent decree make a difference in physical force counts? This question is meaningful without considering race or sex because there is no significant interaction between consent decree and race and consent decree and sex. Because of this, one can consider the main effect (or overall effect) of consent decree (on average) across race and sex.

The researcher also asked, “Do the changes in use of physical force across sex depend on consent decree?” From the analysis model, it was found that there is no significant interaction between sex and consent decree.

The researcher also asked, “Do the changes in use of physical force counts across race depend on consent decree?” From the analysis model, it was found that there is no significant interaction between race and consent decree.

Baton Use

Evaluating changes in baton use before and after the consent decree informed the research question: Does the implementation of a consent decree make a difference in use

of baton counts? Interactions could not be modeled here, so it can be considered the main/average effect of consent decree in the presence of race (the other variable considered in the model). From Table A4 in the appendix, the parameter estimates for changing from baseline (postdecree) to preconsent decree is not significant. This implies that there is no difference between use of baton counts as a result of consent decree implementation with respect to the subpopulation considered in this model (males only).

Discharge of Firearms

Evaluating changes in discharge of firearms before and after the consent decree informed the research question, Does the implementation of a consent decree make a difference in use of firearms counts? Interactions could not be modeled here, so it can be considered the main/average effect of consent decree in the presence of race (the other variable considered in the model). From Table A5 in the appendix, the parameter estimates for changing from baseline (postdecree) to preconsent decree is not significant. This implies that there is not a significant difference between use of firearms counts as a result of consent decree implementation with respect to the subpopulation considered in this model (Black and White males).

Summary

The results of the data analysis show that there is a significant difference between use of chemical counts as a result of consent decree implementation with respect to the subpopulation of Black and White people. It was also found that changes in taser use counts, from pre- to postconsent decree, dependent on which race is being considered (or changes within race [pairs] depend on whether preconsent decree or postconsent decree is being considered).

Taser use count decreases are associated with consent decree implementation for Black and White people, but not for Hispanic people. It was found that consent decree implementation is significantly correlated with decreases in taser use counts, but the rate of decrease is significantly higher for White people. Overall, consent decree is associated with changes in taser use counts, but how this change occurs varies according to race. Therefore, changes in use of taser counts across race depend on consent decrees. When evaluating whether changes in use of taser across gender depend on consent decree, results were insignificant; hence, changes in taser use pre- and postconsent decree were not associated across sex.

This study found that there is no significant interaction between gender and consent decree and no significant interaction between race and consent decree when evaluating changes in physical force used. Regarding baton use, results were insignificant, meaning that there is no difference between use of baton counts as a result of consent decree implementation with respect to the subpopulation considered in this model (males only). Finally, changes in firearm use were evaluated. Findings revealed there is not a significant difference between use of firearms counts as a result of consent decree implementation with respect to the subpopulation considered in this model (Black and White males).

In summary, in the data presented, the consent decree makes little to no statistical in several areas of the use-of-force continuum but does have statistical reductions in taser usage and chemical agents considering race to police use of force 2 years pre- and postconsent decree in the NOPD. Categorically, in several areas, the use-of-force counts increased among Blacks who represented the majority of the population in New Orleans

at the time of data collection. Overall, statistical information developed supports the hypothesis that consent decrees have no statistical significance on the reduction of police use of force subject to the data that was assessed. In context, the representation of this information is 2 years after a consent decree has been signed.

CHAPTER 5: FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

The purpose of this comparative case study was to determine whether or not the implementation of consent decrees in the New Orleans and Seattle Police Departments resulted in a reduction of the use of force 3 years after implementation, in comparison to 3 years preconsent decree implementation. This study aimed to contribute to closing the gap in understanding what policy implementations may be useful in correcting patterns of behavior in police misconduct and in closing the gap between best practice conduct and actual patterns of behavior and unconstitutional practice. Specifically, the study evaluated whether or not the administration of DOJ police consent decrees upon New Orleans and Seattle is correlated with a statistically significant change in the use of excessive force by these two police departments. In doing so, this study examined the extent to which consent decrees reduce police use of force during officer–citizen interactions. This purpose was carried out by informing the following research questions.

