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**RACE AND
REPRESENTATIVE
BUREAUCRACY IN
AMERICAN POLICING**

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Introduction: Race and Representative Bureaucracy in American Policing

Abstract This introductory chapter establishes the importance and timeliness of this project and explains how representative bureaucracy theory highlights issues of race in American policing. First, we introduce the historical context of race and policing in America and specifically address key issues identified in the scholarship surrounding police–community relations as it relates to African-Americans and Latinos. Next, we outline our primary research agenda which focuses on three major research questions:

- To what extent do local police forces nationwide reflect the proportional racial makeup of local minority populations?
- How do potential causal mechanisms such as economic, environmental, political, and institutional factors influence minority representation on local police forces?
- How does racial underrepresentation impact policing outcomes such as the frequency of complaints of excessive force and police homicides?

Keywords Bureaucracy · Police-community relations · Minority populations · Representation · Michael Brown · Department of Justice · Police brutality · Black Lives Matter · Criminal justice · Diversity · Demographics · Representative bureaucracy theory · Racial representation · Law enforcement · Excessive force · Passive representation · Proportional representation · Active representation · Administrative outputs

1.1 INTRODUCTION

On August 9, 2014, an unarmed African-American teenager, Michael Brown, was fatally shot by Darren Wilson, a White police officer in Ferguson, MO, an inner-ring suburb of St. Louis, MO. Brown's death led to months of sustained protests among minority citizens in Ferguson, which not only exposed the community's deep historical frustrations with the reportedly punitive enforcement practices of a predominantly White police force, but also seemingly extended far beyond Michael Brown's singular death. While both a grand jury and an official government report cleared Officer Wilson of criminal homicide, the US Department of Justice (DOJ) meanwhile also released a 105-page report detailing the severe and discriminatory abuses of power and excessive force perpetuated by Ferguson police toward its predominately Black citizenry (Apuzzo 2015).

The DOJ report detailed a litany of injustices directed at the Black citizenry of Ferguson at the hands of their predominantly White officers. These instances ranged from racial biases underlying disproportionately Black stops and searches to predatory profiteering schemes and a myriad of racist jokes the officers and staff regularly shared with one another. Some accounts were vivid; for instance, a 52-year-old Black male, Henry Davis, was wrongly arrested for having outstanding warrants that he did not have. After reportedly being beaten by four Ferguson police officers in a jail cell, he was ultimately charged with "property damage" for getting blood on their police uniforms (Daly 2014). According to Apuzzo (2015), the overall conclusion of the DOJ report was that, "The Ferguson Police Department was routinely violating the constitutional rights of its Black residents." For many across the country, Brown's death represented not an anomaly but another incident in a long and continuing history of the US police state oppression directed at minority citizens.

The citizens of Ferguson overwhelmingly perceived the DOJ report of discriminatory police behavior as confirmation of what its Black residents have suspected for years (Apuzzo 2015). In the months that followed the Ferguson incident, the nation was saturated by media accounts of multiple incidents of purported police brutality targeting racial minorities around the country. These included but were not limited to Freddie Gray in Baltimore, MD; Philando Castile in St. Paul, MN; LaQuan McDonald in Chicago, IL; Tamir Rice in Cleveland, OH; and Walter Scott in Charleston, SC, among several others. In the Freddie Gray case, Gray was detained after fleeing police officers on foot. He was eventually loaded into a police van. When the vehicle finally arrived at the police department, Gray was found unresponsive due to having suffered a severe spinal injury (Bidgood and Stolberg 2016). The six officers, who were multiracial, were eventually acquitted in this case, but similar to the Ferguson case, the DOJ simultaneously offered a scathing report on the systemic abusive police practices of the Baltimore Police Department (Sanchez 2016). In the case of Philando Castile, a routine traffic stop outside of St. Paul, MN, quickly escalated into a deadly police shooting, resulting in Castile's death (Capecchi and Smith 2016). Next, as Gutowski (2016) explains, officers were initially following LaQuan McDonald as a result of a call reporting someone breaking into cars. A White officer, Jason Van Dyke, shot McDonald mere seconds after arriving on the scene with other officers. Walter Scott, also unarmed, was shot by White officer, Michael Slager, as he fled on foot from the officer (Blinder 2016).

The untimely deaths of unarmed Black citizens around the country, predominantly at the hands of the White police officers and often times under questionable circumstances, have galvanized racial justice and criminal justice reform activists across the country (Izadi 2016). For instance, while the Black Lives Matter movement began as a decentralized effort formed in response to the death of Trayvon Martin and his shooter, George Zimmerman's acquittal, the death of Michael Brown thrust this movement much more prominently into the national spotlight (Izadi 2016). Just like the conflicting reports in Ferguson around suspect criminality and systemic police abuses, these cases also highlight the critical need for an additional research in the area of race and policing, and hint at deeper complexities at play. For instance, while each of these recent high-profile cases involved White officers directing police violence toward minority suspects, racial mismatches between officers

and citizens are not a constant theme. For instance, three African-American Baltimore police officers were indicted in the Freddie Gray case (Bidgood and Stolberg 2016), seven Chicago police officers of varying ethnicities were recommended for firing after allegedly making false reports against LaQuan McDonald (Smith and Oppel 2016), and several African-American police chiefs, including in Dallas, TX, have been at the forefront of recent highly publicized events around race and policing. Answers to pressing questions around racial representation and policing outcomes are far from clear, and claims of a deterministic relationship between officer race and police brutality are hardly self-evident.

Until recently, the literature and scholarly research in the fields of public administration and criminal justice have largely remained in distinct academic silos. These two inherently related fields of study have arguably had little direct scholarly dialogue between them. The recent cases of the high-profile police shootings highlight the importance of these two intertwined academic fields, harnessing their combined research efforts—public administration and policing agencies and their behavior—to more fully understand these critical social incidents and to detect broader patterns.

The scholarly research in race, criminal justice, and policing traditionally centers its attention on individual characteristics of suspects and police, tribal identity perceptions, and immediate social-psychological processes that might explain police officers' discretionary actions (Weitzer 2010; Holmes and Smith 2008), while systematically downplaying or ignoring contextual and city-level variables that might also explain agency procedures and frontline policing outcomes (Weitzer 2010). At the same time, research in public administration argues that while individual-level characteristics of bureaucrats and clients and frontline administrative discretion certainly contribute to the actions and behaviors of individual police officers (Lipsky 1980), higher-level characteristics at the city level, such as the diversity of local police force, might also matter to administrative outcomes (Ingraham and Lynn 2004). According to race and criminal justice scholar, Ronald Weitzer, "Demographic factors continue to be studied, but the literature is no longer confined to assessing the influence of individual-level variables on either officer behavior or citizens' perceptions of the police. Scholars are increasingly realizing that place matters." (Weitzer 2010, p. 118).

This volume attempts to connect public administration and criminal justice scholarship in an overarching effort to better understand both

police force racial composition and policing outcomes. Specifically, we examine the causes and consequences of racial representation in local US police forces across America. One glaring statistic underlying the Ferguson DOJ report detailing widespread police abuse is that while the city of Ferguson, MO, is approximately 67% African-American, the police force is 94% White. This represents a staggering 61% racial differential between community and police force demographics in Ferguson (67% African-American community minus 6% African-American police force). This type of extreme demographic mismatch within local bureaucracy begs for a deeper introspection and awareness of consequences for local populations. We provide this necessary investigation under the established public administration scholarly tradition of *representative bureaucracy theory*.

As the historical context of racial oppression and these more recent cases demonstrate, the magnitude, causes, and consequences of minority representation within the US local law enforcement are nationwide concerns that merit immediate scholarly attention and well-developed policy solutions. We will explore how passive and active representative bureaucracy theory can illuminate not only recent high-profile events but also policing arrangements and outcomes occurring in America, more generally. Our project, *Race and Representative Bureaucracy in American Policing*, has three main components of data collection and analysis, focusing on the following three core research questions:

- To what extent do local US police forces nationwide reflect the proportional racial makeup of local minority populations?
- How do potential causal mechanisms such as economic, environmental, political, and institutional factors influence racial representation on local US police forces?
- How does racial representation impact department policies and policing outcomes, such as adoption of civilian review boards, the frequency of complaints of excessive force, and the frequency of fatal interactions with law enforcement?

A well-established literature has examined the causes and consequences of passive and active representation across a variety of government agencies. However, to this point, there have been few large-scale systematic analyses of the extent to which minorities are represented on local US police forces or attempts to explain the causes or consequences of

potential demographic mismatch in American policing. This project seeks to fill this critical gap and offer guidance to scholars and practitioners alike.

At its core, representative bureaucracy theory suggests that more demographically diverse bureaucracies lead to more democratic outcomes through more responsive public policies and administrative actions (Kingsley 1944; Selden 1997; Meier et al. 1999; Bradbury and Kellough 2011). Passive representation is defined as the degree of demographic reflection or proportional representation with the local community. Our descriptive and explanatory analysis of the racial diversity and representativeness of the US police forces will highlight and document passive representation in these communities. Active representation, on the other hand, refers to policy and administrative outputs that are responsive to represented groups (see Mosher 1968). This aspect will be explored in extensive quantitative analysis connecting police force representativeness with various procedural and policing outcomes.

With heightened awareness and activism around racial discrimination and criminal justice reform in recent years, the conditions are ripe for a scholarly treatment of the causes and consequences of racial representation on local US police forces. Indeed, nearly every call for formal criminal justice reform measures in America involves some attention to police force diversity and increased representative congruence among officers and those they are sworn to serve and protect (Gupta and Yang 2016). Unfortunately, little remains known in either the criminal justice, racial politics, or public administration literatures about the causes and consequences of racial representation on local US police forces, and about the various potential policy solutions related to racial representation that might potentially enhance police–community relations.

1.2 SUMMARY OF REMAINING CHAPTERS

Chapter 2 begins by highlighting key issues surrounding race and policing in America. We first describe the historical context of race and policing in America, which underpins in many ways the current state of police–community relations, particularly as it relates to African-Americans and Latinos. Using this historic racial context as a backdrop, we argue the critical importance and relevance of the theory of representative bureaucracy in the context of American policing. This will include an in-depth review of the previous studies applying the theory

of representative bureaucracy to the policing administrative context as well as an argument for extending this study to include other measures of active representation. In particular, we develop a theory for policing that addresses both questions: Why are some departments more representative than others? And why does representation matter for policing outcomes and police-community relations?

Next, in Chaps. 3–5, the text turns toward a quantitative analysis of passive and active representation in local US police departments. Studies assessing the extent of passive representation among police departments are dated and/or rely on a relatively small number of cases. To date, very few studies have examined the causes and consequences of representativeness in local US policing. Chapter 3 introduces our data and measures that will be analyzed throughout the remainder of the book. As will become apparent, definitions and data around police representativeness and policing outcomes remain ambiguous, inconsistent, and inconclusive. We provide a description and discussion of various representation metrics used in the studies of US municipal police departments over time. We also introduce the variables and measures we use for explanatory quantitative analyses. We analyze two datasets, one containing approximately 1500 US counties at four time points from 1993 to 2007, and another using the 100 largest cities in the United States at five points in time from 1993 to 2013. Both datasets include comprehensive racial and ethnic demographic figures for both police officers and citizens. From there, we construct a representation index, entitled the *disproportionality index*, which we measure as the ratio of the racial makeup of the local law enforcement in a given city and the city's corresponding at-large (city or county) minority population. This analysis reveals striking variation in the representativeness of America's police forces both across space and over time. To our knowledge, this is the most current, systematic, and comprehensive look at the racial makeup of the US police departments to date.

In Chap. 4, we assess potential causes of this variation in representativeness. We explore a variety of economic, environmental, political, and institutional factors which may influence the extent of passive representation of racial minorities on the US police forces that extant studies have previously identified as explanatory variables to understand differential representation among groups across government agencies. Commonly employed variables are included, such as the unemployment rate, size of the minority population, city size, agency size, region, presence of

unions, residency requirements, and minority representation in public office. Using multiple regression analysis, we explore the relationships between these variables and the levels of passive representation occurring across local US police forces. We demonstrate that the degree of racial representation in a police department depends not only on these established socioeconomic characteristics, but also on political institutions and political leadership, such as the race of the mayor, the presence of unions, and residency requirements.

Chapter 5 turns to the consequences of racial representation. We use cross-sectional time-series analysis to test the relationship between the representation of minorities as measured by the disproportionality index and departmental policy adoptions, excessive force complaints, and fatal encounters between citizens and police officers. Multiple empirical studies demonstrate convincingly that passive representation is inextricably linked to active representation in that enhanced descriptive representation likely leads to more responsive agency policy and administrative outputs on behalf of the demographically represented groups (Selden 1997; Meier and Stewart 1992; Atkins and Wilkens 2013). Several studies have found a link, admittedly oftentimes complex and counter-intuitive, between passive and active representation within US police forces (Meier and Nicholson-Crotty 2006; Wilkins and Williams 2008; Nicholson-Crotty et al. 2017). Yet, the specific questions around department policies, excessive force claims, and police-involved fatalities and racial representativeness of US police departments have not been explored with scholarly vigor.

To address this gap, we then test whether racial representation affects the frequency of police use of deadly force, both justifiable and otherwise. Our primary hypothesis is that relatively unrepresentative police forces will yield greater incidence of excessive force complaints as well as increased incidents of lethal force.

In our concluding chapter, we provide a discussion of potential future research integrating representative bureaucracy theory and policing studies. As highlighted by the recent high-profile deadly police encounters, the relationship between the racial makeup of local police departments and policing outcomes in America merits immediate and systematic scholarly attention as well as comprehensive policy solutions. By exploring the link between representative bureaucracy, agency policies, and policing outcomes, this project seeks to provide understanding and insight into this important and relevant subject area. Yet, other

important questions remain. Based on the findings, we detail possible policy alternatives that can be employed by municipal US police departments in order to minimize and alleviate remaining administrative deficiencies in American policing. We also offer a “comparative” perspective that gleans lessons from other countries. Finally, we discuss how these important policy changes may improve the state of community–police relations in the United States, specifically between police officers and racial minorities.

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Unpacking the Foundations of Representative Bureaucracy Theory and American Policing

Abstract In this chapter, we review the representative bureaucracy literature and set the theoretical foundations for the rest of this book. First, we delineate the two primary dimensions of representative bureaucracy theory: passive and active representation. Next, we make a case for the application of representative bureaucracy theory to the area of policing. We outline the key issues of race and policing in America and highlight important scholarship explaining the historical context of effects of race on community–police relations, particularly as it pertains to African-Americans and other minorities. We then turn to the application of representative bureaucracy in the context of policing. We include an overview of the work that has been done in this area as well as the need for additional research, situating the case of the police within the broader context of representative bureaucracy. Finally, we highlight the importance of understanding policing from a representative bureaucracy perspective as a necessary component of establishing effective policing policy and practice.

Keywords Representative bureaucracy · Racial representation
Active representation · Passive representation · Representation
Race and policing · Discrimination · Racial profiling · Street level
bureaucrats · Bureaucratic discretion · Race in American politics

2.1 HISTORY OF UNREPRESENTATIVENESS: RACE AND AMERICAN POLICING

Before delving into existing scholarly research on representative bureaucracy and American policing, a textured backdrop of racial identity and criminal justice systems in American history is necessary. It is difficult to fully understand the current conditions and challenges of race and representation in American policing without presenting the historical pathway of events that led to this point. For this project, one consistent strand of American history particularly relevant to American policing is defined by strict adherence to systems of White supremacy and state-enforced minority exclusion, from slavery through Jim Crow, a purposeful directive to separate, subjugate, and create a very clear and discriminatory racial hierarchy (Alexander 2010).

Reflective of this broader historical backdrop, today's law enforcement institutions mirror these larger societal divides and the systematic underrepresentation of minorities. Indeed, Jim Crow-Era institutions were tasked with maintaining racial caste through "law and order" and social control mechanisms aimed disproportionately at minority communities (Alexander 2010; Rios 2011). Today's attention to diversity in law enforcement and other administrative institutions is a contemporary phenomenon whose origins date back only as far as the Civil Rights Movement of the 1960s. While the issues of race, representation, and bureaucracy have long intrigued political scientists and social observers, scholars, practitioners, and policymakers have only recently begun to systematically examine the causes and consequences of racial representation in American policing. Through historical discussion and exhaustive literature review, this chapter sets the backdrop of race and policing in the American context, yielding keen insight into current challenges and potential reforms aimed at engendering a more representative bureaucracy.

2.2 AFRICAN-AMERICANS AND POLICING IN AMERICA

America's history of policing and criminal justice administration has long been blemished by racial stratification and discriminatory actions motivated by racial bias (Alexander 2010; Rios 2011). From the nation's founding and its early systems of slavery to more recent systems of Jim Crow segregation and mass incarceration, American criminal justice has traditionally been utilized as a prominent tool of promoting and edifying the racial hierarchy through discriminatory and oppressive social

control measures aimed at systematically marginalizing racial minorities (Wacquant 2009; Alexander 2010; Rios 2011). The core American ideals of racial inclusion and equal protection embedded in phrasing such as “all men are created equal,” along with representativeness in American institutions as a normatively desirable goal, have remained stubbornly elusive throughout America’s history.

The current status of minorities in the criminal justice system can be traced as far back as the seventeenth century. Bacon’s Rebellion serves as an apt illustration of this long history. Bacon’s Rebellion was a racially integrated uprising by both White and Black indentured servants in Virginia in 1676 (Alexander 2010). Motivated primarily by protecting and expanding their economic interests, the land-owning class responded by driving a wedge between the racially diverse protesters. Plantation owners systematically demoted the status of African slaves while simultaneously promoting the status of poor White Americans by giving them access to selective benefits and privileges, disrupting any further multiracial class-based alliances (Alexander 2010). One form of early racial privilege provided to impoverished Whites but withheld from Blacks involved the creation of “slave patrols,” granting lower-class Whites the authority to detain or punish runaway Black slaves (Alexander 2010; Edge 2009). Thus, as early as the seventeenth century, we see the intentional racialization of American law enforcement as a political tool of social control. Law enforcement in early America was oftentimes informal and centered on swift vengeance for criminals and slaves (Edge 2009). Racial representation within US policing agencies, much less anywhere within federal, state, and local bureaucracies, was not merely an afterthought or tertiary goal of governance; it was anathema to the foundations of White supremacy. These foundations of dehumanization existed formally under slavery and the Three-Fifths Compromise until the Civil War, and then racialization morphed into less formal yet still highly oppressive systems of “Black codes,” “convict leasing,” and Jim Crow segregation in the decades that followed (Blackmon 2009; Alexander 2010).

After a brief period of racial equalizing known as the Reconstruction Era, which witnessed the passage of the “Civil War Amendments” outlawing slavery and promising federally guaranteed protections (Epps 2006), alternative racialized systems of social control again began to emerge in response. Instead of actively pursuing racial integration of early police forces in America, many departments, especially but not exclusively those in the South, remained largely segregated and centered around enforcing discriminatory laws and hiring practices (Katznelson 2005). The racialized origins of discriminatory law enforcement activities continued in earnest

following Reconstruction when several states and localities instituted “Black codes” and “convict leasing” systems designed to provide cheap, primarily minority, convict labor to commercial enterprises (Blackmon 2009). During this period following Reconstruction until the mid-twentieth century, police forces in America began forming across the country with greater agency formalization and professionalization (Maguire 1997; Reiss 1992). However, glimpses of racial integration were few and far between.¹ Jim Crow segregation solidified racial tensions between the overwhelmingly White law enforcement officers and the predominantly poor and disenfranchised minority citizens and communities, retarding any progress toward genuine racial integration into law enforcement administrative contexts and enflaming police–community relations (Alexander 2010).

2.3 BLACKS AND AMERICAN POLICING IN THE POST-CIVIL RIGHTS ERA

Following a period of equalizing measures and heightened racial inclusion of the 1960s, reactive countervailing forces have strained relationships between minority communities and law enforcement. Some go so far as to argue that the discriminatory and oppressive social control regimes beginning in the 1970s were only slightly removed from those of centuries prior (Alexander 2010). Residents of Northeastern and Midwestern metropolises such as Buffalo, Cleveland, Philadelphia, and Saint Louis responded to a post-World War II influx of Black Americans with similar conditions of segregation, poverty, police harassment and frustrations found in Southern states in decades past (Wilson 2012; Sugrue 2014; Kruse 2013). Under conditions of social and economic marginalization and dislocation, urban riots sprang up with some regularity in the mid-1960s, with a particularly notable burst of uprisings following Martin Luther King Jr.’s assassination in 1968 (Alexander 2010). In response to sustained urban unrest centered in minority communities, conservative elites such as Barry Goldwater, George Wallace, Ronald Reagan, and Richard Nixon started making strategic racial appeals to White voters with coded themes of “law and order,” which involved aggressive police responses against racial minorities who dared to demand equal rights or police accountability (López 2015; Kruse 2013).² In the subsequent television and Internet ages, media depictions and narratives of urban unrest and high-profile police incidents from Los Angeles, CA, in 1993 to Ferguson, MO, in 2014 shape and perpetuate the popular associations of minority citizens with criminality, deviance, and unworthy of protection from police harassment (Lawrence 2000).

Two developments in the post-Civil Rights Era have exacerbated racial tensions between law enforcement and minority communities, which persist to the present day. First, in 1968, the US Supreme Court's ruling in *Terry v. Ohio* opened the legal door for the enactment of stop-and-frisk policies such as those found later in *Floyd v. City of New York* to be implemented in racially discriminatory fashion in New York City. In *Terry*, the Court ruled that the law enforcement officers may stop and frisk anyone when they have reasonable suspicion that the suspect is armed and dangerous, as long as the suspicion is formulated on reasonable and articulable facts. This authority extended to more intrusive practices like frisking the suspect to search for weapons (Alexander 2010). In places where stop-and-frisk policies were adopted as agency procedure, most notably New York City, they tended to be applied unequally toward different racial groups. According to NYPD administrative data compiled by the New York Civil Liberties Union (NYCLU), from 2002 to 2015, more than five million "stops and street interrogations" occurred in New York City (NYCLU 2016). During this time period, between 53 and 56% of stops were of African-Americans, while 27 and 33% were of Hispanics. In contrast, stops of Whites composed only 9–12% of stops (NYCLU 2016). These figures are, of course, dramatically inconsistent with civilian population demographics. These relatively aggressive policing tactics and posturing in high-poverty, predominantly minority urban areas (Holmes and Smith 2008), combined with the fact that routinely 85–90% of those stopped and interrogated are found to be totally innocent of any wrongdoing (NYCLU 2016), have further enflamed tensions between minority citizens and law enforcement (Alexander 2010).

Second and potentially more importantly from a national policy perspective, in 1971 President Richard Nixon initiated the "War on Drugs" when he declared that narcotics were "America's public enemy number one." This war targeted law enforcement resources not at suburban cul-de-sacs and university campuses inhabited disproportionately by White individuals and where drug use also occurred with regularity, but rather predominantly at racial minorities residing in low-income urban neighborhoods (Alexander 2010; Rios 2011). Following Nixon's salvo, Presidents Reagan and Clinton accelerated the drug war during their administrations, first with the passage of the Drug Abuse Act of 1986 followed the Clinton Administration's famed "1994 Crime Bill" (Alexander 2010). Even resistant Democratic elites frequently found the

electoral appeal of strict social order and mass incarceration too much to resist (López 2015; Alexander 2010). Both bills served to erode rehabilitative efforts in exchange for more punitive measures aimed at drug-related offenses. Only decades later was the War on Drugs openly discussed and criticized for its effects on minority communities and high incarceration rates (Alexander 2010; Mauer 2006).

These criminal justice policies and decidedly punitive administrative shifted toward “toughness” in these heavily minority areas since the 1970s have since led to widespread mass incarceration and subsequent disenfranchisement and distrust among African-Americans and their interactions with law enforcement (Alexander 2010). According to criminal justice researcher Marc Mauer, “African-Americans made up a smaller proportion of those sentenced to prison during the early part of this [20th] century than is now the case. Black offenders made up 21% of the prison population in 1926, compared to half of all prison admissions today” (Mauer 2006, p. 133). Racial disparities in incarceration have again accelerated in recent decades (Chang and Thompkins 2002; Alexander 2010). In 2008, approximately 1 in every 15 African-American males—1 in 9 among males aged 20 and 34—resided within a correctional facility, and nearly half the total prison population is comprised of African-Americans (Pew Center for the States 2009).

Since the 1970s, industrial restructuring and racially selective mass suburbanization across the urban American landscape, popularly known as “White flight” (Kruse 2013), have occurred alongside the development of punitive social control enforcement measures. Economic restructuring has arguably hollowed out vital resources from inner-city neighborhoods and older inner-ring suburbs, and subsequently created entrenched conditions of racial housing segregation that are characterized most pointedly by Massey and Denton’s epochal work on modern urban residential arrangements as “hypersegregation” (Massey and Denton 1993). Conditions of concentrated poverty and accompanying economic and social distress linger into the twenty-first century (Jargowsky 1997; Kruse 2013; Wilson 2012). Put another way, frustrations with law enforcement among urban minorities in contemporary times are compounded by and intertwined with larger historical forces and spatial contexts of social and economic marginalization (Holmes and Smith 2008). For instance, beyond citizen and government reports detailing systematic police abuses, one consistent theme underlying the fraught situations in Ferguson, Baltimore, Chicago, Baton

Rouge, and other cities is that these settings are also characterized by deep economic and social distress and relative urban dereliction and alienation (Wilson 2012).

Criminal justice research consistently demonstrates that these distressed urban contexts matter to police–citizen interactions and outcomes. In particular, research shows that policing behavior can turn more aggressive and broadly punitive in high-poverty and high-crime urban contexts—disproportionately inhabited by racial minorities—where psychological and physical “threats” toward police officer safety are more apparent (Holmes and Smith 2008). At the same time that minority civilians experience targeted hostility and sweeping aggressiveness from law enforcement in these areas, research shows that police officers simultaneously tend to “under-police” these same neighborhoods and often lack effective frontline responsiveness to routine citizen’s needs for day-to-day attention and protection (Holmes and Smith 2008; Alexander 2010). That is, there is likely both aggressiveness in profiling and responsive action toward potential suspects, and also indifference to routine citizen’s needs and concerns. In turn, distrust and dissatisfaction toward police runs significantly higher among minority citizens than in other groups (Weitzer and Tuch 2005; Skogan 2005). These experiences can directly influence minorities’ willingness to consider a career in law enforcement (Gupta and Yang 2016).

While there is some scholarly contention around the scale and motivations of discriminatory police practices that exist, a myriad of contemporary studies demonstrate that, across a wide variety of policing and criminal justice outcomes, racial discrimination remains widespread and pervasive from persistent racial profiling. These disparities are especially pronounced among African-American and Hispanic males on outcomes such as stops and searches, as well as differential sentencing and executions (Rios 2011). When surveyed, African-Americans and Hispanics are more likely to report experiences of police abuse and excessive force, and consistently exude attitudes of broad distrust of police and the criminal justice system, much more so than other racial groups that are relatively trusting of law enforcement (Weitzer and Tuch 2004; Tyler 2005). In short, historic racial exclusion and systems of social control, and more recent muscular law enforcement regimes directed primarily in poorer communities of color undoubtedly challenge the attractiveness of policing as a profession for many racial minorities, likely exacerbating bureaucratic unrepresentativeness across local US policing agencies.

2.4 HISPANICS AND POLICING IN AMERICA

While existing scholarship directs at least modest attention to the general relationship between African-Americans and criminal justice in America, much less research has been devoted to the history and experience of Hispanics and US law enforcement. Researchers often overlook the unique experiences of Hispanics by maintaining a Black/White dichotomy or White/minority dichotomous approach to their study of race and policing in America (Urbina 2012). While Blacks and Hispanics share contemporary problems such as heightened likelihood of experiencing racial profiling and police abuse (Holmes and Smith 2008; Rios 2011), their unique historical pathways shape these problems in distinct ways. Additionally, the issue of immigration further distinguishes the experience of police–Hispanic interactions. Urbina and Alvarez (2015) suggest, “Of all people who have migrated to the US, perhaps no other group has experienced the constant hostilities that Hispanic immigrants have endured over the years (16).” The limited scholarship devoted to Hispanics is particularly noteworthy given their recent population growth, surpassing that of African-Americans in the early 2000s.

As Urbina (2012) notes,

Again, even though ethnic minorities have been in the United States since 1565, bypassing African Americans in the general population in 2000, making them the largest minority group in the United States, the academic literature on Latinas and Latinos, whose experiences with the criminal justice system differ from those of African Americans and Caucasians, remains limited and inconclusive. To this day, most studies that have analyzed the experiences of male or female offenders in the criminal justice system, whether it’s in the area of policing, courts, or corrections, have focused almost exclusively on race, following a dichotomous “Black-White” approach; that is, Blacks versus Caucasian, excluding both Latinas and Latinos (5–6).

Research that does address Hispanics and policing often aggregates them with African-Americans, examining the overall experience of racial minorities and police in America. This approach has obvious limitations as the historical experiences of Hispanics are distinct from those of African-Americans. This approach also ignores the unflattering social constructions and identity issues which underlie police interactions with Hispanic citizens specifically.

A recent illustration of this important distinction is the political debate over immigration enforcement and how it shapes Hispanic encounters with law enforcement. Arizona's controversial 2010 Support Our Law Enforcement and Safe Neighborhoods Act, colloquially known as the "Show Me Your Papers" law, highlights the unique concerns of Hispanic citizens (Crawford 2012). The Safe Neighborhoods Act made it illegal for an immigrant to fail to carry papers proving their legal residency status and required that the law enforcement officers attempt to determine any citizen's immigration status during contact if there was a reasonable suspicion that they might be in the country illegally.

Despite gaps in the literature surrounding the relationship between Hispanics and law enforcement, this topic holds great historical and academic significance. Crawford (in Urbina 2012) highlights the historical context framing the relationship between Hispanics and police in America. Similar to Blacks, the racial contours of this complicated relationship date back centuries. There is also an element of informal, vigilante justice surrounding the early treatment of Hispanics by law enforcement. For example, propagandist imagery from the Mexican–American War of 1848 supported the perception that Mexicans possess individual pathology and dissocial values (Durán, in Urbina 2012). By the early 1910s, there were consistent historical accounts of brutality directed against Hispanics from border patrol agents such as the Texas Rangers and Arizona Rangers. Early reports from this era, such as the Wickersham Commission (officially known as *US National Commission on Law Observance and Enforcement*), recognized discrimination toward Mexicans and the resultant disproportionate use of force and police brutality toward this population. Later, the Zoot Suit Riots of the 1940s in Southern California and the surrounding imagery reinforced the popular notion that Mexicans were inherently criminal in nature. This type of inflammatory imagery created the perception that White servicemen were properly ridding Los Angeles neighborhoods of "miscreants" and "hoodlums" which justified an aggressive and punitive police response with little concern for equal treatment or minority protections (Durán 2012).

Throughout the 1960s and 1970s, there was continued documentation of inequitable treatment by law enforcement directed toward Hispanics. In its report, *Mexican Americans and the Administration of Justice in the Southwest*, the US Commission on Civil Rights (1970:i) argued, "There is widespread evidence that equal justice is being withheld; Mexican Americans are reportedly subject to unduly harsh

treatment by the law enforcement officers, often arrested on insufficient ground, and receive physical and verbal abuse and penalties which are considered disproportionately severe” (Durán 2012, p. 50).

Beginning in the 1970s and accelerating into the 1980s and early 1990s, the War on Drugs had a similar effect on Hispanics as it had on Blacks. Drug enforcement activities disproportionately targeted Hispanics in low-income urban communities (Alexander 2010). In another parallel to the Black experience with American policing, scholars suggest that Hispanic communities are simultaneously under- and over-policed. Citizens’ contacts with law enforcement are characterized by harassment at the same time as the police fail to provide desired services like public safety. These historical events create a backdrop that shapes contemporary interactions between Hispanics and law enforcement. Contemporary issues of Hispanics center on the racial profiling and its subsequent influence on police behavior, including harassment and the inappropriate use of force (Alexander 2010).

What little attention existing research pays to Hispanics and law enforcement is largely restricted to the Southwest. While the heaviest concentration of Hispanic populations is in New Mexico, Texas, and California, there are also substantial populations in Colorado, Florida, Illinois, Nevada, and New York. There are, of course, exceptions. Chaney (2010) studies a growing Hispanic population in Nashville, TN. He argues that this community perceives discriminatory policies from local police, leading to self-segregation to avoid police harassment. This segregation creates cultural and linguistic divisions that serve to further complicate police/citizen interactions within these communities. Chaney’s study and others like it underscore the need to consider the relationship between Hispanics and law enforcement in a much wider geographical context.

Racial profiling and use of force are the two current issues of concern in the interaction between Hispanics and law enforcement which have been understudied. Scholarship in both the areas tends to focus on Blacks or minorities as a whole while ignoring the unique experience of Hispanics. The limited research into this area suggests that Hispanics face similarly higher rates of traffic stops and searches than Whites, despite being less likely to possess contraband when searched (Muchetti 2005). Similar to African-Americans, Weitzer and Tuch (2004) found through extensive survey data that Hispanics are more likely to report having experienced excessive force by police and express distrust toward police.

The post-9/11, political environment, the more recent 2016 presidential campaign, and the election of President Donald Trump have further increased the importance of directing scholarly attention toward Hispanics. Despite the recent rise in attention toward illegal immigration, Posadas and Medina (in Urbina 2012) illustrate the historical significance of this issue. The extension of these communities beyond the Southwest has heightened the awareness of the White population, increased attention, and subsequently led to an increasing demand for strict legislation to address illegal immigration.

Sweeney (2014) argues that this shift in attention toward immigration enforcement creates a “shadow immigration enforcement” in which state and local law enforcement directs their attention and resources toward pursuing those they perceive to be “foreign” despite their lack of authority in the immigration enforcement policy arena. This shadow immigration enforcement leads law enforcement to target these vulnerable populations, essentially increasing racial profiling against these communities. As noted by scholars in the field, “the criminalization of immigrants, in turn, has resulted in the criminalization of non-criminals and, in essence, the criminalization of Mexicans and the whole Hispanic community” (Urbina 2012).

In addition to the historical context and more recent salience around immigration dimensions, social factors also shape interactions with police. Urbina and Alvarez (2015) note Hispanics, particularly those of Mexican origin, face significant gaps in all areas of their social lives. Police–community relations just happen to be one of the most visible aspects of being and underserved population. While the Hispanic community faces many issues similar to dynamics with Blacks, interactions with police are further complicated by linguistic barriers. Indeed, Culver (2004) identified four distinct factors of Hispanic communities nationally that shape police interactions:

1. Language barriers, resulting in confusing and tense interactions;
2. Fears of the police, due to negative interactions in their home countries;
3. Immigration status concerns, resulting in a non-desire to contact the police due to fear of deportation;
4. The nature of contacts—the primary method for interaction between the police and the Hispanic community was through traffic violations, providing an unequal form of interaction to build rapport.

Urbina and Alvarez (2015) argue that, like African-Americans, increasing passive representation of Hispanic police officers may alleviate some of these problems.

2.5 CONTEMPORARY EFFORTS AT MINORITY REPRESENTATION

While there have certainly been episodic instances of minority police officers serving on local US police forces throughout America's history, it was not until the 1960s and the more modern push for equal protection under the banner of the Civil Rights Movement that racial representation in law enforcement captured national attention (Gupta and Yang 2016). Due to the historic systems that centered on perpetuating White supremacy and law enforcement's prominent role in enforcing racial hierarchy and segregation, local police forces across the United States have systematically excluded and underrepresented racial minorities (Gupta and Yang 2016). In turn, increasing racial diversity and representativeness within law enforcement—most directly through hiring and retaining more minority frontline police officers—has become a regular goal put forth by elected officials, racial advocacy associations, and civil rights groups.

Since the civil rights efforts of the 1960s, contemporary efforts at equal employment in law enforcement for racial minorities have followed. In late 2014, President Barack Obama signed Executive Order 13684, *Establishment of the President's Task Force on 21st Century Policing*, which highlighted racial diversity in policy agencies as a promising avenue for increasing trust between police and minority citizens. A key area identified by this task force was a lack of diversity among law enforcement agencies. In 2015, the US Department of Justice's Civil Rights Division and the US Equal Employment Opportunity Commission (EEOC) launched *Advancing Diversity in Law Enforcement*, an interagency research initiative aimed at finding and implementing ways of recruiting and retaining more minority police officers, with the ultimate goal of improving trust and accountability between citizens and officers (Gupta and Yang 2016).

The integrative promises found in landmark legislation such as The Civil Rights Act of 1964 and The Voting Rights Act of 1965, along with more contemporary efforts, have broadly increased the political participation of African-Americans and other racial minorities within elected and administrative positions, including the law enforcement

bureaucracies (Gupta and Yang 2016). Generally speaking, a greater total number of racial minorities are employed within US police agencies in the post-Civil Rights Era than prior (Gupta and Yang 2016), but that eschews important variation in racial representativeness across both space and time. As we demonstrate in Chap. 3, patterns of police representativeness in America do not necessarily follow a consistent upward trajectory and are uneven and complex in more recent decades, requiring in-depth and nuanced investigation.

Critical research questions remain unaddressed and set the stage for rest of the book project. First, despite historic and contemporary challenges to integration and equal protection, racial representation on local US police forces has doubtless improved in a general sense over time, with more racial minorities serving on local police forces than in the pre-Civil Rights Era (Gupta and Yang 2016). However, knowledge about differences in passive representation across different agencies remains limited. Furthermore, our understanding of the determinants of law enforcement representativeness is limited to anecdotes and lacks a basis in systematic evidence. Documenting a general rise in minority representation masks an important variation at the municipal level across space and time. Second, we know little about the consequences of law enforcement representativeness on agency policies and police–citizen outcomes. Policy experts suggest that enhancing police representativeness should improve police–community relations and policing outcomes, for example, reducing claims of excessive use of force (Gupta and Yang 2016). Even with the increasing visibility around race and policing incidents, scant systematic research examines the consequences of enhancing racial representation.

2.6 THE ORIGINS OF REPRESENTATIVE BUREAUCRACY THEORY

Because bureaucrats like law enforcement officers are not elected, their democratic legitimacy in the eyes of citizens is perpetually in question. Public administration scholars developed the theory of representative bureaucracy as a way to enhance democratic legitimacy and ensure accountability from unelected bureaucracies. This theoretical approach as coined by Kingsley (1944) and refined by subsequent scholarship suggests that a bureaucracy which more accurately matches the demographic makeup of its constituents will provide higher quality, more

democratic, and more responsive outcomes for members of the community. Proponents of representative bureaucracy theory argue that shared demographic characteristics reflect shared social experiences and therefore may translate into more responsive public policy outcomes. Through this policy and administrative responsiveness, the representative bureaucracies can possess legitimacy and accountability despite the absence of direct electoral accountability mechanisms (Mosher 1968; Krislov 1974; Selden 1997; Meier 1993).

Mosher (1968) distinguishes between the two types of representative bureaucracy: “passive” or demographic representation and “active” or policy/administrative representation. According to Mosher, passive representation, similar conceptually to descriptive representation, refers to the bureaucracies mirroring demographically the public that they serve. Mosher states, “The passive (or sociological) meaning of representativeness concerns the source of origin of individuals and the degree to which, collectively, they mirror the total society” (p. 12). Active representation occurs when bureaucrats translate group interests into policy decisions in favor of the groups they passively represent. Mosher explains, “There is an active (or responsible) representativeness wherein an individual (or administrator) is expected to press for the interests or desires of those whom he is presumed to represent, whether they be the whole people or some segment of the people” (p. 12).

There are potentially inherent, symbolic benefits from passive representation as well as potential tangible benefits of active policy and front-line representation. Symbolically, passive representation reflects equal access to power and confers legitimacy on bureaucratic institutions (Selden 1997). In addition to symbolic benefits, scholars argue that there may be a link between passive and active representations, whereby under-represented groups receive more equitable service provision as passive representation increases (Meier and Nicholson-Crotty 2006).

2.7 EMPIRICAL RESEARCH ON REPRESENTATIVE BUREAUCRACY

Early scholarship in the field of representative bureaucracy focused on measuring passive representation—in other words, measuring the extent to which group employment in the public sector agency mirrored that of the population being served. This research provides important descriptive information about the changing composition of bureaucratic

agencies. Understanding the extent to which various groups are represented and the distribution of representation across agencies and levels is critical for scholars as well as policymakers. The findings suggest that while representation for women and minorities in public organizations has increased since equalizing measures under the Civil Rights Movement of the 1960s, they remain underrepresented both vertically and horizontally, with most women and minorities concentrated in lower-level positions and limited in certain functional categories (Selden 1997). For example, Newman (1994) finds females concentrated in redistributive human service agencies, with fewer women in distributive and regulatory agencies. Similarly, studies suggest that racial minorities tend to be underrepresented on local police forces (Lewis 1988; Riccucci 1987).

While early scholars focused on measuring passive representation, contemporary scholars have shifted attention toward active representation. Following on Mosher (1968) distinction, scholars attempt to measure the extent to which passive representation influences policy and administrative outputs. They have found that increasing representation among minorities and females is related to substantive changes in administrative outcomes favoring these groups in certain policy areas (Meier and Stewart 1992; Hinderer 1993; Selden 1997). For example, Meier and Stewart (1992) examine the link between the race of school teachers and administrators and various discretionary decisions made on behalf of students. The findings suggest that as the number of minority teachers and administrators increases, there are positive outcomes for minority students in terms of ability grouping and discipline decisions. These are both discretionary administrative choices that have been subject to litigation based on racial bias. Ability grouping is the classification of students to different categories based on the perceived abilities which may include educable mentally retarded, trainable mentally retarded, and gifted. Several discipline measures are also studied, including corporal punishment, in-school suspension, out-of-school suspension, expulsion, and court referrals. The findings suggest that across these two sets of measures, increasing the number of minority teachers and administrators leads to positive results for minority students.

Other studies have found similar evidence of the potential link between passive and active representation, further supporting the claim that descriptive representation can lead to favorable policy and administrative outcomes. For example, Selden (1997) examines the possible link

between passive representation and favorable frontline outcomes in the Farmer's Home Administration's Rural Housing Loans program, finding that increasing minority loan officers leads to increasing numbers of loans awarded to minority applicants. Hinderer (1993) examines the relationship between the minority officers at the EEOC and the number of charges filed on behalf of minorities. The evidence from this study similarly suggests that increasing the numbers of African-American and Hispanic officers led to an increase in the numbers of charges filed on behalf of these groups. These early findings prompted scholars to further explore what conditions are necessary for passive representation to translate into active representation.

2.7.1 *Assumptions of Active Representation*

Following the advent of representative bureaucracy theory, scholars debated and outlined the preconditions and organizational contexts likely to foster benefits from passive and active representations. These premises suggest that law enforcement agencies and policing activities are an appropriate bureaucratic context to analyze passive and active representation. First, scholars point to the street-level bureaucrat as an important instrument of demographic representation due to their discretionary powers (Meier 1993). As Meier and Nicholson-Crotty (2006) explain, "Street-level bureaucrats frequently interact with the general public. Because street-level bureaucrats exercise discretion, their attitudes, values, and predispositions are important in understanding policy implementation" (p. 851). Notably, Lipsky (1980) who coined the phrase "street-level bureaucrat" originally applied this term to police officers as he argued that police exercise considerable discretion and flexibility in dealing with the public on a daily basis.

In addition to allocating frontline bureaucratic discretion, scholars argue that certain criteria must be met in order to study active representation. In particular, the policy and administrative decisions must have direct relevance to the passively represented group or demographic characteristic. Finally, there must be a way to link the street-level bureaucrat to a specific policy or administrative output (Selden 1997; Meier 1993; Meier and Stewart 1992). In certain areas of law enforcement, these conditions could arguably be met. For example, due to the historically contentious relationship between local law enforcement and racial minority groups as well as the current salience of profiling and

disproportionate police brutality aimed at minorities, this current project is relevant and timely for representative bureaucracy, public administration, and criminal justice scholars, along with racial advocacy groups, law enforcement organizations, and policymakers alike. Furthermore, extensive original data collection allows us to analyze and compare police demographics as well as the influence of police representation on policy and administrative outcomes occurring at the municipal department level.

2.7.2 *Translation Methods of Passive to Active Representation*

One important area of consideration is the exact mechanism(s) by which the passive representation translates into active representation. Lim (2006) explains several ways this can occur. First, bureaucrats may use their discretionary power to make decisions that benefit the minority group. This is the most commonly studied form of active representation. However, Lim (2006) argues there are several other mechanisms by which passive representation may translate into active representation. Increasing the number of minority bureaucrats may induce positive changes in constituent behavior, known as coproduction. These behavioral changes may then lead to more positive interactions and outcomes. For example, increasing female officers may lead to increased trust and perceived legitimacy which may then lead to increased reporting of sexual assault crimes which then leads to increased arrests (Meier and Nicholson-Crotty 2006).

Lim (2006) also argues that the presence of an increasing number of minorities in the organization may also affect change by influencing the behavior of non-minority bureaucrats. Minorities may alter the influence of non-minorities by challenging or exposing discriminatory behavior. In another scenario, labeled “prior restraint,” the non-minority bureaucrat may reduce or restrict discriminatory behavior from fear of exposure or disapproval from minorities within the organization. Finally, increasing the number of minorities may eventually lead to resocialization of non-minorities in the organization. These distinctions will be highlighted in the review of pertinent literature studying passive and active representations in policing.

Lastly, more recent studies have also explored the notion of potential mediating factors, such as geographic region. For example, Grissom et al. (2009) examine the potential influence of region, arguing that it

alters the salience of racial considerations and may condition its influence on policy outputs. The study examines teacher race and student performance outcomes, controlling for region. Their findings suggest that active representation practices involving race may be more prevalent in the South because of the increased salience of race in that particular region. Due to the unique history of racial oppression within the southern region, we believe that the relationship between representative bureaucracy and excessive use of force might be strengthened within racially underrepresentative police departments operating within the southern region specifically.

2.8 REPRESENTATIVE BUREAUCRACY RESEARCH AND AMERICAN POLICING

While much of the scholarly work in the representative bureaucracy tradition has focused on schools and the EEOC, recent scholarship has expanded its scope to include law enforcement agencies (Selden 1997; Kennedy 2013). Scholarship in this area has examined passive and active representations in the context of both race and gender. These studies include the traditional focus of active representation as a product of responsive bureaucratic discretion, but there are also several studies that analyze coproduction and/or indirect methods of active representation.