Overarching Research Question

Regarding police pattern and practice, are police use-of-force rates statistically reduced in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree? The independent variable was evaluated with respect to eight subvariables or categories that defined eight subresearch questions. These subcategories describing use of force included: gender-based changes, racial disparities, use of weapons resulting in deadly force, use of firearms, collapsible batons, hands, feet, and fists, in use of force, chemical sprays, and taser usage. It is also important to note that weapons are not the only use of force that results in death, and use of force involving hands, fists, and feet may also result

in death; however, to distinguish the importance of evaluating weaponry use as a separate subcomponent from hands, fists, and feet, this study specifies the evaluation of weaponry use as it specifically and more severely results in death. This study hypothesized that there is no difference in the rate of police use of force in police organizations 3 years before the implementation of a consent decree compared to use-of-force rates 3 years after the issuance of a consent decree.

Methods and Analysis

A quantitative analysis of police use-of-force data of the New Orleans and Seattle Police Departments 3 years prior to consent decree implementation and 3 years postconsent decree implementation was intended to understand whether there was any statistical significance in the reduction of police use of force. The researcher completed an online open-records request to solicit annual use-of-force data. After making contact with both organizations and because of the impact of COVID-19, a reduction in the workforce delayed the receiving of information. The researcher was redirected to resource persons who were assisted in managing each agency's police consent decrees and use-of-force data that included level of force used, race, and sex. This information was sent electronically on a secured drive and was password protected.

The Seattle Police Department (SPD) had multiple variables that were not consistent to run an analysis on, making it impossible to develop an outcome that could be measured. As a result, no statistical inference could be determined. The data assessed from the New Orleans Police Department (NOPD) were not conclusive to assess 3 years prior consent decree implementation and 3 years post. However, use-of-force data could be developed to understand any statistical difference 2 years prior consent decree and

2 years after. New Orleans's date of consent decree implementation was 1/11/2013. The data case dates ranged from January 2011 to December 2015. There are 2 years of data preconsent decree and 2 years and 11 months of data postconsent decree. SPD's date of implementation was September 10, 2011. Seattle provided 2 years prior and 6 years of data postimplementation. Again, the data were inconsistent. What made Seattle's data inconsistent was missing variables regarding sex, race, or level of force used. What was determined was that years beyond the period of analysis for Seattle, the reporting of data improved. In the period reviewed for New Orleans, it was determined that reporting improved categorically as well.

In addition to a review of all assessed data, it is important to note that even in NOPD, all variables could not be assessed. For example, there is no analysis on Asian's because of lack or absence of data. There are assessments that do not include Hispanics for the same reason. Also, the subvariables such as hands, feet, and fists in use of force were not evaluated. SPSS software and R language were used to create Poisson models informing the research questions.

Major Findings

The results of this study found a statistically significant difference between use of chemical counts before and after consent decree implementation in relation to Black and White people. Changes in taser use counts, pre- and postconsent decree were also significant depending on which race is being considered. Taser use count decreases were found to be associated with consent decree implementation for Black and White people, but not for Hispanic people. Changes in physical force, baton use, and firearms across race and sex were not found to be significant. Thus, the results of this study indicate that

the consent decree made little to no statistical difference in police use of force 2 years pre- and postconsent decree in the NOPD. Hence, the results of this study support the hypothesis that consent decrees have no statistical significance on the reduction of police use of force. Therefore, this discussion primarily focuses on contextualizing the unexpected findings that relate to significant changes (decreases) in chemical counts among Blacks and Whites pre- and postconsent decree and decreases in taser use among Blacks and Whites postconsent decree as opposed to preconsent decree in the NOPD.

Potential contextualization and reasons for these unexpected findings may be better understood by reviewing historical use-of-force reports such as the 2015 use-of-force annual report from the city of New Orleans. According to the report, 2015 characterized a significant paradigm shift in the NOPD's approach to how the police department previously governed use of force policies and procedures, including use of force conduct related to conducted electrical weapons or tasers. The NOPD revised these policies including the use of tasers as a component of use of force and enacted new policies governing their use. This was done in an attempt to ensure seamless transitions. Part of the policy change was a requirement for additional training in the use of tasers (City of New Orleans, 2015b). Specific attention to issues with taser uses during this time could be one contributor to the minimizations and taser use before and after consent decree implementation though this does not explain minimal changes in taser use among Whites and Blacks but not Hispanics.

Additionally, updated policy indicates that use of force is only to be used in an effort to protect police officers themselves from the potential of danger, to protect others from injury, to conduct a lawful arrest or detention, and/or to conduct a lawful search.

Additionally, policy indicates that officers are to use verbal commands and other methods before use of force (City of New Orleans, 2015b). It is possible, based on the results and the recent changes that have taken place concerning the use-of-force policy in the context of the NOPD, that these changes, after the implementation of consent decrease as opposed to before, support a perimeter or framework to use force only when it is justified and minimizes the likelihood that excessive force will occur.

In the data presented, the consent decree makes little to no statistical change to police use of force in several areas of the use-of-force continuum but does have statistical reductions in taser usage and chemical agents considering race to police 2 years pre- and postconsent decree in the NOPD. Categorically, in several areas it can be seen that use-of-force counts increase among Blacks who represented the majority of the population in New Orleans at the time of data collection. Overall, statistical information developed supports the hypothesis that consent decrees have no statistical significance on the reduction of police use of force. In context, the representation of this information is 2 years after a consent decree has been signed.

Unexpected Findings

There was an expectation that all use-of-force data were accurately reported over the years and would be in a manner that provided a detailed analysis. Although the statistical data support no statistical significance in use of force, data collection for each police department, Seattle and New Orleans, were not robust. In reporting, a police department is only as good as the data provided to help manage overall outputs. In a review of data provided beyond the years initially reported, one can see improvements categorically in all use-of-force data. The researcher observed that use-of-force counts

increased among minorities. Although this may appear to be negative, the researcher views it as an indication that Lewin's (1952) change theory shows significant promise. If use of force data were being adequately reported, they could be assessed appropriately. The fact that data were poorly recorded further supports that organizations had no process of accountability on use-of-force reporting. As a result, officers using force lacked adequate oversight to report all force. In addition to considering this information, this researcher believes statistical outcomes could initially increase because of the mandatory changes the consent decree requires. It is of this researcher's opinion that the consent decree overall is making improvements to the police department and is effective as a transformational tool. This supports long-term improvements and trends in data latency.

Additionally, although it was expected that there would be discrepancies in use of force among minorities versus Whites, it was unexpected that use-of-force counts would be minimized in relation to taser and use of chemical agents but not in relation to other types of use of force. While the NOPD was in the process of implementing and devising policy revisions regarding taser use and training at the time data were collected—which could have partially impacted this finding—specific, other contributors to this unexpected finding remain unknown. This remains an area of potential future research regarding why there is a discrepancy between minimizations in chemical agent and taser use of force as opposed to other methods.

Conclusions

Because findings revealed that the consent decree was correlated with little to no statistical change in several areas of the use-of-force continuum but does have statistical reductions in taser usage and chemical agents considering race to police use of

force 2 years pre- and postconsent decree in the NOPD, the researcher concluded that the consent decree had little to no statistical impact on reductions of police use of force in New Orleans 2 years after the consent decree was signed. However, even though data collected indicate no statistical significance in changes in use of force, on average across types of force evaluated, it was observed that types and categories of data reported within the New Orleans and Seattle Police Departments improved during the years evaluated. This presents an important factor in the value of police consent decrees as they integrate oversight and management for improving accountability and reporting frameworks. Specifically, if data are incorrect for the department and community, either all use of forces are not captured or not documented in accordance with industry standards or what is known as best practices. What is evident over time is that use-of-force counts increased, which is often associated negatively. However, during the scope of this research, it was illustrated that because of the oversight of the consent decree, use-of-force reporting increased and improved. In doing so, the NOPD changed the way it documented force. Most importantly, as identified earlier in the NOPD annual reporting, attitudes within the police department and community improved because of the implementation of the police consent decree. All are recognized as performance indicators that improved public safety. In this researcher's opinion, the capability for use of force to be evaluated improved although they increased over the 2-year period. This creates an opportunity to efficiently manage misconduct to include whether force was excessive. Although overall data and categories remained sparse, indicating a need for police department reporting improvement, the fact that improvements were observable in the scope of data reported indicates that therefore, comprehensively, the consent decree is

affecting improvements to the police department, which supports long-term improvements and trends.