2.8.1 *Passive Representation and American Policing*

Early literature in the field of representative bureaucracy focused on measuring passive representation or analyzing the extent to which various public bureaucracies reflected the demography of their communities (Kennedy 2014). There is much literature to this effect (Subramaniam 1967; Nachmias and Rosenbloom 1973; Kellough 1990). However, surprisingly little research has examined passive representation among local police departments. Much of this research was conducted in the 1980s and early 1990s. By the mid-1990s, the focus of representative bureaucracy literature had almost completely shifted toward examining the effects on active representation and administrative outcomes.

Extant studies assessing passive representation among police departments are dated and/or rely on a relatively small number of cases. For example, Cayer and Sigelman (1980) examine passive representation across federal, state, and local agencies during 1973–1975, including

police protection. While minority representation grew in police departments across the years measured, broad patterns of underrepresentation remained across the American landscape. More recently, Stokes (1996) examines the extent of minority representation among nineteen municipal police departments. Looking specifically at Hispanic and Asian employment, Stokes finds that in 1990, only Buffalo, NY, had adequate representation of Hispanic officers. No cities had sufficient representation of the Asian population among sworn officers. Beyond these modest efforts, scholarly investigation into passive representation in US law enforcement contexts remains decidedly understudied.

A parallel literature has sought to identify explanatory variables to understand differential representation among groups across government agencies. These studies suggest a variety of economic, organizational, demographic, and political factors might influence the extent of passive representation of minorities in general as well as the racial composition of police forces in particular. We endeavor to incorporate these earlier studies in a comprehensive empirical framework to examine the determinants of US police force representativeness.

Economic factors posited to influence minority representation include unemployment rates and agency growth in positions (Kim and Mengistu 1994; Cornwell and Kellough 1994; Warner et al. 1989; Guajardo 2014; Mladenka 1989; Stein 1985). Warner et al. (1989) examine the factors associated with increasing employment of women in policing agencies. We posit that these factors would apply equally to racial minorities, as they have also been largely excluded by an occupation filled primarily with White males. One key factor is the state of the economy. While women and minorities have seen growth across various occupational categories due to government regulations and affirmative action programs, budgetary shortfalls may disproportionately and negatively influence the state of minorities in agencies. Warner et al. (1989) argue that economic downturns, following the usual trajectory of last hired, first fired, would likely lead to a disproportionate number of females and minorities being let go unless agencies went decidedly out of their way to let go a higher rate of White male officers. General municipal fiscal strength is also an influencing factor. Thus, agency growth and the overall unemployment rate are expected to influence the ratio of minorities in these law enforcement positions.

Demographic factors include the size of the minority population, minority education levels, city size, and region (Dye and Renick 1981; Eisinger 1982; Stein 1985; Meier 1993; Kim and Mengistu 1994;

Cornwell and Kellough 1994; Warner et al. 1989; Selden 1997; Mladenka 1989). The size of the minority population can have varied effects. On the one hand, cities need to reach a threshold in order to expect the minority population to influence employment (Dye and Renick 1981). On the other hand, there may be a point of diminishing returns where cities with high minority populations fail to attain parity in minority hiring. Increased minority education levels may lead to increased representation as the minority population becomes more competitive for employment. Warner et al. (1989) argue that larger cities have more acceptance of affirmative action programs and therefore should have higher numbers of minority officers. Similarly, regional variation may occur due to regional differences in social and cultural acceptance of affirmative action policies.

Organizational factors include agency size, union presence, and residency requirements (Kim and Mengistu 1994; Cornwell and Kellough 1994; Stein 1985; Mladenka 1989). Agency size may have a negative relationship to minority representation. This stems from a similar logic to the diminishing returns discussed previously. For larger agencies, each minority hire makes a smaller contribution to the overall representation of minorities, making it harder for larger organizations to maximize representation. The presence of collective bargaining has long been considered a hindrance for minority employment in police forces as unions have been thought to successfully block the implementation of affirmative action policies.

There is disagreement about the expected effect of residency requirements on minority employment. On the one hand, some scholars argue that residency requirements may enhance minority representation by forcing the agencies to hire from the immediate community population. Conversely, some argue that this may diminish minority hires by placing artificial limits on the hiring pool, encouraging potential nepotism or political favoritism to operate above merit considerations (Kim and Mengistu 1994).

Political variables include the representation of minorities in state and local political office such as the legislature, city council, mayor, and police chief (Dye and Renick 1981; Stein 1985; Saltzstein 1989; Eisinger 1982; Mladenka 1989; Selden 1997). The presence of minority political officials is also found to influence the ratio of minorities in local police forces. According to Warner et al. (1989), this can occur both directly and indirectly. Minorities in elected positions may directly oversee the increased hiring of minorities. Also, they may indirectly play a role by

shaping generally inclusive attitudes across local agencies, encouraging more minority hires. Thus, increasing minorities in elected offices in local offices such as mayors are expected to positively influence minority employment on local police forces.

2.8.2 *Potential Trade-offs Between Minority Groups*

Questions of representative bureaucracy are further complicated by the presence of multiple minority groups. One prominent question is whether increasing passive representation is mutually beneficial for all minority groups? In other words, do we see agencies that increase diversity across all groups or do the groups compete for increased representation? Meier et al. (2004) examine the relationship between Hispanics and African-Americans in multiracial school districts. They find that when resources are scarce, such as the case with available positions in teaching and administration, the groups compete with one another so that gains to one group result in losses to the other.

In contrast, Kerr et al. (2000) examine interracial competition for municipal jobs by functional category of the agency. While they do find competition among Blacks and Hispanics in non-managerial municipal positions, these same patterns do not hold for fire and police protection. In these positions, it appears that Whites and minorities compete for jobs rather than minorities competing with other minority groups.

2.9 ACTIVE REPRESENTATION IN AMERICAN POLICING

Recent literature has analyzed active representation in policing using both gender and race as independent variables of interest. For example, Meier and Nicholson-Crotty (2006) examine the relationship between the gender of police officers and sexual assault reports and arrests. The study finds that police forces with larger numbers of female officers file more sexual assault reports and make more sexual assault arrests. This study confirms an empirical relationship between passive representation of females and active representation of outcomes in the field of policing. However, the linkage is complex. As Meier and Nicholson-Crotty note, there may be a variety of factors at work in this process. First, the increase of female officers may lead victims to be more willing to report sexual assault. Second, both directly and indirectly the presence of

women officers may lead to increased prioritization and pursuit of sexual assault reports resulting in more arrests. In other words, female officers may be more likely to pursue arrest, and they may also transfer this prioritization indirectly to their male counterparts through the resocialization process.

Active representation has also been applied to the area of race and policing. Wilkins and Williams (2008) examine whether increasing minorities decreases racial profiling in traffic stops. Wilkins and Williams (2008) caution that the unique socialization of police departments may hinder passive representation from translating into responsive active representation. Within representative bureaucracy theory, increasing Black officer representation should arguably decrease racial disparity in traffic stops, with all rival variables held constant. In counterintuitive fashion, their study finds that increasing Black police officer presence *increases* racial disparity in vehicle stops. They argue that socialization processes within police departments may account for this unexpected finding by hindering the translation of passive representation into responsiveness to minority group interests of more equal protection. The core socialization argument, echoed by more recent work on police fatalities by Nicholson-Crotty, et al. (2017), suggests that individuals within policing agencies replace their own values with those of the dominant organizational culture. Therefore, an organizational identity and norms of traditional power structure likely replaces their minority identity and group concerns of equal protection, subsequently preventing the translation of passive into active representation.

Although the Wilkins and Williams (2008) study reports that increasing Black representation in local police departments yields less representative outcomes and greater racial disparity in traffic stops, we are not entirely convinced that this relationship necessarily extends to other agency outcomes such as civilian complaints policies, along with the number of excessive force complaints and arrest-related deaths. Because excessive force and police-involved homicides entail more extreme iterations of physically and verbally abusive practices than routine traffic stops, we believe that underrepresentation of minorities within local police forces will decrease administrative responsiveness to group concerns of accountability, increase the incidence of excessive force claims as well as increase the number of arrest-related deaths. Improving racial representation and shared cultural identities and empathies might not yield responsive outcomes as it pertains to routine traffic stops (Wilkins

and Williams 2008), but should more readily enhance responsiveness as it pertains to agency policies and reduced inclination to pursue more punitive, maximal use of excessive force toward minority citizens.

Some work in the field of active representation addresses the issues of coproduction and indirect representation. For example, Theobald and Haider-markel (2008) examine police officer race and perceived legitimacy. This study analyzes survey results asking respondents about interactions with police. The results indicate that both Blacks and Whites are more likely to perceive the police actions as legitimate if the officer is of the same race. This racial dimension to perceived legitimacy may be a factor in the coproduction process as increased legitimacy can lead to changes in behavior on the part of the citizen when interacting with police.

Using survey data to measure attitudes of police officers, Lasley et al. (2011) finds that minority police officers' attitudes toward the communities they police differ from those of White police officers. The study analyzes panel data occurring in two waves. The initial results indicate both African-American and Hispanic officers are more willing to engage and interact with minority communities. Additionally, minority officers' positive attitudes increased significantly over time. Importantly, White officers' attitudes toward community involvement also improved over time, indicating the possibility of indirect representation or resocialization of non-minority officers as a result of their interaction with minority colleagues.

In this project, we use multiple measures of active representation in US police agencies—both policy and administrative outcomes. While we examine typical street-level outcomes including excessive force complaints and officer's use of deadly force, we also examine two specific department policy choices—adoption of written policy to handle citizen complaints and adoption of civilian review boards that independently investigate accusations of police misconduct. Both coproduction and indirect representation are important considerations for the current study. A positive association between racial representation and likelihood of adopting favorable agency policies regarding citizen complaints, or a negative relationship between racial representation and excessive force complaints may suggest translation into active representation by the officer or indirect socialization mechanisms as a result of minority officers' presence on the force. Conversely, a positive relationship with excessive force complaints may arise from coproduction, whereby we see

an increase in excessive force complaints by minority citizens because of increased efficacy and comfort reporting. Using these two measures simultaneously should allow us to parse these effects out.

2.10 CONCLUSION

This chapter reviews preeminent scholarship in the field of representative bureaucracy literature. Based on the assumptions of passive and active representations, we make the case that the area of policing is consistent with the conditions necessary to study under this framework. Further, recent events underscore the critical nature and timeliness of this work. We provide a brief overview of the existing literature examining policing from a representative bureaucracy lens. Based on this, we contend that many important questions remain. Throughout the following chapters, we seek to build on this literature by providing a more thorough and up-to-date analysis of passive representation as well as a comprehensive analysis of the potential for active representation.

NOTES

1. The first documented African-American police officer on the New York City police force was Samuel J. Battle, hired in early 1883. Other municipalities were farther behind in terms of including racial minorities. For instance, the first African-American officers on the Atlanta police force were not hired until 1948.
2. In the 2016 election, Republican President-Elect, Donald Trump pushed similar themes of “law and order” in response to urban riots that occurred in Ferguson and Baltimore, along with high-profile murders of police officers in Dallas and Baton Rouge. Similar to conservative elites from decades prior, Trump arguably constructed immigrants and minorities in unflattering frames of criminality and behavioral deviance, with an underlying assumption that more aggressive and punitive police response toward these populations is warranted.

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Passive Representation in American Policing: Trends and Changes, 1993–2013

Abstract This chapter presents an extensive analysis of changes and trends in racial representation across US law enforcement agencies. Our analysis includes law enforcement and civilian demographics across more than 1500 US counties for the period between 1993 and 2007. We then take a closer look at passive representation in policing in America’s 100 largest cities for the period between 1993 and 2013. In both cases, we show that passive representation has steadily decreased over time. Law enforcement agencies today are less representative of the populations they serve than they were two decades ago. Representation varies from group to group, with Blacks experiencing the most extreme underrepresentation. Finally, these changes in representation coincide with significant changes in the size and nature of law enforcement agencies, suggesting that decreases in representation may be caused by unrepresentative hiring practices.

Keywords Racial representation · Law enforcement · Demographics
Passive representation · Police community relations · Bureau of Justice
Statistics · Bureaucracy · Disproportionality index · Population

3.1 INTRODUCTION

This chapter explores variation in passive representation or the degree to which police officer demographics match the communities they serve, in the USA. It asks a fundamental question that researchers have, until now, failed to answer in any systematic way: To what extent do local police

departments represent the racial demographics of the American population? We introduce readers to trends in police representation across more than 1500 US counties over a 15-year period, as well as a more detailed exploration of representation in policing across America's 100 largest cities from 1993 to 2013. We document changes that these cities have experienced over time to contextualize our use of these cases for analysis in Chaps. 4 and 5. We pay particular attention to differences between the least and most diverse cities in our sample. We show that cities with more diverse civilian populations have undergone dramatic and potentially destabilizing changes in their population size, the size of the police force, and a number of other demographic variables that are likely to affect police–community relations.

The most important contribution of this chapter is an empirical review of racial representation in American policing. We present what is, to our knowledge, the most extensive overview of real data on racial representation in law enforcement. Looking at county-level data for the entire country as well as a more detailed dataset of large cities, we show that racial representation decreased steadily from 1993 through 2013. This decrease in representation over time is somewhat unexpected as it comes despite the existence of race-conscious policies intended to promote representation (Gilens 1991). We also find considerable variation in racial representation across counties, cities, and departments. Whites are, in general, overrepresented while Blacks, Hispanics, and Asians tend to be underrepresented. The variation in representation between different non-White groups is also important. Blacks and Hispanics tend to be the most dramatically underrepresented, while the proportion of Native American police officers is, on average, closer to their share of the population.

3.2 PASSIVE REPRESENTATION: DATA AND MEASUREMENT

Measurements of passive representation include two components: A group's share of positions within the institution in question and its share of the population that is to be represented (Subramanian 1967). In the case of racial representation in law enforcement, we need to know the proportion of police officers in a given jurisdiction that comes from each racial group, as well as the proportion of the jurisdiction's civilian population belonging to each group.

Data on police officer demographics comes from the Bureau of Justice Statistics' *Law Enforcement Management and Administrative Statistics* (LEMAS) dataset. This publicly available data is compiled periodically via a census of every law enforcement agency in the US. It includes,

among other things, the number of sworn officers who are White, Black, Hispanic, Native American, and Asian. It also provides the approximate civilian population of the department's jurisdiction. Although every law enforcement agency in the US is intended to be included in the dataset, in practice departments—particularly smaller ones—tend to enter and exit the dataset from year to year. There is little reason to believe that this selection is systematically related to officer demographics, as officer race is only one of the many variables that are reported in LEMAS. In other words, missing departments should not prevent us from using the LEMAS data to draw inferences about the trends, causes, and consequences of racial representation. We aggregate the department-level data from LEMAS to the county or city level where necessary for analysis. LEMAS data on police officer demographics is available for the years 1993, 2000, 2003, 2007, and 2013.

Data on population demographics comes from the US Census Bureau. As census data is only available every ten years, we estimate population figures for between census years with a linear regression model using US Census data from 1990, 2000, and 2010. While this method is simplistic—perhaps overly so—we believe that it represents a reasonable trade-off between the time required to calculate more precise estimates and the ability to include large numbers of counties and cities in our analysis. Furthermore, we expect any errors in the population estimates to be randomly distributed with regard to both officer demographics and the outcomes of interest we consider in the following chapters. Thus, while our reliance on somewhat crude estimates of population demographics introduces noise, they should not bias our findings for the reasons stated above.

Scholars in the field of representative bureaucracy use a wide variety of techniques to measure passive representation including simple percentages (Meier 1993), regression analysis (Stewart et al. 1989), and various types of representation ratios (Selden 1997). In this volume, we use several different measures of passive representation. The main measure, which we call the *disproportionality index*, is a continuous variable which indicates the cumulative degree of misrepresentation for five groups: Whites, Blacks, Hispanics, Asians, and Native Americans. Our disproportionality index of racial representation uses the same formula as Gallagher's (1991) "least squares index" of legislative representation, but with racial groups substituted for political parties and police officer positions substituted for legislative seats. The index is calculated using the following formula:

$$D = \sqrt{\frac{1}{2} \sum_{i=1}^n (p_i - c_i)^2}$$

where D is the disproportionality index, p is the group's proportion of police officers, and c is the group's proportion of the civilian population for each racial group i . The measure counts deviations from “perfect” representation as equivalent, regardless of whether a group is over or underrepresented. The index has a theoretical minimum of 0, which would indicate that every group has exactly the same proportion of police officers as its share of the civilian population, and a theoretical maximum approaching 1.

To provide further context of these measures, we also analyze representation for each individual group by subtracting the group's proportion of officers from its proportion of the civilian population. In these cases, a value of zero indicates “perfect” and proportional representation, values greater than zero indicate that the group is overrepresented, and values less than zero indicate that the group is underrepresented.

3.3 VARIATION IN PASSIVE REPRESENTATION

This section looks at variation in passive representation, both across jurisdictions and over time. At the most basic level, we are interested in knowing how racially representative America's policing institutions are of the populations they serve. Beyond that, we test whether the racial representation is increasing or decreasing, and the extent to which representation varies from one place to another and across racial groups. To our knowledge, this section presents the most extensive and comprehensive look at racial representation in American policing to date.

3.3.1 *US Counties, 1993–2007*

We start by looking at racial representation at the county level. Of approximately 3000 counties or county-equivalents in the US, the LEMAS dataset contains at least one law enforcement agency from about half of all counties in each year for which data is available. The counties without officer data tend to be less-populated, meaning that while our data only covers about half of US counties, it covers the majority of the American population.¹ Where there are multiple law enforcement

agencies within a county, for example in the Atlanta Police Department (city) and the Fulton County Police Department (county), we aggregate the officer data to the county level. State, Federal, and other agencies responsible for more than one county are excluded from these calculations. Departments whose jurisdictions cross county lines, usually city law enforcement agencies where the city lies in multiple counties, are attributed to whichever county claims the plurality of the agency's jurisdiction. These situations are few and far between, and in most cases there is little ambiguity as to which county a department should be attributed.

Figure 3.1 shows the distribution of disproportionality scores for the years 1993, 2000, 2003, and 2007. We see that disproportionality scores are skewed toward zero, indicating that in most counties, police officers are relatively representative of the racial makeup of the civilian population. However, it also appears that disproportionality is increasing over time, with fewer counties falling on the low end of the index in 2007 than in 1993. The box plots in Fig. 3.2 provide an additional perspective of the changes over time and confirm that disproportionality does indeed

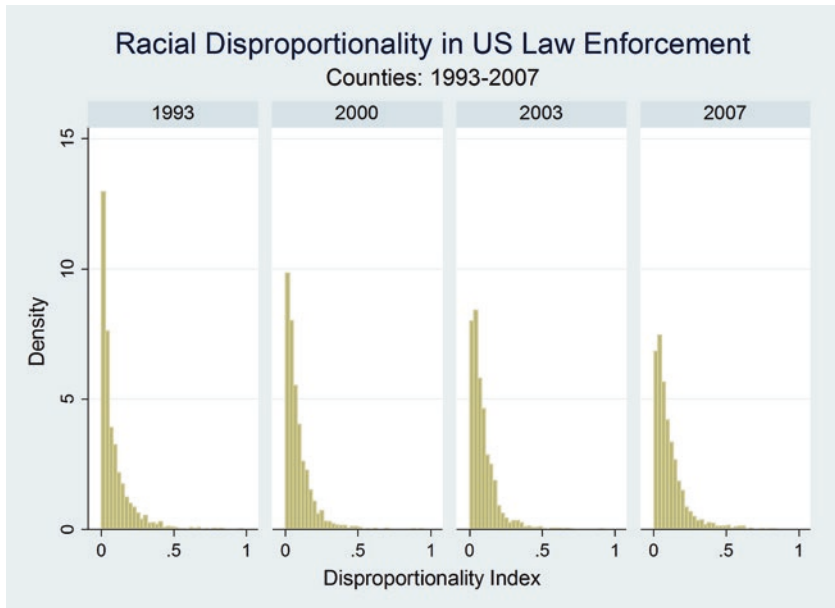


Fig. 3.1 Histograms of racial disproportionality index (counties): 1993–2007

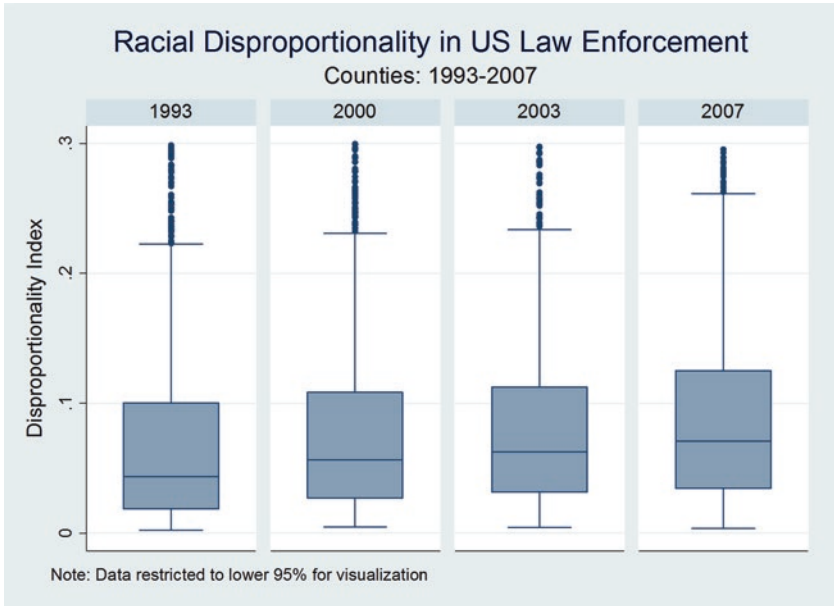


Fig. 3.2 Box plots of racial disproportionality index (counties): 1993–2007

increase in each subsequent period. At least at the county level, these trends show that racial representation is decreasing.

Next, we turn to regional comparisons. Are some regions of the country more susceptible to having racially unrepresentative police departments? Figs. 3.3, 3.4, 3.5 and 3.6 show relative levels of racial disproportionality for each year. There are no obvious regional trends; in fact, the extent to which disproportionality is distributed across the country is striking. If anything, the Midwest seems to have the lowest levels of disproportionality, perhaps a function of the relatively small proportion of minorities living in these counties.