Implications for Action

Many argue that the use of consent decrees as a tool for police reform is an ineffective tool; I do not agree with this assessment. If there is no need for reform, unconstitutional patterns and practices would be nonexistent. Policing is not only tactical, responding to calls for service and critical incidents, but it is also evidence-based and scientific. With that understanding, data trends are important, especially regarding use of force. Managing data helps to better understand police misconduct in that it creates a framework for officer and community accountability. In both departments, Seattle and New Orleans, DOJ action was warranted for police oversight. If a body is not functioning appropriately, there is a need for intervention of which the consent decrees provide remedy for change as seen in Lewin's (1952) model.

The Lewin model is used for modeling economic development and is a dual-sector model explaining how growth occurs in a developing economy when contextualized within labor transitions between sectors. The model specifically looks at cross-cultural interactions, evaluating discrepancies among cultural groups. As such, the Lewin model applies to the context of the city of New Orleans and Seattle Police Departments because of the discrepancies observed in use of force against minorities versus Whites.

Specifically, it is important to note that although the use of chemical agents and tasers was found to be reduced postconsent decree in the city of New Orleans, this reduction only applied to Blacks and Whites and not Hispanics. In this case, it is

unknown whether underreporting existed or was not sufficient, but the death of a Hispanic citizen was a supporting factor concerning excessive force. This could be of concern considering that police were found to use excessive force against minorities, specifically Hispanics, before the acceptance and implementation of the consent decree in Orleans. The death of John Williams, a Latino man, was one of the incidents that prompted the consent decree's implementation. Another incident was the punching of a Black woman in Seattle, which contributed to the implementation of Seattle's consent decree.

Therefore, the Lewin model is helpful for contextualizing how the consent decree's oversight, in addition to the continued collection of categorical and relevant data, can help these two police departments resolve cultural conflicts and discrepancies. By understanding how and where issues are occurring, appropriate policy changes and implementations can be made to rectify those issues; in addition, culturally relevant training that helps police officers better understand how racism and bias emerge, whether subconsciously or consciously, is important.

It is also important to note that not all consent decrees are involuntary. Some are voluntary, and a common misconception is that a consent decree is always punitive and court ordered. As Seattle and New Orleans may become examples of voluntary consent decree implementation, the implementation of consent decrees can be modeled for other cities in an effort to take socially conscious action to rectify rampant racial or bias issues, which became more recognized across the nation during 2020, shedding light upon long-standing problems the nation has been navigating in and outside of policing.

Moving forward, when considering applying consent decrees to cities and communities with specific issues and use of force among police departments across the nation, it is also relevant to evaluate discrepancies in the severity of crime across communities. For instance, some researchers have evaluated how communities' crime tolerance levels factor into the necessity of consent decrees or correct measures (Lautenschlager & Omori, 2018). Today, most police departments implement use-of-force continuums in set policy, specifically as a result of the proceedings taking place among the Seattle and New Orleans Police Departments.

Lautenschlager and Omori (2018) evaluated incidents involving use of force to understand how these frequencies and levels of use of force varied across different areas of New York City. The researchers evaluated use of force to understand how it varies across neighborhoods and whether the conditions of those neighborhoods, such as severity of crime and perception of crime, influenced use of force. The researchers used theories of racial threat and social disorganization to understand the findings. Results of the study indicated that both levels and rates of use of force were more prevalent and concentrated in predominantly Black neighborhoods over time, particularly when physical force was used. However, use-of-force frequency and severity was lower in racially diverse neighborhoods, suggesting that diversity serves to foster a decrease in use-of-force frequency and severity. In other words, this research suggests that when contextualized within the Lewin model, taking steps to further integrate racial communities can help to increase the efficacy of community education and awareness and improve the training programs implemented in police departments to further rectify previous tensions between racial groups.

Although “defund the police” movements have taken place in the wake of 2020’s events, it is also critical to examine how defunding the police may affect the fulfillment of consent decrees’ goals in the future. The implementation of consent decrees decreases costs for police departments considerably. Therefore, defunding the police, though well intended, risks having an opposite effect to what is intended. Without the proper funds to make adjustments to training, education, and implementation of consent decrees, a police department may not be able to have the resources needed to be able to adequately collect the data, including categorical incidences of use of force, as well as implement the training and resources necessary to improve department functioning. Therefore, it may be suggested and argued that simply retracting funding from police departments is not a productive nor constructive method of improving minimizing excessive use of force or minimizing tensions between officers and community members. The department needs funding to properly improve, train its officers, and collect useful data for improvement.