The overall levels of racial representation are informative and important to consider. Yet, as discussed in detail in Chap. 2, representation may affect different groups in different ways. How does representation differ across racial groups? Fig. 3.7 shows the distribution of representation across counties for Whites, Blacks, Hispanics, Asians, and Native Americans; Table 3.1 shows the yearly and overall means for each group. Here, representation is simply a group's proportion of police officers minus its proportion of the civilian population in the county. Numbers

Racial Disproportionality in US Law Enforcement - 1993

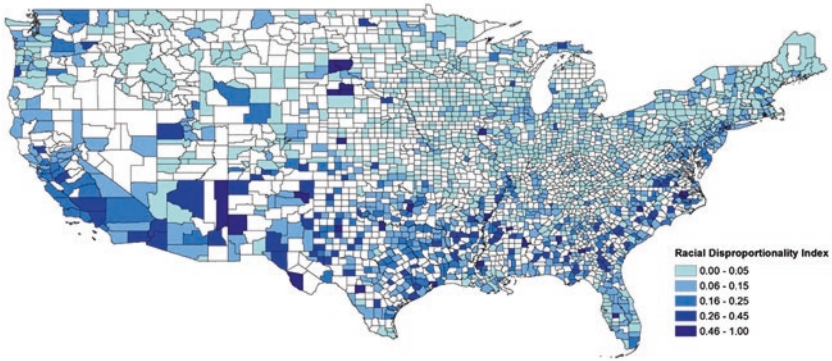


Fig. 3.3 Racial disproportionality in US law enforcement—1993

Racial Disproportionality in US Law Enforcement - 2000

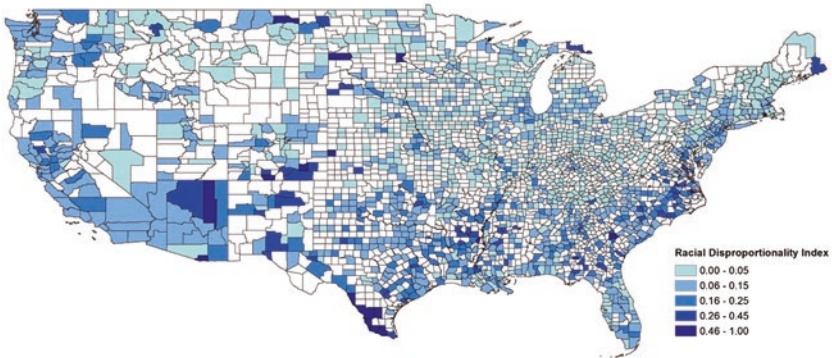


Fig. 3.4 Racial disproportionality in US law enforcement—2000

greater than zero indicate that the group is overrepresented, while numbers less than zero indicate that it is underrepresented.

We see that Whites tend to be overrepresented on average, although we observe considerable variation across counties. Blacks, Hispanics, Asians, and Native Americans are, on average, underrepresented. Interestingly, while Blacks and Hispanics are, on average, less represented

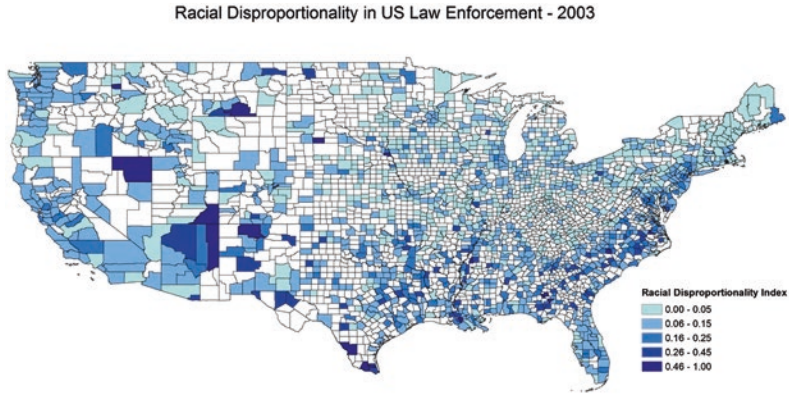


Fig. 3.5 Racial disproportionality in US law enforcement—2003

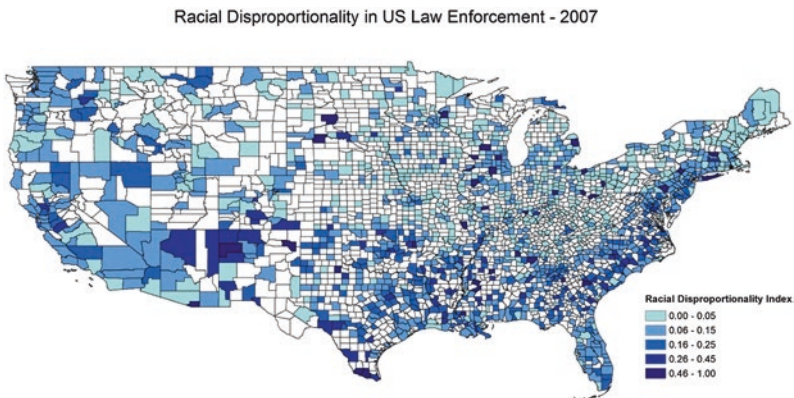


Fig. 3.6 Racial disproportionality in US law enforcement—2007

in the police than Asians, there are some counties where Blacks and Hispanics are overrepresented. However, there are virtually no counties in which Asians or Native Americans are overrepresented.

The simple comparison of a group's representation among police officers and its share of the civilian population may be misleading when group sizes differ significantly. For example, in a county in which 40% of the population is Black, the theoretical minimum limit of the representation score would be -0.400 (i.e., there are no Black police officers).

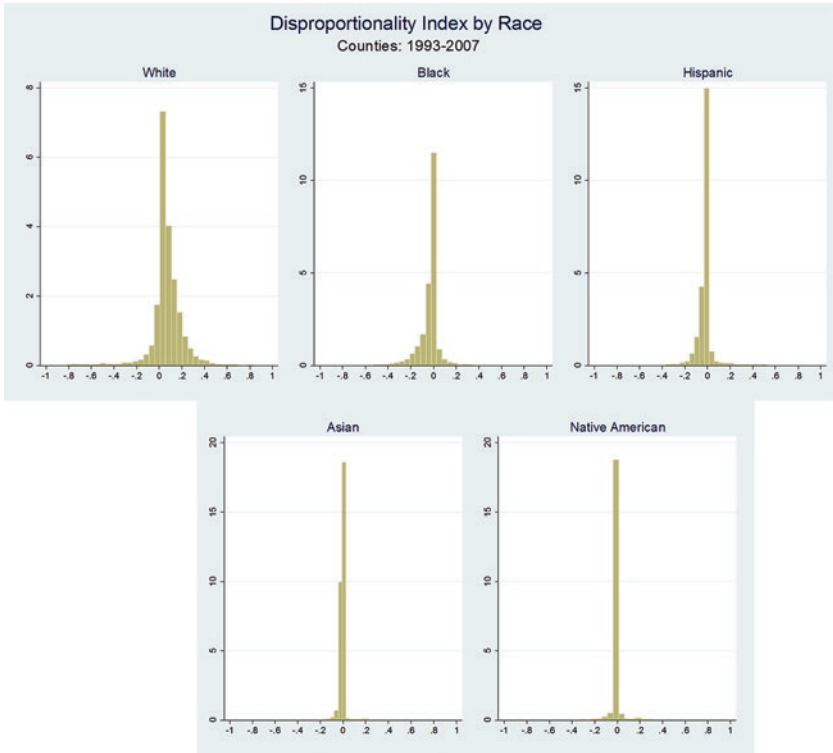


Fig. 3.7 Disproportionality index by race—counties: 1993–2007

Table 3.1 County-level police force disproportionality across racial groups, 1993–2007

	1993	2000	2003	2007	Total	Standardized ^a
White	0.068	0.063	0.070	0.069	0.067	0.058
Black	-0.034	-0.030	-0.033	-0.032	-0.033	-0.263
Hispanic	-0.021	-0.020	-0.024	-0.020	-0.021	-0.290
Asian	-0.007	-0.007	-0.009	-0.006	-0.007	-0.229
Native American	-0.006	-0.005	-0.003	-0.008	-0.005	-0.146

^aReported $\times 10^4$

In contrast, if Blacks made up only 5% of the population, then the theoretical limit would be -0.050 . The same challenge exists for other groups as well. In a county where Hispanics are 25% of the civilian population and Native Americans are 1%, a police force with no Hispanics or Native Americans would have a representation score of -0.250 for Hispanics and -0.010 for Native Americans.

To more accurately compare relative representation across groups and years, we generate a second set of racial representation scores that are standardized by group size:

$$\frac{p_i - c_i}{C_i}$$

where p_i is a group's proportion of police officers, c_i is its proportion of civilians in the same jurisdiction, and C_i is the group's total civilian population. The final column of Table 3.1 shows the standardized figures. Once we account for each group's population size, we see that Blacks, Hispanics, and Asians are underrepresented at about the same rates. Whites are only slightly overrepresented, while Native Americans are underrepresented but less so than other minority groups.

3.3.2 *Large US Urban Areas, 1993–2013*

We now shift our focus to major urban areas. This section explores variation in passive representation among the 100 largest cities in the United States by population as of July 1, 2014. Limiting the analysis to large cities allows for a more complete and accurate data collection, as figures on many of our outcomes of interest such as residency requirements, union membership, and excessive force complaints are reported more reliably in large, urban settings. Limiting the scope of our analysis also allows us to add a fifth year of LEMAS officer demographic data from 2013. Finally, we note that the estimated combined population of these cities in 2013 was more than 60 million people. Therefore, while our sample is limited to a relatively small number of jurisdictions, those jurisdictions contain a relatively large portion of the United States' total population, making the causes and consequences of racial representation in these law enforcement agencies highly relevant.

We begin by considering changes over time in these large urban areas. Figure 3.8 shows the distribution of disproportionality scores across cities for each year in the data. Similar to the preliminary county-level findings, a trend of increasing disproportionality over time is obvious. In 1993,

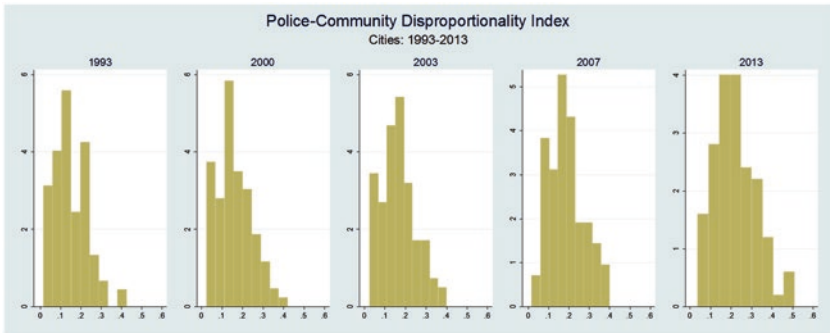


Fig. 3.8 Police–community disproportionality index—cities: 1993–2013

police officers in most cities were relatively racially representative of their city’s civilian population. Over time, the disproportionality scores rose from a mean of 0.15 in 1993 to 0.22 in 2013.

As with the county-level data, we also disaggregate passive representation across the five groups for which we have data: Whites, Blacks, Hispanics, Asians, and Native Americans. In Fig. 3.9, we see patterns similar to the ones we observed at the county level, with Whites consistently overrepresented and Blacks, Hispanics, and Asians consistently underrepresented. If anything, these disparities are larger in urban areas than they are in the population at-large. Whereas we observed a non-negligible number of counties where Blacks or Hispanics are overrepresented in the police, there are only a small number of such jurisdictions among the 100 largest US cities. Table 3.2 reports the mean representation score for each group-year. Using the standardized figures in the final column, it is clear that once we account for each group’s share of the population, Blacks are underrepresented to a much larger extent than any other racial group.

Indeed, perhaps the most striking difference in passive representation between these 100 largest cities and the overall US population (measured at the county-level) is the extent to which Blacks are underrepresented. When we examine county-level data across the whole country, Blacks are underrepresented at about the same rate as other large minority groups (after accounting for differences in group size). In large urban areas, however, the underrepresentation of Blacks in law enforcement is several orders of magnitude larger than underrepresentation of any other group. It is not immediately clear why this stark difference exists, but it

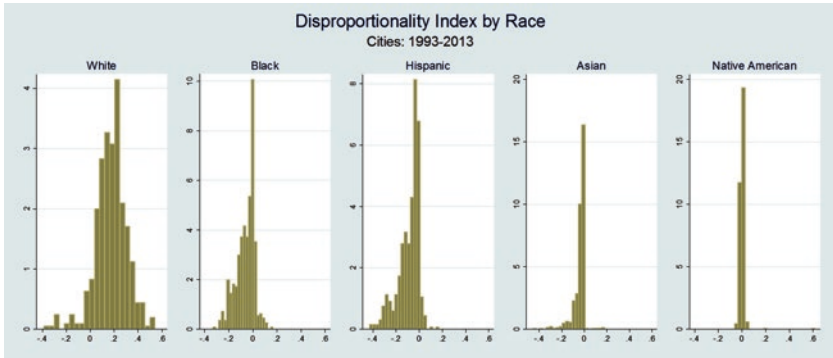


Fig. 3.9 Disproportionality index by race—cities: 1993–2013

Table 3.2 Police force disproportionality across racial groups, 100 largest cities, 1993–2013

	1993	2000	2003	2007	2013	Total	Standardized ^a
White	0.142	0.157	0.167	0.185	0.221	0.174	0.122
Black	-0.069	-0.056	-0.055	-0.061	-0.066	-0.062	-0.576
Hispanic	-0.072	-0.082	-0.086	-0.087	-0.112	-0.088	-0.138
Asian	-0.034	-0.039	-0.039	-0.038	-0.049	-0.040	-0.193
Native American	-0.002	-0.001	-0.001	-0.002	-0.007	-0.001	-0.109

^aReported $\times 10^5$

could reflect the combination of extensive Black migration into urban centers without commensurate integration into established police forces.

3.4 CHANGES IN THE SIZE OF THE POPULATION IN THE TOP US CITIES, 1993–2013

In order to provide context for our analysis in the subsequent chapters, we provide a brief overview of trends and cross-city differences in civilian population demographics across the 100 largest cities that we use as our cases for analysis. First, cities grew considerably in population size from 1993 to 2013.² In 1993, cities in our data set had, on average, 522,713.30 residents, with North Las Vegas, the smallest of these cities, hosting 44,456.9 residents and the largest, New York City, hosting

7,536,926 residents.³ Eighty-nine percent of the cities in our dataset had a population size between 100,000 and 1,000,000 in 1993.⁴

By 2013, the population estimates for the 100 largest cities had changed drastically. Richmond, VA, was the smallest city with an estimated 202,439.4 residents. New York City retained its position as the largest city, hosting 8,389,495 residents. Most of the cities in our dataset grew considerably, leading to a mean of almost 620,000 residents, an increase of roughly 100,000 on average. Not all cities grew at equal rates, or indeed at all. In 2013, 15 cities experienced a decline in population.⁵ Of those 15 cities, nearly half were in the Midwest, with the others divided about 3:2 between the South and Northeast, respectively.

Finally, extant research reveals that the size of the minority population is a major determinant of the variation in the employment of minorities in municipal jobs, such as in the police force (Stein 1985; Mladenka 1989a, b). Of the cities in our dataset, Boise, ID was the least diverse city, with the non-White population composing only 12.37% of the population. Hiialeah, FL, had the highest concentration of minorities in the dataset with 96.74% of its population being non-White. Sixty-two cities in the dataset had non-White populations that exceeded 50% of the population in 2013.⁶ On average, our sample of 100 cities is 24.19% Blacks, 33.61% Hispanics, and 8.72% Asians. Thus, the large size of the minority population in the cases we examine likely plays an important role in serving as a determinant of the sort of variation we observe across a myriad of dependent variables examined in subsequent chapters.

Thus, one important takeaway from this analysis is that the population sizes of the cities in our dataset grew tremendously over this 20-year period of time. Of those 89 cities that had residents between 100,000 and 1,000,000 in 1993, the average city had 344,548.7 residents. In 2013, 91 cities in the dataset had residents between 100,000 and 1,000,000, with the average city having 406,749.7 residents.

It is important to note where the growth and decline of cities were taking place. Among the top 15 cities in our dataset, every region except for the Midwest experienced growth in population size over this 20-year period of time. In 2013, 15 cities experienced a decline in residents.⁷ Of those 15 cities, 46.67% were Midwestern, 20% were Northeastern, and 33.33% were Southern. Strikingly, when examining the proportion of regions that lost their populations, we find that the West lost 0% of its population, while 41.17% of all Midwestern cities, 42.86% of Northeastern cities, and 12.82% of Southern cities lost portions of their population.

On the flipside, it is important to note where the greatest amount of growth took place. Upon examining those top 15 cities that gained in population size,⁸ we find that every region aside from the Midwest experienced growth at the latter end of the spectrum. In other words, 0% of Midwestern cities were among the top 15 cities that experienced growth in population size. One Northeastern city, seven Southern cities, and seven Western cities constituted the 15 cities that experienced a growth in population size over this time. As a proportion of their total population sizes, this means that 14.28% of Northeastern cities, 17.95% of Southern cities, and 18.92% of Western cities were among the 15 cities that experienced the greatest amount of growth during this time.

Second, changes in the size of the police force over this period of time are also important to note. In 1993, the cities in our dataset had on average 1,427.89 officers in their police force. In 1993, North Las Vegas had the smallest police force and New York City had the largest police force with 114 and 28,079 officers, respectively. In 2013, police forces grew in volume from 1,427.89 officers to an average of 1,685.76 officers. Fremont, CA had the smallest police force in 2013 with 168 officers on the police force. New York City remained the city with the largest police force, increasing in size from 6,375 to 34,454 officers on the force.

3.5 CONCLUSION

This chapter presents the most comprehensive overview of racial representation in U.S. law enforcement to date. We show that racial representation in local police agencies steadily decreased over the two-decade period from 1993 to 2013. This decline in representation is the result of increasing representation for Whites and decreasing representation for most other racial groups. We also find differences in racial representation across groups, with underrepresentation for Blacks the most dramatic out of all groups. Finally, while these trends remain steady over time and across groups, they differ considerably from one location to another. In particular, Blacks are the most underrepresented in large urban areas compared to rural areas. The Midwest region has the lowest levels of racial disproportionality, while disproportionality is highest in the South and Southwest.

APPENDIX

See Tables 3.3, 3.4 and 3.5.

Table 3.3 Population change across 100 largest US cities, 1993–2013

<i>City</i>	<i>State</i>	<i>Estimated population size (1993)</i>	<i>Number of police officers (1993)</i>	<i>Estimated population size (2013)</i>	<i>Number of police officers (2013)</i>	<i>Estimated change in population size (1993–2013)</i>	<i>Estimated change in number of police officers (1993–2013)</i>
Albuquerque	NM	403,341.06	809	564,457.06	930	161,116.00	121
Anaheim	CA	285,777.69	353	355,636.66	330	69,858.97	-23
Anchorage	AK	238,202.91	244	301,288.91		63,086.00	
Arlington	TX	283,741.72	358	387,458.72	621	103,717.00	263
Atlanta	GA	401,069.56	1602	427,055.59	1940	25,986.03	338
Aurora	CO	238,483.42	401	341,458.41	668	102,974.99	267
Austin	TX	523,855.88	921	848,623.81	1673	324,767.93	752
Bakersfield	CA	196,021.28	241	368,684.28	328	172,663.00	87
Baltimore	MD	709,644.88	2945	594,591.94	2949	-115,052.94	4
Baton Rouge	LA	222,127.30	649	232,089.30	655	9,962.00	6
Boise	ID	144,422.11	177	224,355.13	283	79,933.02	106
Boston	MA	578,513.81	1952	621,824.81	2121	43,311.00	169
Buffalo	NY	317,411.56	941	250,598.53	750	-66,813.03	-191
Chandler	AZ	116,789.16	115	262,379.19	318	145,590.03	203
Charlotte	NC	438,640.50	897	774,130.50	1763	335,490.00	866
Chesapeake	VA	166,541.45	265	236,774.45	362	70,233.00	97
Chicago	IL	282,262.480	12368	2,734,496.80	11551	-88,128.00	-817
Chula Vista	CA	146,148.11	161	254,901.13	200	108,753.02	39
Cincinnati	OH	354,239.94	944	287,142.97	966	-67,096.97	22
Cleveland	OH	498,358.34	1701	389,557.34	1513	-108,801.00	-188
Colorado Springs	CO	305,468.56	474	440,755.53	620	135,286.97	146
Columbus	OH	656,527.94	1510	810,650.94	1848	154,123.00	338
Corpus Christi	TX	263,323.97	379	311,085.97	410	47,762.00	31
Dallas	TX	1,064,262.40	2810	1,255,201.40	3464	190,939.00	654

(continued)

Table 3.3 (continued)

City	State	Estimated population size (1993)	Number of police officers (1993)	Estimated population size (2013)	Number of police officers (2013)	Estimated change in population size (1993–2013)	Estimated change in number of police officers (1993–2013)
Denver	CO	494,409.53	1388	626,957.56	1379	132,548.03	-9
Detroit	MI	1,007,642.60	3861	693,445.56	2526	-314,197.04	-1335
Durham	NC	151,890.34	305	243,609.36	512	91,719.02	207
El Paso	TX	529,219.00	862	662,998.00	1056	133,779.00	194
Fort Wayne	IN	182,613.34	328	263,232.34	433	80,619.00	105
Fort Worth	TX	471,750.88	1060	765,337.94	1527	293,587.06	467
Fremont	CA	182,684.50	180	223,434.50	168	40,750.00	-12
Fresno	CA	376,344.28	425	516,807.28	715	140,463.00	290
Garland	TX	191,585.56	241	237,811.56		46,226.00	
Gilbert	AZ	53,036.58		232,301.58	219	179,265.00	219
Glendale	AZ	170,383.55	201	248,970.55	390	78,587.00	189
Greensboro	NC	195,541.92	425	281,686.94	690	86,145.02	265
Henderson	NV	117,737.40		282,433.41	333	164,696.01	333
Hialeah	FL	200,197.92	306	236,862.92	252	36,665.00	-54
Honolulu	HI	367,187.50	1925	379,957.50		12,770.00	
Houston	TX	1730,430.80	4627	2,199,328.80	5007	468,898.00	380
Indianapolis	IN	746,689.38	956	835,807.31	1574	89,117.93	618
Irvine	CA	119,543.25	128	221,588.25	198	102,045.00	70
Irving	TX	166,208.78	269	227,461.80	336	61,253.02	67
Jacksonville	FL	675,300.13		847,634.06	1589	172,333.93	
Jersey City	NJ	232,058.67	819	251,118.67	799	19,060.00	-20
Kansas City	MO	436,868.31	1171	461,509.34	1276	24,641.03	105
Laredo	TX	138,904.80	218	252,096.80	441	113,192.00	223
Las Vegas	NV	404,708.59	1428	615,352.56	2618	210,643.97	1190
Lexington	KY	235,909.80	388	306,201.78		70,291.98	
Lincoln	NE	202,068.22	246	268,475.22	326	6,6407.00	80

Table 3.4 Population change across 100 largest US cities, 1993–2013

<i>City</i>	<i>State</i>	<i>Estimated population size (1993)</i>	<i>Number of police officers (1993)</i>	<i>Estimated population size (2013)</i>	<i>Number of police officers (2013)</i>	<i>Estimated change in population size (1993–2013)</i>	<i>Estimated change in number of police officers (1993–2013)</i>
Albuquerque	NM	403,341.06	809	564,457.06	930	161,116.00	121
Anaheim	CA	285,777.69	353	355,636.66	330	69,858.97	-23
Anchorage	AK	238,202.91	244	301,288.91		63,086.00	
Arlington	TX	283,741.72	358	387,458.72	621	103,717.00	263
Atlanta	GA	401,069.56	1602	427,055.59	1940	25,986.03	338
Aurora	CO	238,483.42	401	341,458.41	668	102,974.99	267
Austin	TX	523,855.88	921	848,623.81	1673	324,767.93	752
Bakersfield	CA	196,021.28	241	368,684.28	328	172,663.00	87
Baltimore	MD	709,644.88	2945	594,591.94	2949	-115,052.94	4
Baton Rouge	LA	222,127.30	649	232,089.30	655	9,962.00	6
Boise	ID	144,422.11	177	224,355.13	283	79,933.02	106
Boston	MA	578,513.81	1952	621,824.81	2121	43,311.00	169
Buffalo	NY	317,411.56	941	250,598.53	750	-66,813.03	-191
Chandler	AZ	116,789.16	115	262,379.19	318	145,590.03	203
Charlotte	NC	438,640.50	897	774,130.50	1763	335,490.00	866
Chesapeake	VA	166,541.45	265	236,774.45	362	70,233.00	97
Chicago	IL	2,822,624.80	12368	2,734,496.80	11551	-88,128.00	-817
Chula Vista	CA	146,148.11	161	254,901.13	200	108,753.02	39
Cincinnati	OH	354,239.94	944	287,142.97	966	-67,096.97	22
Cleveland	OH	498,358.34	1701	389,557.34	1513	-108,801.00	-188
Colorado Springs	CO	305,468.56	474	440,755.53	620	135,286.97	146
Columbus	OH	656,527.94	1510	810,650.94	1848	154,123.00	338
Corpus Christi	TX	263,323.97	379	311,085.97	410	47,762.00	31
Dallas	TX	1,064,262.40	2810	1,255,201.40	3464	190,939.00	654

(continued)

Table 3.4 (continued)

City	State	Estimated population size (1993)	Number of police officers (1993)	Estimated population size (2013)	Number of police officers (2013)	Estimated change in population size (1993–2013)	Estimated change in number of police officers (1993–2013)
Denver	CO	494,409.53	1388	626,957.56	1379	132,548.03	-9
Detroit	MI	1007,642.60	3861	693,445.56	2526	-314,197.04	-1335
Durham	NC	151,890.34	305	243,609.36	512	91,719.02	207
El Paso	TX	529,219.00	862	662,998.00	1056	133,779.00	194
Fort Wayne	IN	182,613.34	328	263,232.34	433	80,619.00	105
Fort Worth	TX	471,750.88	1060	765,337.94	1527	293,587.06	467
Fremont	CA	182,684.50	180	223,434.50	168	40,750.00	-12
Fresno	CA	376,344.28	425	516,807.28	715	140,463.00	290
Garland	TX	191,585.56	241	237,811.56		46,226.00	
Gilbert	AZ	53,036.58		232,301.58	219	179,265.00	219
Glendale	AZ	170,383.55	201	248,970.55	390	78,587.00	189
Greensboro	NC	195,541.92	425	281,686.94	690	86,145.02	265
Henderson	NV	117,737.40		282,433.41	333	164,696.01	333
Hialeah	FL	200,197.92	306	236,862.92	252	36,665.00	-54
Honolulu	HI	367,187.50	1925	379,957.50		12,770.00	
Houston	TX	173,0430.80	4627	2,199,328.80	5007	468,898.00	380
Indianapolis	IN	746,689.38	956	835,807.31	1574	89,117.93	618
Irvine	CA	119,543.25	128	221,588.25	198	102,045.00	70
J Irving	TX	166,208.78	269	227,461.80	336	61,253.02	67
Jacksonville	FL	675,300.13		847,634.06	1589	172,333.93	
Jersey City	NJ	232,058.67	819	251,118.67	799	19,060.00	-20
Kansas City	MO	436,868.31	1171	461,509.34	1276	24,641.03	105
Laredo	TX	138,904.80	218	252,096.80	441	113,192.00	223
Las Vegas	NV	404,708.59	1428	615,352.56	2618	210,643.97	1190
Lexington	KY	235,909.80	388	306,201.78		70,291.98	
Lincoln	NE	202,068.22	246	268,475.22	326	66,407.00	80

Table 3.5 Racial group composition across 100 largest US cities, 2013

<i>City</i>	<i>White population (2013) (%)</i>	<i>Black population (2013) (%)</i>	<i>Hispanic population (2013) (%)</i>	<i>Asian population (2013) (%)</i>
Albuquerque	46.80	2.84	48.30	2.64
Anaheim	27.37	2.51	57.56	15.38
Anchorage	59.72	5.02	8.17	8.75
Arlington	41.87	20.06	30.22	7.35
Atlanta	37.18	51.83	6.01	3.40
Aurora	44.80	15.79	32.72	4.99
Austin	50.16	7.11	37.41	6.70
Bakersfield	36.94	7.74	49.08	6.10
Baltimore	25.84	65.02	4.37	2.42
Baton Rouge	35.66	56.21	3.32	3.58
Boise	84.58	1.47	7.62	3.25
Boston	45.71	22.91	18.59	9.58
Buffalo	43.20	39.60	11.27	3.30
Chandler	62.03	4.82	23.06	8.61
Charlotte	43.27	34.81	14.90	5.37
Chesapeake	59.54	29.68	4.59	2.96
Chicago	33.16	31.90	30.88	5.56
Chula Vista	22.66	4.22	61.96	14.41
Cincinnati	45.92	46.18	2.98	1.92
Cleveland	31.55	53.97	10.81	1.88
Colorado Springs	70.78	5.86	16.94	3.01
Columbus	57.56	28.30	6.00	4.32
Corpus Christi	42.73	3.97	60.85	1.91
Dallas	30.16	23.67	46.95	2.96
Denver	53.65	9.32	34.56	3.43
Detroit	5.23	84.17	7.48	1.06
Durham	36.26	39.91	16.46	5.50
El Paso	30.04	2.79	83.03	1.08
Fort Wayne	69.19	15.49	8.94	3.46
Fort Worth	43.02	18.10	37.29	3.87
Fremont	21.84	2.93	14.83	55.64
Fresno	30.60	7.90	49.96	11.86
Garland	34.20	15.17	42.02	10.16
Gilbert	73.40	3.48	14.95	6.26
Glendale	50.89	6.16	38.28	3.96
Greensboro	43.29	41.20	8.54	4.41
Henderson	63.96	5.10	16.16	8.03
Hialeah	30.00	1.00	95.49	0.26
Honolulu	12.19	2.07	4.18	36.91
Houston	28.74	22.46	46.79	6.26
Indianapolis	56.84	28.11	10.21	2.23
Irvine	41.33	1.49	9.53	42.55

(continued)

Table 3.5 (continued)

<i>City</i>	<i>White population (2013) (%)</i>	<i>Black population (2013) (%)</i>	<i>Hispanic population (2013) (%)</i>	<i>Asian population (2013) (%)</i>
Irving	29.13	12.68	45.66	14.94
Jacksonville	52.28	30.43	8.75	4.62
Jersey City	20.89	24.17	28.90	24.91
Kansas City	53.64	30.19	10.89	2.71
Laredo	29.02	0.31	95.65	0.63
Las Vegas	41.30	10.66	33.87	6.23
Lexington	77.42	13.80	6.12	3.61
Lincoln	81.87	3.94	6.77	4.23
Long Beach	28.29	13.56	44.57	12.09
Los Angeles	32.05	8.65	50.55	11.14
Louisville	55.17	37.51	3.52	2.27
Lubbock	57.73	8.33	33.60	2.41
Memphis	24.68	65.21	7.16	1.82
Mesa	63.58	3.41	29.08	1.89
Miami	30.04	15.66	70.99	0.92
Milwaukee	33.80	41.43	19.02	3.81
Minneapolis	56.46	19.94	12.18	6.19
N Las Vegas	23.79	19.26	39.16	6.84
Nashville	54.15	29.00	11.12	3.41
New Orleans	28.87	61.60	5.05	3.00
New York	33.97	23.30	29.41	13.44
Newark	15.02	49.12	34.81	1.60
Norfolk	42.10	43.96	6.83	3.25
Oakland	26.95	25.18	27.88	16.82
Oklahoma City	55.47	14.67	18.71	4.35
Omaha	66.95	13.60	14.41	2.60
Orlando	41.01	26.86	28.04	4.05
Philadelphia	34.79	43.44	13.15	6.83
Phoenix	46.70	6.03	45.14	3.09
Pittsburgh	63.59	26.29	2.40	4.72
Plano	56.48	7.66	15.85	18.65
Portland	70.71	5.82	10.51	7.40
Raleigh	51.85	28.81	13.10	4.58
Richmond	37.61	50.92	6.77	2.38
Riverside	33.80	6.73	52.66	7.33
Sacramento	33.12	14.15	28.51	18.48
San Antonio	37.25	6.32	64.11	2.43
San Bernardino	19.33	14.60	63.89	3.87
San Diego	45.83	6.01	30.24	16.14
San Francisco	43.02	4.96	15.14	33.49
San Jose	28.36	2.63	34.28	33.95
Santa Ana	15.96	0.85	81.63	10.08

(continued)

Table 3.5 (continued)

<i>City</i>	<i>White population (2013) (%)</i>	<i>Black population (2013) (%)</i>	<i>Hispanic population (2013) (%)</i>	<i>Asian population (2013) (%)</i>
Scottsdale	83.67	1.74	9.48	3.52
Seattle	65.23	7.25	7.13	14.11
St. Louis	40.21	50.26	3.70	3.22
St. Paul	51.86	16.67	10.74	16.55
St. Petersburg	62.93	24.44	7.06	3.42
Stockton	23.14	12.17	42.56	19.77
Tampa	48.23	25.27	24.40	3.65
Toledo	59.99	27.90	7.85	1.08
Tucson	49.75	4.59	43.54	2.79
Tulsa	55.60	16.25	15.44	2.42
Virginia Beach	62.27	20.69	6.91	6.16
Washington	35.82	48.55	9.87	3.76
Wichita	63.08	11.30	16.66	5.24
Winston Salem	46.17	33.41	17.05	2.09

NOTES

1. We suspect that many of the counties with no officer data have no significant county or city law enforcement agencies and rely on state police for law enforcement.
2. Raw figures are available in Appendix Table 3.3.
3. The small population size of North Las Vegas, however, is largely unique. In fact, only one other city, Gilbert, AZ, in 1993 had a population size estimated to be under 100,000.
4. Of the cities in our dataset, 89/100 cities had population sizes between 100,000 and 1,000,000 in 1993.
5. From 1993 to 2013, 15 cities lost residents. These cities are: Detroit, New Orleans, Baltimore, Cleveland, Chicago, St. Louis, Cincinnati, Buffalo, Pittsburgh, Philadelphia, Toledo, Milwaukee, Louisville, Norfolk, and Washington, DC.
6. Table 3.4 in the Appendix details the Black, Asian, Hispanic populations by city in 2013. Our non-White population is an additive measure of the percent Black, Asian, and Hispanic. Also, it is important to note that we only have data for 98/100 cities during this year. We exclude the percent Native American and other race due to very limited available data.

7. From 1993 to 2013, 15 cities lost residents. These cities are: Detroit, New Orleans, Baltimore, Cleveland, Chicago, St. Louis, Cincinnati, Buffalo, Pittsburgh, Philadelphia, Toledo, Milwaukee, Louisville, Norfolk, and Washington, DC.
8. These are the cities that experienced a growth in population of more than 172,334 residents.

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Causes of Passive Representation in American Policing: Politics and Officer Selection

Abstract The previous chapter paints a clear picture of minority underrepresentation in American policing. Yet, we observe considerable variation in the degree of representation, both across groups and over time. This chapter attempts to explain this variation. Why are some departments more racially representative than others? Why do departments' representativeness change over time? Using comprehensive data from 100 large cities over a twenty-year period, we test three possible explanations for this variation. First, the makeup of law enforcement agencies may be susceptible to influence by political leaders. When these leaders care about the racial makeup of the police department's rank and file, they may alter its degree of representation. Second, requirements and restrictions surrounding the hiring of police officers are likely to influence the racial makeup of the force. We focus on one type of requirements, those that mandate that officers live within a certain distance of the jurisdiction. Finally, union presence and strength affects the ease of hiring and firing officer, making it plausible that union presence might also affect the racial makeup of the police force. While all of these characteristics are correlated with changes in passive representation, we find especially robust evidence of influence by political leaders.

Keywords Police-community relationships · Managers · Representative bureaucracy · Policy · Public administration · Criminal justice · Racial representation · Diversity · Policing outcomes · Urban and rural police departments · Recruitment and retention · Passive and active representation Mayor · Police chief · Excessive force complaints · Citizen review boards

4.1 INTRODUCTION

This chapter asks which factors explain the variation in passive representation we demonstrated in Chap. 3. Why are some departments wildly unrepresentative of the populations they serve? We present several possible explanations. First, political leaders may influence the degree of representation in the rank and file of law enforcement institutions. Whereas elections provide a direct path through which citizens select political leaders, ordinary citizens lack robust mechanisms for influencing the makeup of the bureaucracy generally, and the police rank and file specifically. This lack of control over officer selection leaves police hiring and firing decisions to the discretion of leaders. As noted in Chap. 2, research suggests that minority leaders are likely to push for more minority hires. We show that across America's largest cities, the mayor's racial group is consistently correlated with passive representation of the police force, even after accounting for population demographics, indicating that minority political leaders are more likely to advocate for greater passive representation of their minority constituents.

We then explore two other factors that may systematically affect the racial makeup of the police, residency requirements and union membership. Residency requirements impose restrictions on where a department's officers may reside. Many departments require that officers live either within the jurisdiction or within a certain distance from it. These requirements align the racial demographics of the pool of potential officer candidates with the demographics of the jurisdiction's population. Therefore, we expect that cities with residency requirements will be more representative. The evidence supports this expectation, as we find that the implementation of a residency requirement decreases overall disproportionality by 5.6% and moves levels of inclusion in the police for Whites, Hispanics, and Asians closer to representativeness. Curiously, the representation of Blacks is unaffected by these requirements.

Finally, union presence may affect racial representation, as unions tend to have considerable influence over hiring and firing procedures. While this influence could theoretically push representation in either direction, the history of race relations and unions in the United States (Hill 1996) suggests that unions are likely to privilege working-class Whites, on average. Indeed, we find that departments in which officers are covered by a collective bargaining organization (CBO) tend to overrepresent Whites

to an even greater extent than other departments. This overrepresentation comes at the expense of Hispanics and Asians. As with residency requirements, union presence has no significant effect on the representation of Blacks in law enforcement.

4.2 INFLUENCE BY POLITICAL LEADERS

The process by which positions in bureaucratic government institutions like the police, public works, and schools are filled provides a challenge to citizens' abilities to influence the makeup and operations of these institutions in a democratic society. Whereas most political positions are filled through elections, citizens rarely have an opportunity to directly influence the makeup of the bureaucracy. Rather, bureaucratic positions are distributed by other bureaucrats in a process overseen at some higher level by an elected individual or group of individuals, creating many layers of separation between ordinary citizens and the hiring policies of the police. In contrast, elected officials hold the bureaucracy accountable through a combination of monitoring, appointment power, budgetary control, and organization power (Huber and Shipan 2002; McCubbins et al. 1987; McCubbins and Schwartz 1984; Strøm et al. 2003).

Citizens' only real means of bureaucratic control runs through elected representatives. Those seeking to alter the composition of the police must either oust the incumbent representative and hope that his replacement has more closely aligned preferences, or find some way to convince the representative that they are willing to oust him unless he complies. Influencing the makeup of the police in this way is quite costly for citizens, as it is conditional on having accurate information about the current makeup of the police, understanding that the representative in question is responsible for the makeup of the police, the presence of a viable alternative candidate, the absence of other issues that take priority in the citizen's preference ranking among candidates, and undoubtedly numerous other characteristics. In other words, voters are likely to have a very hard time affecting the makeup of the bureaucracy and the police. Thus, while citizens themselves have little direct input on the composition of bureaucracies, elected officials may have great power in this area. We therefore expect the race of the mayor to correlate with the proportion of officers on the force from each racial group.

Hypothesis 1: The mayor's racial group will have higher representation on local police forces.

We test Hypothesis 1 using OLS regression models to predict the representation scores described in the previous chapter. Specifically, for Whites, Blacks, and Hispanics, we test whether having the mayor come from that racial group leads to greater representation in the police.¹ Data on the mayor's race was collected by the authors through a combination of extensive internet searches and direct contact with the mayors' offices in the cities in question. Chapter 2 details a number of possible variables which might influence the racial makeup of the police. We include controls for the proportion of the population from the racial group in question and the city's total population. We also control for unemployment rates of the city's metropolitan statistical area (MSA), the smallest unit for which data is available. Unemployment rates are measured in January of the year in question. In recognition of the general trend toward less representation for minority groups over time, we include a count variable of the number of years since 1993. Models 2, 4, and 6 include city fixed effects, and all models cluster standard errors by state.

Table 4.1 presents the results of several models testing Hypothesis 1. Across the board, there is considerable evidence that the mayor's racial group tends to gain representation in the rank and file of the city's police department. This overrepresentation holds even when controlling for the group's share of the population. Model 1 shows that when the mayor is White, Whites' representation on the police increases by about 9%, an effect which is statistically significant at conventional levels. The effect loses significance when we include city fixed effects (Model 2), indicating that most of the variation is between cities, not within the same city over time. Model 3 shows a similar result, with Blacks increasing their representation in the police by about 3.7% when the mayor is Black. Once again, the effect loses significance when city fixed effects are included. Finally, Model 5 shows that having a Hispanic mayor increases representation for Hispanics by more than 9%. This time, the effect retains statistical significance when fixed effects are included, although the magnitude of the effect shrinks to about 1.5%.

Together, these results strongly support the hypothesis that mayors use their political power to increase passive representation among their racial group across the rank and file police officers.

Table 4.1 Mayor's race and representation in the police

	(1) <i>White</i>	(2) <i>White</i>	(3) <i>Black</i>	(4) <i>Black</i>	(5) <i>Hispanic</i>	(6) <i>Hispanic</i>
Mayor White	0.0930*** (0.0233)	0.00358 (0.00427)				
Mayor Black			0.0372** (0.0181)	-0.00457 (0.00294)		
Mayor Hispanic					0.0936** (0.0381)	0.0145** (0.00625)
White	-0.258*** (0.0882)	-0.904*** (0.0734)				
Black			-0.359*** (0.0368)	-0.780*** (0.130)		
Hispanic					-0.344*** (0.0873)	-0.701*** (0.107)
Agency size	0.0503 (0.0659)	-0.0195 (0.0442)	3.90e-04 (0.0594)	0.0019 (0.0184)	0.0296 (0.0773)	-0.00685 (0.0131)
Population	-3.06e-08 (2.93e-08)	-6.41e-08 (7.49e-08)	5.39e-09 (2.40e-08)	-3.81e-08 (5.29e-08)	-5.02e-09 (3.79e-08)	6.31e-08 (3.89e-08)
Unemp.	0.00496 (0.00337)	0.00408*** (0.00105)	-0.000738 (0.00121)	-0.00193 (0.00134)	-0.00166 (0.00199)	-0.00212*** (0.000565)
Time	0.00221** (0.00101)	-0.00312*** (0.000926)	0.000325 (0.000328)	0.000768* (0.000424)	-0.000306 (0.000653)	0.00120** (0.000541)
Constant	0.204*** (0.0732)	0.696*** (0.0542)	0.00150 (0.0107)	0.121*** (0.0416)	-0.0105 (0.0119)	0.0264 (0.0292)
<i>City FE</i>		Υ_{cs}		Υ_{cs}		Υ_{cs}
Observations	483	483	483	483	483	483
R^2	0.199	0.636	0.514	0.301	0.454	0.424

OLS regression. Standard errors clustered by state

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

4.3 RESIDENCY REQUIREMENTS AND PASSIVE REPRESENTATION

Police departments routinely impose a variety of requirements and standards on their officers, including physical fitness, aptitude testing, and criminal background checks. Some types of requirements are especially likely to influence the racial representativeness of a jurisdiction's police department. This section considers the effect that residency requirements, or the stipulation that officers live within a certain distance from the jurisdiction, have on levels of racial representation.

In their simplest form, residency requirements require that local public employees live within the boundaries of the city in which they are employed (Eisinger 1986). Some law enforcement agencies require that their officers live in or near the city in which they work. Importantly, these residency requirements have become controversial in the present day, drawing support and criticism from opposite sides of the debate.

Critics of these requirements oftentimes are police officers themselves who would like the opportunity to move outside of the city lines and to the suburbs. The requirement that police officers' live in the city limits may be interpreted as obligating them to remain actively protective of a given community during off-duty hours (Rindosh 2012).

On the other hand, supporters believe that these requirements can prevent the failing economic standing of many cities. The “public coffer theory” put forth by supporters of these policies is based on the notion that the salaries paid to civil servants should recirculate within the economy of the city that pays those salaries. Supporters of residency requirements also maintain that these restrictions help city-dwelling minorities gain employment by reducing competition from out of town White suburban Workers (Eisinger 1986). This requirement, in turn, increases communication and reduces socio-economic gaps between a city's White and minority populations (Eisinger 1983).

4.4 ORIGINS OF RESIDENCY REQUIREMENTS FOR POLICE OFFICERS

While the exact origins of residency requirements in American cities remain obscure, scholars contend that the implementation of residency requirements dates back to the party machine era in American cities before the turn of the twentieth century (Eisinger 1986). Residency requirements were related to the idea of the spoils system, where public employees were regularly rewarded by bosses and machine leaders for their past service.

During this time, however, early reformers argued that residency requirement laws served as a barrier to hiring the best candidates for municipal jobs and therefore advocated for their removal. In the 1920s, public administration experts adopted the reform activists' views by

contending that these laws were not in harmony with the merit principle and that the best candidate, regardless of where they live, should be the ones to be hired (Eisinger 1986).

Fifty years later, residency requirements were once again instituted by cities faced with an environment of White flight and with a middle class that was escaping to the suburbs (Stezler 2015). To retain tax money in the city and to improve resident–police relations, particularly with minority members of the community, cities began once again enacting and enforcing residency requirement laws for municipal jobs, especially within the police force (Stezler 2015).

4.4.1 *Jurisprudence Surrounding Residency Requirements*

The contestation of residency requirements has likewise experienced a rich history in American jurisprudence. Courts have routinely held that municipal ordinances requiring employment within city limits are valid and enforceable under the 5th and 14th amendments. Under these Amendments, residency requirements are held constitutional because they meet the rational basis test, the most lenient form of judicial review.

When a federal or state law is being challenged—through either the 5th or 14th Amendment, respectively—courts determine the standard to judge the constitutionality of a given law by assessing whether a fundamental liberty interest or suspect classification is at stake. When no such fundamental liberty interest or suspect classification is at stake, courts apply rational basis review. Under this standard, courts attribute a presumption of validity to the challenged state or federal law. Given that courts will uphold a law passed by a federal or state government if it is rationally related to a legitimate government purpose, the burden of proving otherwise is on the challenger of the law.

The issue surrounding the constitutionality of residency requirements of police officers has previously reached the US Supreme Court. In *Detroit Police Officers Association v. City of Detroit*, 405 US 950 (1972), the Supreme Court affirmed that the lower court’s holding that rational basis review was the appropriate standard for adjudicating residency requirements for police officers.