Along these lines, federal judges overseeing the consent decree implementation of Seattle have warned against efforts to defund police departments, suggesting that such actions would put the Seattle community at risk of violating the agreements outlined in the consent decree. In this way, such budget cuts would compromise the police department’s efforts to achieve its goals, including better training, education on effective crisis intervention, and proper supervision of officers (AP News, 2021).

Dharmapala et al. (2020) evaluated the effects of collective bargaining engaged among law-enforcement officers on the occurrence of violent incidents and police misconduct. The research, using data collected between 1996 and 2015 related to such moral violations, revealed findings suggesting that changes and misconduct were

influenced by unionization. Specifically, the study indicated that unionization of officers is associated with higher levels of violence and misconduct. Hence, this research suggests against the implementation of unionization that supports violence or police misconduct but suggests the continued collection of data; implementation of consent decrees when pattern and practice are established; and reliance upon community integration, training, and education may be more appropriate methods of minimizing violence against minorities in large urban communities across the nation.

Michael Lipsky's (1981) street-level bureaucrat conceptual theory also provides a practical lens through which to understand social dynamics potentially occurring in cities such as New Orleans and Seattle that have experienced significant levels of police misconduct and police use of force against minorities. According to Lipsky (1981), some service work, including public authority and police officers, requires human judgment, and thus, the work cannot be replaced by machines or automation. Therefore, this suggests that in the case of police officers, officers must be responsible for making appropriate judgments including judgment calls about when to use violence, use of force, and how or when to protect themselves and others. Said another way, this role is not one that a machine can merely replace. Because of this, it is particularly difficult to evaluate and regulate.

Although objective policy attempts to outline instances of the use of force and rationales, each situation is highly different, and the experiences of all individuals involved are highly subjective. This naturally results in numerous situations in which witnesses, participants, street-level bureaucrats such as police, and victims may tell the story from a different perspective. Arriving at objective evidence that can be used to

adjust policies and better guide situations and the community at large toward integration and peaceful contact naturally becomes incredibly difficult. Moreover, Lipsky (1981) asserted that public service workers such as police officers currently serve a critical role in American society, helping to maintain order and safety in communities. Therefore, taking measures to improve their ability and outcomes is critical.

Recommendations for Further Research

This study supported minimal to no statistical changes in several use-of-force categories. It is recommended that long-term implications of police consent decrees be evaluated beyond 6 years of implementation as they relate to the impact of reducing police use of force. In evaluating police use of force, it is also important to evaluate despaired numbers verses despaired actions. This does not mean that disparities in police contacts are not important, but it better expresses that understanding population variance and treatment of citizens helps people understand police behavior that could lead to misconduct, which if continual could require DOJ intervention. Additionally, it would be useful to research and understand discrepancies in statistical significance found between types of use of force such as taser and chemical agents versus firearms, batons, and other forms of physical force.

Concluding Remarks and Reflections

In the 21st century, we are living in a time of police reform where unjustified police use of force has a direct implication of eliminating all public trust, especially among communities of color. Improving the reporting of data and creating internal and external systems that identify rogue police behavior that does not represent the profession will improve policing.

National narratives and protests as a result of police excessive force have been elevated to international dialogue. Police consent decrees provide a framing for any police department to manage patterns and trends but also ensure compliance that supports positive and good public service. Embracing conceptual frameworks for improvements can be beneficial in acknowledging positive and negative actions of officers. Embracing reforms and changes that will never be the same such as in Lewin's theoretical framing improves public safety.

Public trust issues have a significant history entangled with the actions of police officers. Police officers both serve as a pillar of safety and order and protection within the community and are viewed a threat in some minority communities. In this way, public authority figures serve an important role and must balance their role with the fostering of public safety while not abusing their power to make the public feel unsafe. To continue to bolster national and community public trust and the legitimacy of police departments and their accountability, increasing accountability for their actions is critical. This involves the continued implementation of consent decrees when an unconstitutional pattern and practice is established. The reform of consent decrees and the collection of pertinent data to make informed decisions about police misconduct most likely result in appropriate changes. The findings of this study argue against the withdrawal of funding from police departments and suggest community integration, innovation in service delivery, education, and training, therefore, be leveraged to reduce police misconduct and improve public safety. Making these improvements in public safety supports the majority of police officers who protect and serve communities with honor daily.