Following the precedent set by the US Supreme Court, numerous lower courts have applied rational basis review to residency requirements

challenges. A review of these cases is important to understand the typical arguments put forth by governments arguing that residency requirements fulfill a legitimate state interest sufficient to meet the standards of rational basis review. Again, the use of rational basis is important here because it is the least stringent test the court can apply, thus preferencing the state action.

The first record of a challenge of a residency law in court was heard in *Johnson v. State*, 132 Ala. 43, 31 So. 493 (1901). Since *Johnson*, courts across the country have also upheld such requirements for policemen for a number of reasons.² When citing the legitimate government purpose of maintaining residency requirements, one city, for example, noted that such a requirement is “to have those whom [the municipality] helps clothe and feed participate in and contribute support and taxes for its benefit, not for that of cities elsewhere” *Salt Lake City Fire Fighters Local v. Salt Lake City*, 22 Utah 2d 115, 449 P.2d 239 (1969). In another case, one city noted that a residency requirement has a legitimate government purpose for those “unpredictable emergencies inherent in police work.”³ Finally, in a challenge of Newark’s residency requirement, the court noted the city’s legitimate governmental interest in promoting the employment of its residents.⁴

Today, the cases before the courts on residency requirements are more mixed than in the twentieth century. Whereas those cases decided in the twentieth century most often reviewed the validity of a residency requirement that a state or local government had enacted on municipal employees, courts hearing cases on residency requirements today are deciding the constitutionality of both the installation and removal of residency requirements. For instance, the highest courts in Ohio and Wisconsin have upheld state laws barring cities from requiring employees within city limits, whereas courts in Pennsylvania have conversely upheld a law requiring employees of the city to reside within Pittsburgh. Crucially, rational basis review ensures courts provide deference to a city that is either installing or removing a residency requirement, as long as it demonstrates their action is in pursuit of a legitimate governmental interest.

4.4.2 *Illustrative Case Studies*

In the mid- to late 1970s, more than half of America’s largest cities had residency requirements (Ungar-Sargon and Flowers 2014). Between 1993

and 2013, the number dropped from 54% to 20% of American cities. In this section we provide case studies of two US cities that removed their residency requirements during this period. Given the trend in increasingly removing these requirements, we recognize that understanding the narratives behind the removal of these residency requirements in some of these cities is imperative for gleaning the social and political contexts in which residency requirements have been removed.

4.4.2.1 Case Study: Denver, CO

Denver, Colorado, has long grappled with the issue of residency requirements. It implemented a sweeping requirement in 1979 that was curtailed by voters in 1998 and repealed completely in 2001. Yet, the implementation of residency requirements stems from Denver's history as a city in urban crisis in the 1970s and 1980s. During this time, Denver suffered a complex of ills. It was engaged in annexation battles with its suburban neighbors which decimated the city's urban core (Denverurbanism 2012). Denver led the country in empty offices and carbon monoxide pollution, fostered an abandoned warehouse district in its lower downtown area, experienced an oil bust, and saw the closure of its largest downtown department store, the Denver Dry Goods Co. (Olinger 1997).

In response to fears of out-migration of its city employees, or "urban flight," Denver amended its city charter to impose a residency requirement in the late 1970s which was set to take effect in 1979 (Gamrat 2001). The effects of urban flight, and the resulting policies, are most apparent in the Denver public school system. Throughout the late 1970s, Denver lost more than 10% of its population and 50% of its public school enrollment as a result of the middle class moving out of the city and to the suburbs (Gamrat 2001; Duncan 2005). To reverse both trends, Denver amended its city charter and imposed a residency requirement to keep 12,000 middle-class employees and their families within the city limits (Duncan 2005). Ultimately, the staff director for the city council for the city and country of Denver was hopeful that the residency requirement would keep between 40,000 and 50,000 persons within the city limits (Duncan 2005, p. 87).

As city employees, the newly instated residency requirement of 1979 extended to police officers as well. In 1998, Denver voters decided to loosen the residency rule significantly to allow city employees to live not only in the city of Denver but also in six nearby counties (Murray 2014).

Police officers and firefighters supported this ballot drive, citing Denver's rising housing costs and the benefit of expanding the recruiting pool for employees (Murray 2014).

In 2001, Denver voters took a step further and repealed the residency requirement altogether with the support of 51% of the electorate (Murray 2014). Currently, Section 1 of the administration portion of the Denver Municipal Code makes clear that municipal employee residency requirements are prohibited per Colorado Revised Statutes section 8-2-120,⁵ which states in part:

The general assembly hereby finds, determines, and declares that the imposition of residency requirements by public employers works to the detriment of the public health, welfare, and morale as well as to the detriment of the economic well-being of the state. The general assembly further finds, determines, and declares that the right of the individual to work in or for any local government is a matter of statewide concern and accordingly the provisions of this section preempt any provisions of any such local government to the contrary. The general assembly declares that the problem and hardships to the citizens of this state occasioned by the imposition of employee residency requirements far outweigh any gain devolving to the public employer from the imposition of said requirements. (Murray 2014)

Today, Denver is engaged in a resurging debate about residency requirements with respect to mayoral appointees. Jeanne Robb, a longtime Denver City Councilwoman, has been in support of implementing residency requirements for the mayor's appointees (Murray 2014). Robb argues, in part, that the mayor's appointees should be vested in the city and live there. Whether Denver reinstates even a partial residency requirement remains to be seen.

4.4.2.2 Case Study: Cleveland, OH

Cities in the state of Ohio, such as Cleveland, have seen residency requirements since the implementation of the Toledo Charter, which required the residency of all city employees (Ohio Residency). Cleveland voters supported and passed a law that required all new city hires to live in the city in November 1982 (Whitley 2009). The passage of the 1982 law ignited a contentious debate that raged for 25 years, with city leaders supporting the law on the one hand and police and firefighters disputing the law on the other.

Yet from 1982 until 2006, opponents of Cleveland's residency laws slowly attempted to nullify parts of the law. For example, in 1983, just one year after its passage, Mayor George Voinovich's office asked the City Council to exempt ten administrators and specialists from the law (Whitley 2009). In 2004, moreover, a union representing city firefighters filed suit against the city indicating that the residency requirement was arbitrary and unfair (Whitley 2009).

Supporters of the residency law attempted to implement the law with equal force. In 1989, the city's Civil Service Commission investigated 331 employees who were suspected of violating the residency rule (Whitley 2009). The city further implemented the law when, in 2001, Cleveland's law director advised that the law applied to a part-time special assistant who was working for then Mayor Michael White (Whitley 2009).

The debate over residency requirements came to a grinding halt in 2006, however, when the state of Ohio passed a statute barring residency requirements by political subdivisions in the city. The statutory language stated in part:

Except as otherwise provided ... no political subdivision shall require any of its employees, as a condition of employment, to reside in any specific area of the state. (R.C. 9.481)

While police officers and firefighters welcomed the new legislation, at the time the law was passed, Cleveland Mayor Frank Johnson said the law was unconstitutional and vowed to fire workers who moved out of the city (Johnson 2006). In explaining the city's opposition to the state law, Cleveland's city spokesperson Maureen Harper cited the threat to the stability of urban neighborhoods, the protection of inner-city flight to the suburbs, and public opinion (Johnson 2006).

After several more years of debate in the public area, the issue of residency requirements reached the Ohio Supreme Court in 2009 and was put to rest. The Ohio Supreme Court ruled that the 2006 state law barring cities from enforcing residency rules was lawful in a 5-2 ruling; a decision that was arguably crippling to the city of Cleveland. With the ruling, Cleveland Mayor Frank Johnson acknowledged defeat and Cleveland has since abided with the residency law.

4.5 QUANTITATIVE TESTS OF THE EFFECT OF RESIDENCY REQUIREMENTS

Given that residency requirements limit the pool of eligible officers to individuals who live within the jurisdiction, it seems likely that they may lead to officer demographics which more closely match the jurisdiction's civilian population.

Hypothesis 2: Residency requirements will increase racial representation of minority groups.

The variable *Residency Req.* is a simple 1 or 0 indicator for whether the department in question requires that officers live inside of or within a certain distance from the jurisdiction. State laws requiring that law enforcement officers live within the state in which they serve are *not* coded as residency requirements for our purposes. The 1993 LEMAS dataset contains information on whether each department has a residency requirement for officers. Unfortunately, this information was not included in subsequent editions of the LEMAS dataset. We collected data for as many additional department-years as possible. This proved to be relatively easy for the most recent year, 2013, for which we found reliable information for all of the 98 departments for which we have officer race data. Data collection was more challenging for earlier years. We were able to determine whether a city had a residency requirement for 10% of our sample in 2007, 6% in 2003, and 6% in 2000. Thus, our results are driven almost entirely by the 1993 and 2013 data.

In terms of trends, the quantitative data confirms our qualitative investigation. While 54% of the cities in our sample had a residency requirement in 1993, 20% of the cities in our sample retained their residency requirement 20 years later in 2013. Looking at changes in residency requirements by region, we find the largest changes taking place in the Midwest.⁶ The table below depicts the proportion of cities in our dataset with residency requirements in place for the years 1993 and 2013. From 1993 to 2013, we observe a 47% drop in residency requirements in our sample of Midwestern cities. The South, in contrast, experienced the smallest change in residency requirement, with 49% of Southern cities in our dataset having a residency requirement in 1993 and 26% having a residency requirement in 2013. Strikingly, Western cities in our dataset were the least likely to have a residency requirement in place in both 1993 and 2013 (Tables 4.2, 4.3).

Table 4.2 Changes in residency requirements, by region

<i>Region</i>	<i>Residency requirement (1993)</i>	<i>Residency requirement (2013)</i>	<i>Change</i>
South	19/39 (49%)	10/39 (26%)	-23%
West	15/37 (41%)	1/37 (3%)	-38%
Northeast	7/7 (100%)	4/7 (57%)	-43%
Midwest	13/17 (76%)	5/17 (29%)	-47%

Table 4.3 Residency requirement % and racial representation

	(1) <i>Disp. Index</i>	(2) <i>Disp. Index</i>	(3) <i>White</i>	(4) <i>Black</i>	(5) <i>Hispanic</i>	(6) <i>Asian</i>
Residency req.	-0.0562*** (0.0169)	-0.0123 (0.0166)	-0.0777*** (0.0231)	-0.00189 (0.0138)	0.0296** (0.0145)	0.0124*** (0.00397)
Agency size		-0.399* (0.212)				
Population		0.0194 (0.0132)				
Unemployment		0.0103*** (0.00309)				
Time		0.00177*** (0.000591)				
Constant	0.204*** (0.00621)	0.0456 (0.0553)	0.214*** (0.00850)	-0.0721*** (0.00506)	-0.0973*** (0.00532)	-0.0445*** (0.00146)
Observations	212	212	212	212	212	212
R ²	0.118	0.409	0.134	0.000	0.056	0.038

OLS regression. Standard errors clustered by state. City fixed effects

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Next, we use OLS regression with state-clustered standard errors to predict changes in disproportionality and representation associated with changes in residency requirements. To isolate the effects of change over time within each jurisdiction, all models include city fixed effects. Table 4.3 shows the results of several models testing the relationship between residency requirements and racial representation. Model 1 shows a negative and statistically significant relationship between residency requirements and disproportionality scores: The introduction of a residency requirement is associated with about a 5.6% decrease in

a city's disproportionality index. Model 2 adds several time-varying controls, including the size of the police force (*Officers*), the city's population, unemployment in the city's metropolitan statistical area (MSA), and a count variable for the number of years since 1993. Not surprisingly, the addition of these controls washes out the observed effect of residency requirements, as they covary with both residency requirements and disproportionality over time.

Next, we want to know whether residency requirements affect different groups in different ways. Model 3 shows that the addition of a residency requirement is associated with a 7.7% drop in representation for Whites. Since Whites are, on average, overrepresented in the police by more than 17%, this decrease represents movement toward equitable representation. At the same time, residency requirements are associated with an increase in representation of almost 3% for Hispanics and 1.2% for Asians, both of whom tend to be underrepresented. The observed effect of residency requirements on Blacks' representation is neither statistically significant nor substantively important. In other words, residency requirements appear to reduce disproportionality in the police by replacing overrepresentation for Whites with more representation for Hispanics and Asians, while representation for Blacks remains largely unaffected.

4.6 PASSIVE REPRESENTATION AND UNION MEMBERSHIP

Like residency requirements, union involvement can affect decisions about hiring and firing, and therefore has the potential to influence the racial makeup of a police department. Whether union presence should lead to more or less representation for minorities is not immediately obvious and likely depends on the preferences of the union leadership. Generally speaking, if union leaders value minority representation, it is likely that a stronger union presence will cause greater minority representation. On the other hand, if union leaders oppose minority representation, they are well positioned to prevent this outcome. At the margins, however, we believe that union membership should decrease a police department's racial representativeness. In particular, departments with a strong union presence should overrepresent Whites and underrepresent minorities, as unions historically privilege working-class Whites (Hill 1996).

Hypothesis 3: Police departments in which officers are covered by a collective bargaining organization (CBO) will tend to overrepresent Whites and Underrepresent minorities more than those that are not covered by a CBO.

Table 4.4 Union presence and racial representation

	(1) <i>Disp. Index</i>	(2) <i>Disp. Index</i>	(3) <i>White</i>	(4) <i>Black</i>	(5) <i>Hispanic</i>	(6) <i>Asian</i>
Union	0.0311*** (0.0108)	0.00287 (0.00869)	0.0321** (0.0123)	-0.00221 (0.00715)	-0.0220*** (0.00778)	-0.00384 (0.00236)
Agency size		-0.00000339 (0.00000495)				
Population		3.35e-08 (0.000000114)				
Unemployment		0.00413*** (0.00117)				
Time		0.00282*** (0.000629)				
Constant	0.155*** (0.00794)	0.109* (0.0570)	0.155*** (0.00905)	-0.0621*** (0.00526)	-0.0718*** (0.00573)	-0.0375*** (0.00174)
Observations	482	482	482	482	482	482
R ²	0.037	0.339	0.024	0.001	0.032	0.004

OLS regression. Standard errors clustered by state. City fixed effects

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Data on union presence once again comes from the LEMAS dataset. The variable *Union* is coded as 1 if officers are covered by a collective bargaining organization and 0 if they are not. For the years 1993, 2000, 2003, and 2007, about one-third of included departments report the presence of a CBO. In 2013, however, only 10 out of 94 included departments reported a CBO. We use OLS regression with city fixed effects and state-clustered standard errors to estimate union presence's effects on the disproportionality index, as well as representation for individual groups.

Table 4.4 shows the results. Police departments in which officers are covered by a collective bargaining organization tend to have higher scores on the disproportionality index (Model 1). As expected, this effect is a function of unions increasing overrepresentation of Whites and underrepresentation of minorities. Departments with unions have less representation for Hispanics and Asians. The coefficient for Black representation is also negative, although it is not statistically significant. Some caution is warranted in interpreting these results, however. The inclusion of a time control minimizes any observed effect of union presence, as is apparent in Model 2. Thus, while the simpler models find results consistent with Hypothesis 4, it is also possible that some intervening variable is causing both to increase over time.

4.7 TESTING MAYOR'S INFLUENCE, RESIDENCY REQUIREMENTS, AND UNION PRESENCE

So far, we have presented evidence that the race of a city's mayor, police officer residency requirements, and union presence is independently associated with a city's degree of racial representation in the police. How do these factors hold up when analyzed together? To test the robustness of our findings, we conduct additional tests which include all of our predictors of racial representation together in the same models. Table 4.5 shows the effects of each of our predictors on representation for Whites (Models 1 and 2), Blacks (3 and 4), Hispanics (5 and 6), and Asians (7 and 8). All models use OLS regression with state-clustered standard errors and a full slate of control variables. Even-numbered models include city fixed effects.

These models show a positive and significant relationship between the mayor's race and representation in the police for the mayor's group for Whites, Hispanics, and Asians. While we previously found that both residency requirements and union presence are correlated with representation, when we include these variables in the same models as the mayor's race, their effect on representation is completely overshadowed. We do not see a statistically significant relationship between residency requirements and union presence for any of these groups. The effect for the mayor's race is the only variable that remains robust in these specifications.

Finally, as noted above, data availability is quite limited for residency requirements. The models in Table 4.5 include only 212 data points, most from 1993 to 2013. To test mayor's race and union presence using the full sample of data, we rerun these models without residency requirements. Table 4.6 shows the results. Once again, mayor's race is positively and significantly associated with representation for all groups, while the coefficient on union presence is not statistically significant. These results indicate that while there may be a correlation between residency requirements and representation, and between union presence and representation, these correlations do not hold when controlling for other factors which influence representation. On the other hand, the police are consistently more representative of the mayor's racial group than they otherwise would be, and this effect is quite robust to a variety of model specifications and control variables. We conclude that mayors can and do in fact influence the demographic makeup of their cities' police departments, and that they tend to privilege members of their own racial group in doing so.

Table 4.5 Causes of representation—mayor race, residency requirements, and union membership

	(1) <i>White</i>	(2) <i>White</i>	(3) <i>Black</i>	(4) <i>Black</i>	(5) <i>Hispanic</i>	(6) <i>Hispanic</i>	(7) <i>Asian</i>	(8) <i>Asian</i>
Mayor White	0.0757*** (0.0215)	0.0198 (0.0146)						
Mayor Black			0.0201 (0.0184)	-0.00976 (0.00959)				
Mayor Hispanic					0.117*** (0.0382)	0.0408*** (0.00914)		
Mayor Asian							0.00704 (0.0470)	0.0468*** (0.0166)
Residency req.	-0.00877 (0.0214)	-0.0272 (0.0200)	-0.00338 (0.0118)	-0.000875 (0.0115)	0.00560 (0.00831)	0.0111 (0.0156)	0.00763 (0.00747)	0.00409 (0.00246)
Union	-0.0163 (0.0200)	-0.00141 (0.0128)	0.00705 (0.0102)	0.00131 (0.00743)	0.00442 (0.00878)	-0.00357 (0.00751)	0.00342 (0.00439)	-0.000570 (0.00236)
White	-0.261*** (0.0822)	-0.887*** (0.0646)						
Agency size	0.00576 (0.118)	-0.188 (0.120)	0.0343 (0.0928)	0.128 (0.107)	0.0629 (0.0792)	0.0531 (0.0711)	0.0289 (0.0456)	0.0377 (0.0321)
Population	-1.02e-08 (4.39e-08)	2.73e-08 (7.25e-08)	-8.22e-09 (3.50e-08)	-9.68e-08 (7.14e-08)	-1.73e-08 (3.57e-08)	3.54e-08 (4.32e-08)	-1.00e-08 (1.84e-08)	8.00e-09 (1.57e-08)
Unemployment	0.00549 (4.39e-08)	0.0115*** (7.25e-08)	0.00199 (3.50e-08)	-0.00676*** (7.14e-08)	-0.00444 (3.57e-08)	-0.00271 (4.32e-08)	-0.00334 (1.84e-08)	0.0000691 (1.57e-08)

(continued)

Table 4.5 (continued)

	(1) <i>White</i>	(2) <i>White</i>	(3) <i>Black</i>	(4) <i>Black</i>	(5) <i>Hispanic</i>	(6) <i>Hispanic</i>	(7) <i>Asian</i>	(8) <i>Asian</i>
Time	(0.00436) 0.00204*	(0.00258) -0.00429***	(0.00141) 0.0000525	(0.00216) 0.00127**	(0.00287) -0.0000886	(0.00213) 0.00146**	(0.00243) 0.000125	(0.000493) 0.000528***
Black	(0.00111) -0.352***	(0.00117) (0.000389)	(0.000389) -0.821***	(0.000489) (0.127)	(0.000575) (0.0813)	(0.000700) -0.698***	(0.000142) (0.0759)	(0.000154) -0.876***
Hispanic								
Asian								
Constant	0.229*** (0.0591)	0.616*** (0.0509)	-0.0195 (0.0153)	0.182*** (0.0490)	0.00723 (0.0162)	0.0305 (0.0372)	-0.462* (0.263)	-0.876*** (0.0218)
<i>City FE</i>	γ_{es}	γ_{es}	γ_{es}	γ_{es}	γ_{es}	γ_{es}	γ_{es}	γ_{es}
Observations	212	212	212	212	212	212	212	212
R^2	0.237	0.716	0.530	0.448	0.514	0.505	0.529	0.853

OLS regression. Standard errors clustered by state

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Table 4.6 Causes of representation—mayor race and union presence

	(1) <i>White</i>	(2) <i>White</i>	(3) <i>Black</i>	(4) <i>Black</i>	(5) <i>Hispanic</i>	(6) <i>Hispanic</i>	(7) <i>Asian</i>	(8) <i>Asian</i>
Mayor White	0.0934*** (0.0228)	0.00350 (0.00434)						
Mayor Black			0.0368** (0.0176)	-0.00467 (0.00300)				
Mayor Hispanic					0.0934** (0.0365)	0.0144** (0.00633)	0.0543*** (0.0125)	0.0179 (0.0125)
Mayor Asian								0.01161 (0.00102)
Union	-0.0326 (0.0247)	0.00155 (0.00722)	0.0122 (0.0127)	-0.00276 (0.00436)	0.0133 (0.0115)	-0.00146 (0.00416)		
White	-0.265*** (0.0880)	-0.904*** (0.0740)						
Agency size	0.00000491 (0.00000655)	-0.00000198 (0.00000448)		0.00000124 (0.00000190)	0.00000284 (0.00000755)	-0.000000647 (0.00000132)	0.000000321 (0.00000317)	0.00000153 (0.00000257)
Population	-2.86e-08 (2.86e-08)	-6.47e-08 (7.37e-08)	5.82e-09 (2.33e-08)	-3.70e-08 (5.26e-08)	-5.19e-09 (3.74e-08)	6.34e-08 (3.85e-08)	-1.19e-09 (1.46e-08)	1.63e-08 (1.28e-08)
Unemployment	0.00589* (0.00305)	0.00404*** (0.00109)	-0.00109 (0.00120)	-0.00186 (0.00138)	-0.00204 (0.000569)	-0.00209*** (0.000569)	-0.00280 (0.00185)	-0.0000165 (0.000260)
Time	0.00238** (0.00116)	-0.00314*** (0.000958)	0.000224 (0.000344)	0.000781* (0.000424)	-0.000377 (0.000716)	0.00121** (0.000546)	-0.00000790 (0.000344)	0.000219 (0.000283)
Black			-0.355*** (0.0333)	-0.780*** (0.131)				
Hispanic					-0.348*** (0.0874)	-0.700*** (0.106)		
Asian							-0.454 (0.273)	-0.698*** (0.147)
Constant	0.224*** (0.0655)	0.696*** (0.0542)	-0.00521 (0.0112)	0.122*** (0.0415)	-0.0163 (0.0144)	0.0268 (0.0296)	0.00196 (0.00565)	-0.00788 (0.00723)
Observations	482	482	482	482	482	482	482	482
R ²	0.212	0.636	0.520	0.302	0.458	0.425	0.440	0.594

OLS regression. Standard errors clustered by state
 * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

4.8 CONCLUSION

American law enforcement agencies differ dramatically in the degree to which their officers are racially representative of the community they serve. While this variation in representation is no doubt influenced by many factors, we find consistent and robust evidence that the mayor's racial group tends to be better-represented in the police force than they would otherwise be. We interpret this finding as evidence that political leaders use their formal and informal authority to influence police officer hiring and firing decisions, and that race is an important factor in these decisions.