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APPENDIX—USE OF FORCE

Chemical Agent

In this model the following variable categories are used:

- race: Black, White
- sex: Male, Female
- decree: pre, post

Table A1

Frequency Table: Chemical Agent

Chemical Agent

	Pre-consent Decree		Post-consent Decree	
	Female	Male	Female	Male
Black	7	24	0	1
White	8	30	0	0

Results

- Does the implementation of a consent decree make a difference in use of chemicals counts?
Interactions were not able to be modeled here, so we can consider the main/average effect of consent decree in the presence of race and sex (the other variables considered in the model). From the table, the parameter estimate for changing from baseline (post-decree) to pre-consent decree is significant. This implies that there is a significant difference between use of chemical counts as a result of consent decree implementation with respect to the sub-population considered in this model (Black and White people).

No linear or bar graph is provided due to no statistical significance.

Taser Use

Each of the variable categories used in this model are represented in the frequency table below.

Table A2

Frequency Table: Taser Use

Taser	Pre-consent Decree		Post-consent Decree	
	Female	Male	Female	Male
Black	33	273	31	228
Hispanic	0	8	0	12
White	16	91	2	58

Results

- Does the implementation of a consent decree make a difference in use of taser counts?
In this model there is significant interaction between race and consent decree. This means that changes in taser use counts, from pre to post consent decree, depend on which race is being considered (or changes within race (pairs) depend on whether pre consent decree or post consent decree is being considered). This interaction is depicted in the graph below. The rates of change in taser use counts from pre to post consent decree for Black and White people are negative and larger than the rate of change for Hispanics, which also moves in the opposite (positive/increasing) direction. This graph shows that taser use count decreases are associated with consent decree implementation for Black and White people, but this is not the case for Hispanic people. The parameter estimates indicate that consent decree implementation is associated with decreases in taser use counts, but the rate of decrease is significantly higher for White people. Overall, consent decree is associated with changes in taser use counts, but how this change occurs depends on which race is being referenced. Therefore, considering the question:

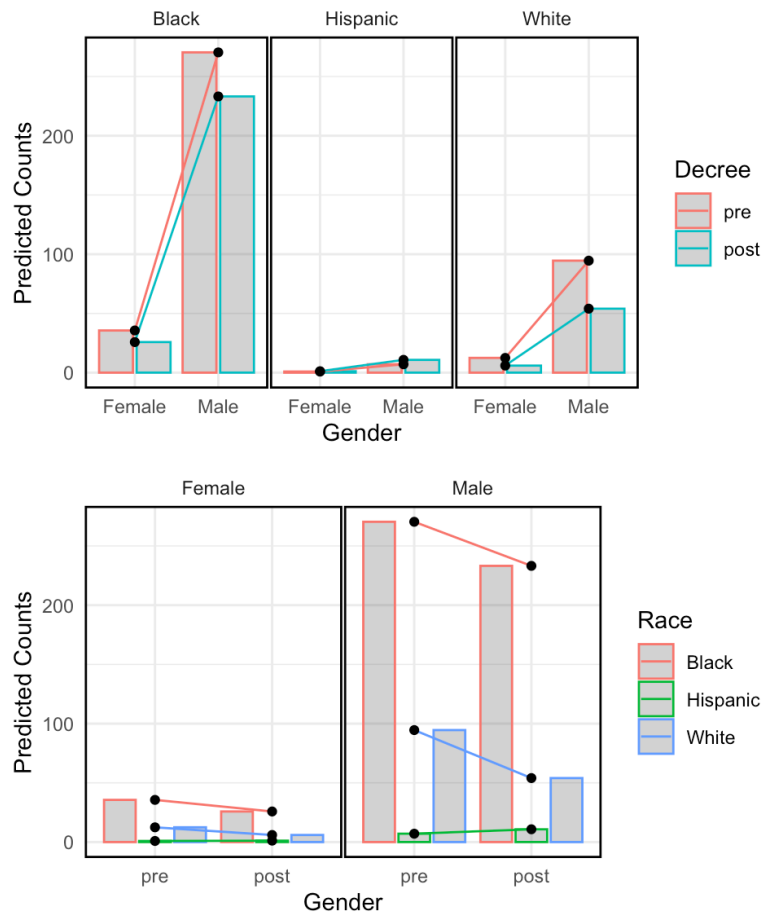
- Do the changes in use of taser counts across race depend on consent decree?

The answer is yes, as noted above and depicted below.

Figure A1

Taser Use

Taser Use



- Do the changes in use of taser across gender depend on consent decree?
By examining the parameter estimates, it can be seen that the interaction between consent decree and gender is insignificant. Therefore, consent decree implementation is not significantly associated with changes in taser use disparities across gender.

No linear or bar graph is provided due to no statistical significance.

Physical Force

The following model contains data for only the levels listed for each variable below:

- race: Black, Hispanic, White
- sex: Male, Female
- decree: pre, post

Other race classifications as well as the “unknown” gender category have been omitted due to zero or very few cases. The same classifications have been omitted from the table.

Table A3

Frequency Table: Physical Force

Physical Force

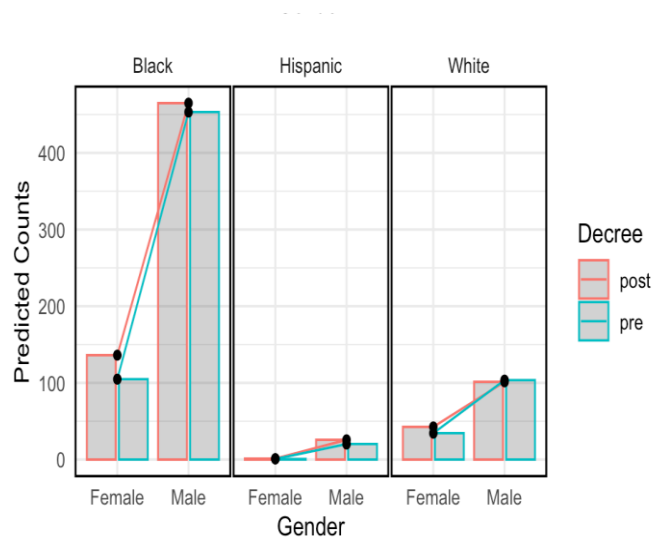
	Pre-consent Decree		Post-consent Decree	
	Female	Male	Female	Male
Black	104	454	137	464
Hispanic	2	19	0	27
White	34	104	43	101

Results

- Does the implementation of a consent decree make a difference in physical force counts?
This question is meaningful without considering race or gender since there is no significant interaction between consent decree and race, and consent decree and gender. Because of this, we can consider the main effect (or overall effect) of consent decree (on average) across race and gender.
- Do the changes in use of physical force across gender depend on consent decree?
From this model, there is no significant interaction between gender and consent decree. This is visually represented by the graph below, where the change in estimated physical force counts from Female to Male are very similar in both pre and post environments (the lines are almost parallel).
- Do the changes in use of physical force counts across race depend on consent decree?
From this model, there is no significant interaction between race and consent decree. This is visually represented by the graph below, where changes in estimated physical force counts are very similar across race.

Figure A2

Physical Force



Baton Use

The following model only considers the factor levels below:

- race: Black, White
- decree: pre, post

Other factor levels have been omitted due to very low or zero counts and in order to fit a model. The table also includes race = Hispanic, where the low and zero counts can be seen.

Table A4

Frequency Table: Baton Use

Baton	Pre-consent Decree		Post-consent Decree	
	Female	Male	Female	Male
Black	0	18	0	6
Hispanic	0	0	0	2
White	0	1	2	3

Results

- Does the implementation of a consent decree make a difference in use of baton counts?
Interactions were not able to be modeled here, so we can consider the main/average effect of consent decree in the presence of race (the other variable considered in the model). From the table, the parameter estimate for changing from baseline (post-decree) to pre-consent decree is not significant. This implies that there is no difference between use of baton counts as a result of consent decree implementation with respect to the sub-population considered in this model (males only).

No linear or bar graph is provided due to no statistical significance.

Discharge of Firearms

The following variable categories are used for this model:

- race: Black, White
 - decree: pre, post
- All observations in this model correspond to sex = Male.