What does this finding mean for citizens? First and foremost, mayoral influence over the makeup of the police's rank and file serves as a means by which citizens can influence who fills non-elected government positions. Citizens have no direct role in selecting the police officers who serve their community. They do, however, vote for the mayor and other political leaders, and it is apparent that these leaders have the capacity to influence the racial makeup of the police. Thus, citizens seeking to alter the composition of the police, whether on the dimension of race or some other dimension, should focus on electing leaders who share their preferences.

This outcome is not an entirely positive one for citizens, however. The large number of rank and file police officers in a typical department provides an opportunity to represent groups proportionally to their share of the population, and to represent multidimensional cleavages. In theory, then, the police rank and file provides a promising avenue for direct participation in governance by many different groups. Strong mayoral influence over the composition of the police moves representation in the direction of majoritarian politics. Mayors tend to be elected by a majority rule or similar process. Because the position of mayor is filled by a single individual, the mayor's influence will tend to privilege a single group. Thus, while creating a democratic link between citizens and the composition of the police, the influence of mayors over this composition is unlikely to lead to a more representative police force.

NOTES

1. We do not test the effect for cities with Asian mayors, as these make up less than 2% of our dataset.
2. E.g., *McCarthy v. Philadelphia Civil Service Commission*, 19 Pa.Cmwlth. 383, 339 A.2d 634 (1975) and *In re Gagliardi's Appeal*, 401 Pa. 141, 163 A.2d *163 418 (1960).

3. See *Quigley v. Village of Blanchester*, 16 Ohio App.2d 104, 242 N.E.2d 589 (1968).
4. *Abrahams v. Civil Service Commission*, 65 N.J. 61,319 A.2d 483 (1974).
5. Colorado Municipal code. Retrieved January 2, 2017, from <https://www.municode.com/webcontent/statelawpamphlets/CO.pdf>.
6. For the purposes of this analysis, we use Census Bureau's designated regions, which defined four regions. Cities classified as *South* were located in the following states: Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, District of Columbia, West Virginia, Alabama, Kentucky, Mississippi, Tennessee, Arkansas, Louisiana, Oklahoma, and Texas. Cities classified as *West* were located in the following states: Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming, Alaska, California, Hawaii, Oregon, and Washington. Cities classified as *Northeast* were located in the following states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, and Pennsylvania. Finally, cities classified as *Midwest* were located in the following states: Illinois, Indiana, Michigan, Ohio, Wisconsin, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

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Active Representation in American Policing

Abstract How does racial representation in law enforcement affect policing outcomes? After all, while passive representation may be intuitively desirable for normative reasons, it should matter most if it leads to changes in the nature and quality of police service provision. This chapter explores the effects of representation on police use of force, both proper and improper. We argue that when the police are more representative of the populations they serve, they should be less likely to behave in ways that harm members of the community. We draw on a number of data sources and outcomes to test this argument. First, we demonstrate that representation is associated with administrative procedures viewed as community-friendly, including formal department policies on how to handle citizen complaints and the presence of a civilian review board to oversee police activities. We then find that increasing representation of Blacks in the police leads to fewer complaints of excessive force. Finally, we look at a more extreme outcome, civilian fatalities caused by the actions of a law enforcement officer. Counterintuitively, we find that representation is associated with a greater number of fatalities. This chapter concludes by suggesting possible explanations for this surprising result.

Keywords Active representation · Racial representation
Excessive force · Police brutality · Police-involved homicides
Civilian review board

5.1 INTRODUCTION

In communities with deep-seated racial divisions, how does passive representation in the police affect the quality of police service provision? Police officers have broad discretion over the way that they interact with citizens as they carry out their duties. When race is highly salient, the racial makeup of the police department is likely to influence the interactions that citizens have with law enforcement officers. This chapter argues that when the police are more representative of the community they serve, officers will be less likely to use force inappropriately against civilians as well as instituting more favorable agency policies.

We begin by exploring the relationship between racial representativeness and two types of administrative procedures which are likely to restrict inappropriate uses of force: the department's policy for handling civilian complaints about the use of force and the presence of a civilian review board which oversees the police. We expect to observe more conscientious administrative procedures when the police are more representative of the civilian population. We then examine the effects of representation on two indicators of officer uses of force: complaints of excessive force and incidents of civilian fatalities caused by law enforcement. We expect to observe less frequent and less severe use of force by police officers when the police are more representative of the civilian population that they serve, translating to fewer complaints of excessive force and fewer civilian fatalities. We note, however, that none of these outcomes perfectly captures the concept of "police brutality" on its own. Rather, our analysis paints a general picture of representation's effects on police behavior toward civilians by triangulating across multiple outcomes. Our findings suggest a close relationship between active and passive representation. Increased passive representation for Blacks is associated with an increased likelihood that a police department will have an official procedure for handling citizen complaints about a police officer's use of force. Furthermore, a city's disproportionality index is associated with a decreased likelihood of the presence of a civilian review board. We acknowledge that unobserved factors, such as a city's culture or the overall police–community relationship, are likely to influence representation and administrative procedures simultaneously, and we stop short of claiming that representation *causes* these procedures to change. Even so, the close relationship between passive and active representation in practice is noteworthy.

The second half of this chapter tests the relationship between representation and police use of force. As expected, increased police representation for Blacks is associated with a decrease in complaints of excessive force. Somewhat counterintuitively, however, we find that counties with higher scores on the disproportionality index experience *fewer* civilian deaths due to legal intervention. In other words, greater passive representation is associated with *more* police-involved fatalities. We close by suggesting several possible explanations for this unexpected finding.

5.2 REPRESENTATION AND OFFICER BEHAVIOR: PSYCHOLOGY, PREFERENCE ALTERATION, AND BEHAVIOR MODIFICATION

There is intuitive desirability to a police force that represents the citizens it serves on politically salient dimensions. After all, officers are responsible for interpreting and enforcing government laws and they are empowered to use force in doing so. It stands to reason that citizens might be better-served by police officers who look like them, speak their language or share their cultural background. Where race is highly salient, as it is in the USA, it is little wonder that racial representation in the police is a high-profile issue.

Most existing research on race¹ and policing, and on race and bureaucratic service provision more generally, deals with interactions between individual officers and civilians. For instance, one set of arguments deals with officers' racial biases and the way that these affect their decisions to use force (Holmes and Smith 2008; Rios 2011; McArdle and Erzen 2001; Lawrence 2000). Individuals may be hardwired to prefer people like them over those who are different from them, and therefore will treat them better. This differential treatment reduces trust in the criminal justice system, leading to a deteriorating spiral of relations between the community and the police.

A second set of arguments suggests that interactions between members of the same group may be more efficient than those between members of different groups. Identity frequently comes with shared norms and understandings (Hardin 1997; Habyarimana et al. 2007; Laitin 2007), inducing greater cooperation between police officers and citizens (Donohue and Levitt 2001). Thus, officers and citizens who come from the same group should communicate and interact with one another more effectively, reducing the likelihood that an interaction will deteriorate to the point where an officer must use force. Interestingly,

there is some evidence that shared identity between a police officer and a civilian may lead to poorer outcomes for civilians (Blair et al. 2016; Weitzer and Hasisi 2008). For example, minority police officers might treat civilians from their own group even worse in an effort to prove to fellow officers how tough they are. In this case, civilians from minority groups might benefit from being policed by *less* representative officers.

Citizens' reactions to and perceptions of the police are also important determinants of police–community relations, and these reactions and perceptions are likely to be shaped by representation. Procedural justice, or the belief that the system is fair, is critical for the way that citizens interact with law enforcement (Tyler 1990, 2004; Hasisi and Weisburd 2011). Police behavior that affects procedural justice may be real (Tyler 2005), but even *perceived* slights may be just as important. Grossman et al. (2016) make a similar point about the judicial system, arguing that when courts are perceived as illegitimate it can lead to antisocial behavior and increases in criminal activity. Some researchers go so far as to argue that procedural justice has a larger effect on attitudes toward the police than does the actual outcome of an encounter (Tyler and Huo 2002; Hasisi and Weisburd 2011). If citizens believe that representation is a component of procedural justice, then representation is likely to affect police–community relations.

This volume takes a somewhat different, more ecological approach to racial representation. We are concerned less with interactions between individuals and more with racial representation's systemic effects. We argue that the effects of race on policing extend beyond narrow interactions between officers and civilians. Representation affects police–community relations not just by increasing the frequency of officer–civilian “matches,” but also by altering the behavior of all officers by constraining their actions, changing administrative procedures, and altering department culture in a way that affects officers' behavior. For example, representation may restrict the behavior of officers who would otherwise engage in racial bias or use excessive force by placing officers from other groups in a position to monitor and sanction the behavior of their fellow officers. In diverse communities, enhancing police representation increases the likelihood that police officers from different groups will be present at an incident. In turn, officers from different groups can monitor one another's behavior and impose sanctions on officers who behave inappropriately. Sanctions may simply involve exerting social pressure or they may escalate to reporting behavior to a supervisor or making an

officer's behavior public. In any case, the presence of officers from other racial groups is likely to restrict the ability of other officers to engage in racially motivated behavior. Representation may also go hand in hand with administrative procedures which decrease the frequency of officer misconduct. This chapter looks at the relationship between representation and two such procedures, department policies for handling citizen complaints of excessive force and the presence of a civilian review board which oversees officer behavior.

5.3 RACIAL REPRESENTATION AND AGENCY PROCEDURES

We test the effects of racial representation on agency procedures by exploring two outcomes: (1) whether a department has an official written policy for how to handle civilian complaints and (2) whether a department is overseen by a civilian review board. While these are not traditional street-level administrative outputs, they reflect the literature's attention toward relevant department-level policy as examples of active representation.

Both agency policy variables come from the LEMAS data. Written complaints policies are available for 1993, 2003, and 2007, while the existence of a civilian review board is included for 1993, 2000, 2003, and 2007. In 1993, 78% of departments in the 100 largest cities had an official policy for handling complaints. In 2003, only one department (out of 98 reporting) did not have a policy, and by 2007, all 100 departments reported that they had a policy. Thus, our results are driven primarily by variation in the 1993 data, and we should be cautious not to draw inferences about police behavior today from findings based on this data. Yet, this analysis does provide a window into the way that changing levels of representation influence police department policies.

Hypothesis 1: Increases in racial representativeness will be associated with higher likelihood of adopting official written procedures for handling civilian complaints.

Hypothesis 2: Increases in racial representativeness will be associated with higher likelihood of adopting a civilian review board.

Table 5.1 tests the relationship between racial representation and the presence of an official policy for handling complaints. The complaints policy variable is a dichotomous indicator which takes a value of one if the department has an official policy. We therefore use logistic regression models.

Table 5.1 Racial representation and adoption of written policy for citizen complaints

	(1)	(2)	(3)	(4)	(5)
Disproportionality	-3.034 (3.344)				
Rep. White		-2.982 (2.814)			
Rep. Black			8.147*** (2.903)		
Rep. Hispanic				-5.161 (3.258)	
Rep. Asian					-4.495 (3.812)
Agency size	0.000347** (0.000160)	0.000349** (0.000168)	0.000520*** (0.000171)	0.000392** (0.000168)	0.000336** (0.000162)
Population	-0.0219*** (0.00756)	-0.0218*** (0.00791)	-0.0291*** (0.00794)	-0.0241*** (0.00849)	-0.0217*** (0.00770)
Unemployment	0.173 (0.150)	0.168 (0.158)	0.151 (0.186)	0.0620 (0.136)	0.0880 (0.145)
Time	0.443*** (0.171)	0.441*** (0.167)	0.426** (0.170)	0.436** (0.202)	0.433** (0.182)
Constant	1.384 (1.071)	1.400 (1.074)	1.901 (1.353)	1.381 (0.908)	1.330 (0.926)
Observations	290	290	290	290	290

Logistic regression. State-clustered standard errors

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

We control for other department-level characteristics which may influence administrative procedures, including agency size (number of officers), city population, unemployment rates, and general time trends. Unfortunately, the lack of variation in the final year of the data precludes the inclusion of department fixed effects. Standard errors are clustered by state.

Table 5.1 shows that of our measures of racial representation, only one, representation for Blacks, is significantly associated with the likelihood of a complaints policy. Column 3 shows that departments which are more representative of Blacks are more likely to have an official policy for how to handle civilian complaints. Larger police departments are more likely to have an official policy. The coefficient on population size is negative, meaning that cities with more people are less likely to have an official policy.

Next, we test the effects of representation on the presence of a civilian review board. Throughout our four years of data, just under half of reporting departments had a civilian review board, and the proportion is relatively stable over time. We once again use logistic regression due to the dichotomous dependent variable, and control for the number of police officers, civilian population, unemployment rate, and time.

Table 5.2 shows a strong, negative relationship between disproportionality and the presence of a civilian review board (Column 1), indicating that departments which are more racially representative are more likely to have a review board. We also find a positive relationship between representation for Asians and the presence of a review board, although this association is somewhat weaker. Larger agencies are more likely to have review boards, while cities with higher unemployment rates tend to be less likely to have review boards.

We stop well short of claiming that representation *causes* an increase in the likelihood of a complaints policy or civilian review board. In fact, it is quite likely to be the case that the same factors which make a department more representative (a minority mayor, as demonstrated in Chap. 4, but also cultural and other difficult to quantify factors) also make the department more likely to implement these procedures. We attempt to mitigate this risk somewhat by including various controls in our regression models, but there remain many unobservable factors like the quality of the police–community relationship which we cannot completely account for. Despite this limitation, however, these findings reveal a clear relationship between passive and active representation in the form of administrative procedures which we expect to have a real influence on police behavior,

Table 5.2 Racial representation and adoption of civilian review board

	(1)	(2)	(3)	(4)	(5)
Disproportionality	-3.960*** (1.446)				
Rep. White		-1.161 (1.315)			
Rep. Black			1.218 (1.981)		
Rep. Hispanic				2.745* (1.469)	
Rep. Asian					1.171 (1.382)
Agency size	0.000879* (0.000496)	0.000870* (0.000466)	0.000945* (0.000499)	0.000747 (0.000467)	0.000842* (0.000466)
Population	-0.0116 (0.00952)	-0.0110 (0.00918)	-0.0129 (0.0104)	-0.00738 (0.00917)	-0.0102 (0.00936)
Unemployment	-0.0652 (0.0631)	-0.0990 (0.0681)	-0.105* (0.0590)	-0.0831 (0.0672)	-0.0994* (0.0595)
Time	0.0702** (0.0281)	0.0591** (0.0291)	0.0534** (0.0244)	0.0574** (0.0261)	0.0534** (0.0245)
Constant	-0.384 (0.357)	-0.599 (0.371)	-0.628* (0.374)	-0.661* (0.342)	-0.701** (0.353)
Observations	326	326	326	326	326

Logistic regression, State-clustered standard errors

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

including the use of force against civilians. This finding is important for the field of representative bureaucracy beyond studies of policing. For decades, scholars have focused almost exclusively on traditional street-level outputs (test scores, sexual assault complaints, etc.) with little attention toward policy-based measures of active representation. While early literature acknowledged the policy aspect, contemporary literature has turned its attention away from this focal point (Kennedy 2013).

5.4 RACIAL REPRESENTATION AND EXCESSIVE FORCE COMPLAINTS

This section tests the effects of representation on officer uses of force. We begin by investigating the effects of racial representativeness on citizen complaints of excessive force. Apart from some abstract consensus around unnecessary, “extralegal” actions directed toward citizens, no single unifying popular, scholarly, or legal definition of excessive force exists (Blum and Ryan 2008; Alpert and Smith 1994). Additionally, the clandestine nature of policing activities means that proper observation and verification of excessive force remains an exceedingly difficult methodological task (Holmes and Smith 2008). Frequency and validity of excessive force claims, even those instances in which clear video or audio evidence exists—such as with the case of Rodney King in Los Angeles or Walter Scott in North Carolina—remain subjective and open to interpretation. For instance, while racial minorities overwhelmingly perceived the 1991 Rodney King beating as obvious use of excessive police force, White citizens tended to perceive the force as reasonable in detaining someone under the influence of narcotics and accused of serious criminality (Lawrence 2000; Holmes and Smith 2008). This reflects larger racial cleavages over the existence and magnitude of excessive police force employed in US society.

Racial minorities, especially African-Americans and Hispanics, consistently report the continued existence of systemic discriminatory, punitive policing practices and regular use of excessive force. Conversely, White citizens generally discount claims of widespread excessive force and police racism and instead perceive that police treat all citizens equally and without enmity. From the perspective of the dominant group, greater use of force against certain minority segments of the population properly reflects the disproportionate criminal threats and resistance to police from minority communities (Holmes and Smith 2008; Weitzer and Tuch 2006).

Irrespective of racial representation in US police forces, these enduring perceptual differences among racial groups in society are likely to linger. The useful legal standard of excessive force that has developed centers around the “objective reasonableness” of force employed in unique police–citizen situations, with nuanced sets of contexts and circumstances—as set forth in a 1989 Supreme Court ruling in *Graham v. Connor*, further inviting and engendering perceptual subjectivity (Locke 1996). One can’t help but think of United States Supreme Court Justice Potter Stewart’s famous phrasing when attempting (and failing) to tightly define obscenity, “I know it when I see it.”

Accompanied by continued conceptual ambiguity of “reasonableness,” especially as it relates to police–citizen interactions, *excessive force* can be defined to encompass any unlawful, extralegal, or unnecessary form of verbal or physical abuse or misconduct, including everything from racial slurs, sexual harassment, and unneeded searches to unwarranted physical battery toward citizens and extralegal use of deadly force (Holmes and Smith 2008). Recent scholars of police brutality have argued that conceptually speaking, excessive force most clearly entails unnecessary use of physical force, contact, or battery that extend beyond lesser acts of verbal abuse and profiling in police stops and seizures because while “other abusive practices constitute relatively minor infractions that carry little risk, excessive force potentially carries severe sanctions for offending officers” (Holmes and Smith 2008, p. 6).

While we understand the need and desire to exclusively examine more serious and maximal physical acts of excessive force, including police-involved homicides, which we proceed to examine directly in the next section of this chapter, citizen complaints of excessive use of force can be levied against frontline officers for myriad forms of police abuse and misconduct, both verbal and physical in nature (Bureau of Justice Statistics 2015). Indeed, according to Bureau of Justice Statistics (BJS) analysis of data from 2002 to 2011 on non-lethal use of force, “of those who experienced force during their most recent (police) contact, approximately three-quarters (71.4%) described the *verbal force* as excessive” (BJS 2015). Moreover, recent research has found that police use of profanity can heighten one’s perception that physical police force crosses over into illegitimate excessive force (Patton 2016). We remain largely ambivalent toward this conceptual debate in this empirical section and instead cast our net in the broadest manner possible, capturing the *total number of citizen complaints regarding excessive use of force*.

In 2003, LEMAS began collecting police agency data on the total number of “current dispositions for all formal citizen complaints regarding use of force” (Bureau of Justice Statistics 2003). While we believe this represents a relatively reliable and valid indicator of the local jurisdictional frequency of excessive police force, it is not immediately clear what the exact nature of these citizen complaints entail. That is, we are unsure of the physical or verbal nature of the exact police–citizen contact, and we also lack information about the severity and veracity of the claims being made. For instance, one agency might have a greater total number of citizen complaints, but for relatively minor non-physical infractions like excessive use of verbal threats, profanity or racial slurs; whereas, another agency might display a lower overall frequency of citizen complaints, but the nature of each complaint might unveil relatively serious forms of physical battery and assault toward citizens. Although ultimately imperfect, systematic data gathering and research examining police brutality and excessive force claims remains underdeveloped in a general sense (Holmes 2000; Holmes and Smith 2008). Thus, we believe that our measure of *citizen complaints of use of force* presented here can augment and illuminate scholarly discussions and evidence of excessive police force in America.

Data on the total number of complaints of excessive force comes from the LEMAS dataset. Unfortunately, LEMAS collected this information from individual agencies only in 2003 and 2007, limiting the size and scope of our sample. We analyze complaints for the primary law enforcement agency in each of the 100 largest cities. Of these, 97 reported the number of force complaints received in 2003, and 88 reported their number of complaints in 2007. Three cities reported that they received no complaints of excessive force: Aurora, CO (2003), Fremont, CA (2007), and Irvine, CA (2007). At the high end of the measure, three cities reported receiving more than 2,000 complaints in a single year: Chicago, IL, in 2003 (2890 complaints), New York, NY, in 2003 (4450 complaints), and New York, NY, in 2007 (7663 complaints). The average number of complaints received was just under 184; however, this is skewed heavily by a few extremely high observations. The median city reported only 39 complaints.

Hypothesis 3: Increases in racial representativeness will lead to decreases in the number of complaints of excessive force.

We once again use regression analysis to test the relationship between racial representation and the number of excessive force complaints.

Because the number of complaints is skewed heavily toward the low end of the scale, we use a negative binomial model. One of the main problems with analyzing force complaints is that different departments use different systems for collecting and managing these complaints. It is almost certainly easier to file a complaint in some cities than others, a difference which is likely to affect the overall number of complaints that are made and reported to the BJS. While we cannot completely solve this problem, we address it by including city fixed effects in all models. The comparison, then, is between the number of reports received by each city across the two time periods. In other words, the effects we report are within cities and over time, not between cities. Since the previous section notes that only one department, Charlotte, NC, changed its system for collecting complaints from 2003 to 2007, these fixed effects should prevent the introduction of bias from differences in the way that complaints are handled. While the inclusion of fixed effects is beneficial for inference, it further decreases our sample to a total of 168 cities, since those for which we have data in only one year are dropped.

We control for the city's population size, as larger cities will almost certainly have more complaints. We also control for the agency size, measured by the number of sworn police officers in the department. While we might think that more officers will lead to more interaction with citizens, and therefore more opportunities for the use of force, it is also plausible that a higher officer to citizen ratio might reduce instances in which force is used. The presence of additional officers can help keep a situation calm and prevent officers from getting "in over their heads." Furthermore, when officers might be tempted to use excessive force, the presence of additional officers observing their actions may prevent them from doing so. Finally, we control for the unemployment rate of the metropolitan statistical area (MSA) to which the city belongs. We expect higher rates of unemployment to be associated with more difficult policing and, consequently, more instances of the use of force and more opportunities for citizens to complain that force was used excessively.

Table 5.3 shows the results from these tests. We see a statistically significant decrease in the number of excessive force complaints when representation of Blacks increases (Column 3). On the other hand, increasing the representation of Asians is associated with an increase in complaints of excessive force. Representation of Whites and Hispanics is not associated with force complaints nor is a city's overall score on the disproportionality index. As expected, cities with larger populations experience

Table 5.3 Racial representation and excessive force complaints

	(1)	(2)	(3)	(4)	(5)
Disproportionality	-0.278 (2.116)				
Rep. White		0.120 (1.250)			
Rep. Black			-3.710* (2.192)		
Rep. Hispanic				0.313 (2.155)	
Rep. Asian					4.565* (2.429)
Agency size	-0.000245** (0.000108)	-0.000246** (0.000109)	-0.000288** (0.000116)	-0.000250** (0.000112)	-0.000258** (0.000109)
Population	0.120** (0.0500)	0.120** (0.0502)	0.139*** (0.0537)	0.122** (0.0520)	0.130** (0.0510)
Unemployment	0.0628 (0.0518)	0.0617 (0.0516)	0.0365 (0.0550)	0.0615 (0.0514)	0.0777 (0.0511)
Constant	-0.0567 (0.459)	-0.117 (0.381)	-0.208 (0.353)	-0.0748 (0.367)	-0.0620 (0.321)
Observations	168	168	168	168	168

Negative binomial regression. City fixed effects

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

more complaints. Interestingly, agency size is negatively associated with the number of complaints received (after controlling for population size): Police departments with more officers receive fewer force complaints, all else equal. This suggests that providing more readily available backup for officers may reduce the likelihood that they use excessive force against civilians. Finally, unemployment is not significantly related to force complaints after accounting for the other predictors. While based on very limited data, this evidence suggests that increasing Black representation on US police forces can work to reduce excessive force claims.