Table A5

Frequency Table Results: Firearms

Firearms

	Pre	Post
Black	7	13
White	1	0

- Does the implementation of a consent decree make a difference in use of firearms counts?
Interactions were not able to be modeled here, so we can consider the main/average effect of consent decree in the presence of race (the other variable considered in the model). From the table, the parameter estimate for changing from baseline (post-decree) to pre-consent decree is not significant. This implies that there is not a significant difference between use of firearms counts as a result of consent decree implementation with respect to the sub-population considered in this model (Black and White males).

No linear or bar graph is provided due to no statistical significance.

Poisson Models

Table A6

Physical Force Model and Estimates

Physical Force Parameter Estimates

	Estimate (Linear/log-scale)	Std. Error	z value	Pr(> z)	Estimate (Multiplicative)
Baseline: Black, Female, Post-Consent					
Intercept	4.913809	0.082170	59.800849	0.000000	136.157028
Race					
Hispanic	-4.703275	0.719184	-6.539734	0.000000	0.009066
White	-1.161752	0.143657	-8.087011	0.000000	0.312937
Gender					
Male	1.227891	0.092223	13.314366	0.000000	3.414021
Decree Status					
PreConsent	-0.261345	0.117265	-2.228665	0.025836	0.770015
Interactions - Race and Sex					
Hispanic*Male	1.810618	0.726173	2.493369	0.012654	6.114227
White*Male	-0.360960	0.152213	-2.371417	0.017720	0.697007
Interactions - Race and Decree					
Hispanic*PreConsent	-0.216201	0.297672	-0.726305	0.467652	0.805574
White*PreConsent	0.047094	0.133281	0.353341	0.723833	1.048220
Interactions - Sex and Decree					
Male*PreConsent	0.235884	0.127608	1.848504	0.064530	1.266028

Table A7*Baton Use Model and Estimates*

Baton Use Parameter Estimates

	Estimate (Linear/log-scale)	Std. Error	z value	Pr(> z)	Estimate (Multiplicative)
Baseline: Black, Male, Post-Consent					
Intercept	2.174752	0.315028	6.903368	0.000000	8.800000
Race					
Hispanic	-2.484907	0.735980	-3.376324	0.000735	0.083333
White	-1.791759	0.540062	-3.317694	0.000908	0.166667
Decree Status					
PreConsent	0.546544	0.378868	1.442572	0.149141	1.727273

Table A8*Chemical Use Model and Estimates*

Chemical Use Parameter Estimates

	Estimate (Linear/log-scale)	Std. Error	z value	Pr(> z)	Estimate (Multiplicative)
Baseline: Black, Female, Post-Consent					
Intercept	-2.323204	1.034086	-2.246626	0.024664	0.097959
Race					
White	0.171850	0.239929	0.716256	0.473834	1.187500
Sex					
Male	1.299283	0.291288	4.460481	0.000008	3.666667
Decree Status					
PreConsent	4.234107	1.007215	4.203778	0.000026	69.000000

Table A9*Taser Use Model and Estimates*

Taser Use Parameter Estimates

	Estimate (Linear/log-scale)	Std. Error	z value	Pr(> z)	Estimate (Multiplicative)
Baseline: Black, Female, Post-Consent					
Intercept	3.251217	0.176472	18.423373	0.000000	25.821752
Race					
Hispanic	-3.071921	0.295286	-10.403220	0.000000	0.046332
White	-1.462483	0.143275	-10.207549	0.000000	0.231660
Gender					
Male	2.200586	0.183462	11.994767	0.000000	9.030303
Decree Status					
PreConsent	0.321555	0.229005	1.404140	0.160277	1.379271
Interactions - Race and Decree					
Hispanic*PreConsent	-0.572222	0.464178	-1.232766	0.217663	0.564270
White*PreConsent	0.411727	0.182048	2.261643	0.023719	1.509423
Interactions - Sex and Decree					
Male*PreConsent	-0.173512	0.238232	-0.728332	0.466410	0.840707

Table A10*Discharge of a Firearm Model and Estimates*

Firearms Use Parameter Estimates

	Estimate (Linear/log-scale)	Std. Error	z value	Pr(> z)	Estimate (Multiplicative)
Baseline: Black, Male, Post-Consent					
Intercept	2.516159	0.281609	8.934927	0.000000	12.380952
Decree Status					
PreConsent	-0.485508	0.449357	-1.080450	0.279942	0.615385
Race					
White	-2.995732	1.024627	-2.923731	0.003459	0.050000