5.5 RACIAL REPRESENTATION AND OFFICER-INVOLVED FATALITIES

The number of citizen complaints is an important outcome in their own right, but because we do not know what portion of “actual” incidents of excessive force are reported, our ability to draw inferences about police behavior is limited. Another way to try to measure police use of force is through instances in which a civilian was killed due to the actions of law enforcement. Civilian fatalities are, of course, an extreme outcome. There are many instances of improper police conduct that are unquestionably harmful to citizens and the community, but do not result in a fatality. Fatalities are not necessarily representative of broader police–community relations. Even so, these extreme outcomes have a profound influence on police–community relations because they tend to be widely reported in the media. Furthermore, while data on fatalities is far from complete (see below), the importance and profile of these events means that records are likely to be more reliable than data on less severe outcomes.

5.5.1 *Measuring Police Use of Deadly Force*

Existing research uses a number of different data sources to investigate the causes of police officers’ fatal use of force, officer-involved homicides, or other actions by police officers which result in the death of a civilian. For example, Nicholson-Crotty et al. (2017) analyze the “Mapping Police Violence” dataset which is itself an aggregated database of three crowdsourced datasets.² These and similar data sources rely on crowdsourcing to encode reports of police use of force in a central location, including information about the date and location of the incident. Victim characteristics such as name, race, and age are frequently recorded as well.

We investigated the accuracy and completeness of several of these sources to determine whether they were appropriate for use in our analysis. Even a cursory investigation led to serious concerns about their accuracy. Using a version of the US Police Shootings Database downloaded on August 24, 2016, we found numerous errors, including duplicate entries for the same shooting, misidentified locations, and shootings attributed to the wrong law enforcement agency. One of the most common types of errors involved duplicate entries for the same incident on two or more dates: one entry for the date on which the incident actually occurred, and additional entries for the dates on which the incident was recorded by the news. In one instance, a shooting that occurred in the country of Jamaica was attributed to the non-existent town of Jamaica, Wisconsin. Overall, nearly one in three entries in this dataset was incorrect. We acknowledge that the studies cited above performed their own data cleaning before conducting analysis on this and other data, and our investigation into data quality is not intended to call into question their findings. Rather, we simply suggest that the quality of these crowdsourced datasets is so low as to warrant the use of alternative sources.

The data cleaning and fact checking described above, both by the authors of this volume and by the cited research, focuses primarily on avoiding “false positives,” or the incorrect inclusion of incidents that should not have been recorded. A second threat to inference, one that is arguably even more likely than false positives, is the exclusion from the dataset of events that should have been included—i.e., “false negatives.” Any incident that meets the qualifications for inclusion in the dataset but does not appear in the dataset is a false negative. Incidents may be incorrectly excluded from crowdsourced datasets if they are not reported by the news media, if the news source in which they are reported is not easily accessible to those aggregating the incidents, or if the individuals aggregating incidents decline to include the incident for any reason other than the official criteria.

One problem for researchers is that all of these reasons for exclusion are almost certainly correlated with factors that we care about in relation to officer use of fatal force. For example, incidents that occur in areas where police–community tensions are disproportionately high are more likely to receive widespread media coverage. With the national attention surrounding fatal encounters between White police officers and Black civilians, these incidents may be more widely reported than fatal encounters involving Black police officers or White civilians. Incidents

that occur in small towns with limited media coverage are also less likely to be included in the datasets. Finally, these crowdsourced projects are motivated in large part by the national discussion of police–community relations in the wake of fatal encounters between White officers and Black civilians. It is entirely plausible that some of the individuals coding data for these projects—individuals who are not vetted and have no official status as researchers for these projects—might exert greater effort in finding incidents which conform to their expectations.

A final limitation of the crowdsourced datasets is their scope. Most of these sources were created in the wake of Michael Brown’s death and subsequent national interest in police-involved fatalities of Black men. Killedbypolice.net begins in May 2013, US Police Shootings Database in January 2011, and Mapping Police Violence in January 2013. Fatalencounters.org provides data as early as January 2000, but collection efforts did not begin until 2013, and collecting incident data retroactively from news archives tends to get progressively more difficult (and the resulting data less complete) the farther back one goes. The limited time coverage of these datasets hampers researchers’ abilities to draw inferences about the causes of these deaths. At best, they provide a snapshot of the distribution of police-involved fatalities during a brief window. Researchers who wish to determine causes of these incidents are forced to compare across jurisdictions which are not equivalent to one another in so many ways. There is little opportunity to compare changes over time within each jurisdiction, a much more conservative methodological approach given the vast diversity in American cities, counties, and the law enforcement agencies that serve them.

We attempt to avoid the problems described above by avoiding crowdsourced data altogether. Instead, we use the Center for Disease Control’s (CDC) “Multiple Mortality Cause of Death” dataset. The CDC collects and publishes county-level records of every reported death in the USA each year. The dataset includes codes for a variety of factors deemed to have contributed to the cause of death. One category of codes deals with the influence of “legal intervention,” meaning that the deceased’s interactions with a law enforcement officer contributed to his or her death. Codes include factors such as death due to firearms, blunt objects, and “unspecified means” when injuries were inflicted by a law enforcement officer. Krieger et al. (2015) use this data to provide an excellent overview of trends in police-involved fatalities. We follow their lead in using this dataset to investigate police use of fatal force. We count all deaths due

to “legal intervention” with the exception of “legal execution.” We then match this data with county-level data on police officer demographics from 1993, 2000, 2003, and 2007. Thus, in addition to avoiding the problems with biased inclusion discussed above, the CDC data provides superior opportunities for inference by providing panel data over a lengthy period, and it allows a unique opportunity to investigate police-involved fatalities before the massive increase in media attention that occurred in 2013.

For data years 1993, 2000, and 2003, counties with population less than 100,000 are censored from the data; the death and relevant codes are included in the dataset, but the observation is identified only by state, making it impossible to test against police representativeness.³ Thus, the analysis excludes all counties with a population under 100,000 for these years. For data year 2007, all counties are identified. Table 5.4 shows a summary of the number of deaths due to legal intervention recorded by the CDC each year, including counties censored from the analysis, along with the total population of all counties. It then shows the population and number of deaths for only the counties included in this analysis. The first thing to note is that officer-involved fatalities are exceptionally rare events. Less than two in a million civilians experience an officer-involved fatality each year. Second, the counties included in the dataset are systematically more likely to experience a death due to legal intervention, but the difference is generally not very large. This trend is not surprising given the expectation of greater citizen–police violence in urban areas compared to those that are sparsely populated. Thus, while the restriction of the available data to more populous counties is somewhat limiting, we believe it is reasonable to use the data that we have to draw inferences about the relationship between representation and police-involved fatalities nationwide.

Table 5.4 Police-involved fatalities across US counties, 1993–2007

<i>Year</i>	<i>All counties</i>			<i>Included counties</i>		
	<i>Population</i>	<i>Deaths</i>	<i>Deaths per million</i>	<i>Population</i>	<i>Deaths</i>	<i>Deaths per million</i>
1993	257,782,605	339	1.32	181,766,367	274	1.51
2000	282,194,308	285	1.01	200,213,083	221	1.10
2003	290,447,644	371	1.28	209,255,841	299	1.43
2007	301,621,157	386	1.28	253,849,768	357	1.41

There is little doubt that the CDC mortality data is incomplete. Many other sources of officer-involved fatalities include upwards of 1000 incidents per year despite covering a smaller segment of the population. The main advantage of the CDC data is not that it is more complete, but that selection into the dataset should be closer to random with regard to the outcomes we care about. Inclusion in the CDC mortality dataset requires that the county coroner fills out a death certificate, that the coroner includes the appropriate cause of death code, and that the death certificate is reported to the CDC. While it is possible that coroners may be hesitant to implicate police officers in the deaths of civilians if they work closely with the police, this concern is mitigated because the coroner's determination has no official bearing on any determination of wrongdoing for the police officer. Police departments review officer-involved uses of force independently of the coroner's report, as do any legal proceedings that may occur. Furthermore, the coroner's determination of cause of death makes no judgment of whether the officer's actions were justified or their use of force appropriate. The cause of death code refers only to whether the actions of a law enforcement officer contributed to the fatality. On balance, we believe that this coding is less likely to be influenced by factors of politics and race than when individuals contribute to crowdsourced datasets. Thus, while the CDC mortality dataset is unlikely to include all instances of officer-involved homicides, exclusion should be somewhat random with regard to police representativeness and other political factors.

The general argument of this chapter is that improper or excessive use of force by the police should decrease when the police are more representative of the community they serve. At face value, this theory would seem to predict fewer officer-involved fatalities when representation increases. The problem with this argument is that many, and likely most, of the officer-involved fatalities we observe are instances in which the police were justified in their use of force. These are not instances of excessive force but rather police officers performing their duties appropriately and admirably, but nonetheless leading to an unfortunate outcome. Since we do not have the necessary information to separate justified from unjustified fatalities, some assumptions are necessary to interpret the total number of deaths in a useful way. We note that the total number of fatalities is the number of justified fatalities plus the number of unjustified fatalities. This means that if the number of justified fatalities is unaffected by representation, then a decrease in the overall

number of fatalities when representation increases would be indicative of a decrease in unjustified fatalities. This allows us to form a tentative hypothesis about the relationship between representation and officer-involved fatalities.

Hypothesis 4: Officer-Involved Fatalities will decrease as racial representativeness increases.

To reiterate, such a relationship would only indicate decreasing police brutality if it is in fact the case that only unjustified fatalities, but not justified fatalities, are affected by representation. Even if this is not the case, however, the total number of fatalities still reveals important information about a community's relationship with the police. We might view these deaths in general terms as indicative of a negative or hostile police–community relationship. In the aggregate, an increase in situations in which the use of deadly force is necessary is indicative of a poor relationship between the police and the community. On a case-by-case basis, officers can hardly be criticized for using lethal force when it is necessary to prevent the target from harming others. However, these types of situations would ideally be prevented from occurring in the first place. By the time a situation has escalated to the point of requiring the use of lethal force, the public is no longer “safe.” Rather, high-quality provision of public safety by the police would mean fewer instances in which officers are required to use force to begin with. We believe that enhanced racial representation will yield relatively reserved, deescalated discretionary front-line policing practices, employing less lethal forms of force, and thus, we expect fewer overall police-involved fatalities as representation increases. A more representative police force could also yield mutually improved posturing and behaviors from the citizenry, reducing the likelihood of encountering situations in which lethal force might be used.

We use a series of multivariate regression models to test the relationship between representation and the number of police fatalities in a county-year. Because most county-years have zero deaths due to legal intervention, and only a small proportion have one or more deaths, we use a negative binomial model. We control for a number of other possible causes of fatalities, including the county's population and the civilian population's racial diversity (*ELF*, a standard measure of fractionalization which we calculate based on the population proportions of Whites, Blacks, Hispanics, Asians, and Native Americans). We also control for the proportion of the county's population that is Black due to the possibility

that law enforcement in the USA has a negative relationship with the Black community and perceives heightened racial “threat” while policing in predominantly Black areas (Holmes and Smith 2008). All models also control for time and cluster standard errors by state.

Table 5.5 displays results related to officer-involved fatalities. Models 1 and 2 look at the effect of a county’s disproportionality index score on the rate of officer-involved fatalities. Counterintuitively, we see a robust negative relationship between the two variables, meaning that county-years in which the police were more disproportionate (i.e., less representative) experience *fewer* officer-involved fatalities. Put another way, representation in policing is associated with *more* officer-involved fatalities. Controls generally have the expected effects. Larger counties (by population) and more diverse counties have more fatalities. Model 2 adds additional control variables that have limited coverage across the dataset but nevertheless appear to be important predictors of fatalities. The negative relationship between disproportionality and the number of fatalities persists. We also see that counties with more violent crime, estimated using aggravated assaults per-capita, experience more officer-involved fatalities.

Model 2 also includes an interaction term between disproportionality index scores and the proportion of the population that is Black to test whether disproportionality matters more in counties with larger Black populations. The result indicates that as the proportion of a county’s population that is Black increases, the negative effect of disproportionality on fatalities decreases. In other words, police disproportionality has a larger effect when there are few Blacks in the civilian population and a smaller effect when there are more Blacks in the civilian population. In both cases, however, increases in disproportionality are associated with *fewer* officer-involved fatalities. Models 3–6 show the results for representation by Whites, Blacks, Hispanics, and Asians, respectively. Interestingly, although these representation scores are components of the overall disproportionality index, they have no independent effect themselves on the rate of fatalities. Nicholson-Crotty et al. (2017) find evidence of a threshold effect of the proportion of Black officers on the number of fatalities. To test whether a similar effect exists between representation and fatalities in our dataset, we reran each model with an additional quadratic predictor for our representation variables (models not shown due to space constraints). We find not consistent evidence of a threshold effect of representation.

Table 5.5 Racial representation and police-involved fatalities

	(1)	(2)	(3)	(4)	(5)	(6)
Disproportionality	-3.185** (1.239)	-5.571*** (1.334)				
Rep. White			0.0955 (0.497)			
Rep. Black				-0.000639 (0.813)		
Rep. Hispanic					-0.377 (0.958)	
Rep. Asian						-0.495 (2.451)
Population	0.143*** (0.0329)	0.140*** (0.0317)	0.157*** (0.0332)	0.157*** (0.0341)	0.157*** (0.0335)	0.156*** (0.0328)
ELF	4.159*** (1.047)	4.811*** (0.968)	3.234*** (0.835)	3.255*** (0.819)	3.219*** (0.792)	3.238*** (0.829)
Prop. Black	0.417 (1.117)	-2.631** (1.048)	0.281 (0.994)	0.289 (0.942)	0.327 (0.992)	0.302 (1.015)
Time	-0.116*** (0.0377)	-0.0968** (0.0376)	-0.135*** (0.0384)	-0.135*** (0.0385)	-0.135*** (0.0382)	-0.135*** (0.0385)
Prop. Male		-8.738* (4.568)				
Agg. assaults p/c		86.68** (35.14)				
Disp. x pop. Black		11.65*** (3.965)				
Constant	-1.768*** (0.541)	2.227 (2.368)	-1.570*** (0.545)	-1.571*** (0.546)	-1.574*** (0.540)	-1.575*** (0.545)
Constant	0.832*** (0.117)	0.787*** (0.107)	0.876*** (0.110)	0.875*** (0.110)	0.875*** (0.110)	0.875*** (0.110)
Observations	2874	2344	2874	2874	2874	2874

Negative binomial regression. Standard errors clustered by state. Year fixed effects

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

We might also wonder whether racial representation in the police specifically affects the likelihood of Black fatalities. Particularly in light of the events discussed in Chap. 1, it seems reasonable to expect that increasing representation for minorities in the police may decrease excessive force used against Blacks even if representation is correlated with more fatalities overall.

Hypothesis 5: The proportion of officer-involved fatalities who are Black will decrease as police representativeness increases.

Table 5.6 shows several models testing this hypothesis. The dependent variable is the proportion of officer-involved fatalities that are Black. This means that the data is subset to only those county-years that experienced at least one fatality. We use OLS regression with state-clustered standard errors and include a full set of control variables. We once again find trends that are somewhat counterintuitive. Counties in which the police are more disproportionate (less representative) have a *lower* proportion of Black fatalities. Once again, representation for Whites, Blacks, and Hispanics each has no independent effect on the proportion of fatalities. Representation for Asians is significantly associated with the proportion of Black fatalities: The greater the representation in the police for Asians, the lower the proportion of fatalities that are Black.

The evidence presented above points toward a surprising but consistent trend: Counties in which the racial demographics of the police more closely match the population demographics have higher rates of civilian deaths due to legal intervention. This finding contradicts the expectation that increased racial representativeness in the police should decrease the likelihood of police-involved fatalities. What explains this finding?

One possibility is that the dependent variable, police-involved fatalities, might not accurately capture the construct of interest, police use of excessive force. For instance, if all of the deaths included in the dataset were cases of police officers taking appropriate actions to protect citizens, then perhaps a greater number of deaths should actually be interpreted as *improved* police service provision, not increased hostilities. Especially if we believe that most officer-involved fatalities are cases in which the police were forced to take a life in order to prevent an even worse outcome, these fatalities are instances of the police protecting the community from threats to public safety. Increases in fatalities, then, may be caused by increases in quality police service provision, which in turn increases the frequency of police–civilian contacts and crime prevention.

Table 5.6 Racial representation and proportion of Black fatalities

	(1)	(2)	(3)	(4)	(5)	(6)
Disproportionality	-0.547* (0.313)	-0.872*** (0.254)				
Rep. White			-0.0283 (0.198)			
Rep. Black				0.544 (0.362)		
Rep. Hispanic					-0.143 (0.171)	
Rep. Asian						-1.656** (0.658)
Population	-0.000243 (0.00119)	-0.000518 (0.00128)	0.000467 (0.000926)	-0.000182 (0.00104)	0.000471 (0.000952)	0.0000575 (0.00117)
ELF	0.467*** (0.145)	0.603*** (0.202)	0.331*** (0.121)	0.333*** (0.118)	0.310*** (0.121)	0.198* (0.111)
Prop. Black	1.374*** (0.117)	1.387*** (0.148)	1.364*** (0.139)	1.490*** (0.156)	1.379*** (0.140)	1.453*** (0.145)
Time	-0.00158 (0.00321)	0.00897 (0.00618)	-0.00195 (0.00293)	-0.00144 (0.00320)	-0.00182 (0.00290)	-0.000869 (0.00279)
Prop. Male		-1.718 (1.908)				
Agg. assaults p/c		-10.47 (10.96)				
Constant	-0.0229 (0.0434)	0.688 (0.904)	-0.0234 (0.0423)	-0.0262 (0.0434)	-0.0254 (0.0427)	-0.0254 (0.0438)
Observations	469	360	469	469	469	469

OLS regression. Standard errors clustered by state. Year fixed effects
 * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

In other words, the more the police are present and culturally competent in a community, the more officer-involved fatalities (and indeed any other officer-involved metrics we might care about) we should observe.

A related explanation for these findings is that they are being driven by racially motivated under-policing. Under-policing occurs when the police ignore or provide insufficient resources to certain neighborhoods. Complaints of under-policing are common in divided societies in which the police are dominated by one group (Ben-Porat and Yuval 2012; Weitzer 1995). For example, in Israel, complaints of under-policing are especially prevalent in Arab communities (Ben-Porat and Yuval 2012), where a sparse police presence contributes to elevated crime rates and the perception that the police only exist to exert control, not to serve and protect. Similar accusations were levied during the “Troubles” in Northern Ireland toward the Protestant-dominated paramilitary force, the Royal Ulster Constabulary, who failed to patrol or respond to service calls in Catholic neighborhoods (Weitzer 1995). Under-policing leads to less citizen–police contact overall. If police in the United States are more likely to engage in under-policing when they are not representative of the civilian population, then we should observe fewer deaths due to legal intervention, both justifiable and otherwise, in counties with less-representative police forces simply because there are fewer opportunities for such events to occur. The under-policing explanation is consistent with the findings in this chapter. Thus, it may be that the most important negative consequence of an unrepresentative police force is not an increase in harassment or aggressiveness toward citizens but rather the failure of police to engage effectively with them at all.

An alternative explanation is one of reverse causality. It may be that in communities with the deepest and most contentious racial divisions, a common response to this conflict is to call for increased integration of the police. In contrast, in communities that are racially heterogeneous but where racial divisions have low political salience, there may be little effort exerted toward ensuring that the police are demographically representative of the population. If this is true, then the counties in which the police are the most representative of the population would also be the counties with the highest levels of preexisting racial conflict. In other words, it could be that racial conflict increases representativeness, rather than the other way around. The possibility of reverse causality cannot be ruled out entirely, but it seems unlikely to be driving these results. First and foremost, it is difficult to increase the number of officers from previously underrepresented groups if the department does not first make a concerted effort to engage with the community and win back their trust.

Officer recruitment is a two-way street; it is not enough for a department to want to recruit officers from a certain population group if members of that group do not want to join the police. A history of distrust and conflict between the police and a segment of society makes those individuals unlikely to want to join the police (Gupta and Yang 2016). After all, why would they want to join an institution which they associate with mistreatment or repression? This may be the problem faced by the Los Angeles Police Department, which failed to achieve its hiring goals among minority communities for a period of the during the 2000s despite using federally mandated hiring targets based on race.⁴ If a department in a community with a history of racial conflict does not make a genuine effort to improve race relations, it is unlikely to be able to recruit officers from previously excluded groups. If it does make an effort to improve relations, then it is no longer a “hard” community for policing, and we should not observe the positive relationship between representation and deaths due to legal intervention.

5.6 CONCLUSION

This chapter explores the relationship between passive and active representation, both in terms of changes to administrative procedures and in terms of the policing outcomes those procedures are intended to influence. We find that racial representation in the police is strongly associated with active representation, but not always in the ways that we would expect. Departments that are more racially representative are indeed more likely to have policies designed to restrict officer misconduct. Representation of Blacks is associated with departments that have an official policy for the handling of citizen complaints, while overall representation is associated with an increased likelihood that a department will have a civilian review board to investigate accusations of misconduct.

Ultimately, what we really want to know is how representation affects citizens in real terms. Given the salience of race and police use of force in the United States today, we focus on the question of whether increasing representation decreases the use of excessive force. Measurement of this outcome presents a number of challenges, including both incomplete data and ambiguity in how to interpret the data that does exist. We find that increased representation for Blacks is associated with a decrease in complaints of excessive force. This finding is consistent with the argument that passive representation leads to higher quality, more culturally sympathetic and thus deescalated police–citizen interactions.

On the other hand, we find that representation is associated with a greater number of civilian deaths due to legal intervention, as well as a higher proportion of Black deaths due to legal intervention. This unexpected finding may indicate a negative effect of passive representation on the quality of policing outcomes. However, we suggest an alternative explanation. If increases in passive representation lead to an increase in proactive policing, and consequently an increase in the frequency of officer–citizen interactions, then we may observe an increase in officer-involved fatalities because there are more opportunities for these events to occur. Thus, the increase in fatalities may have nothing to do with the appropriateness of officers’ behavior.

We highlight two takeaways from these findings. First, we join community leaders, politicians, members of the law enforcement community, and other researchers in calling for the collection of reliable data on police officer use of force. While we acknowledge that whether the use of force was “appropriate” is frequently a contentious question, we argue that such a determination is critical if we are to begin to understand the causes of police misconduct so that they can be addressed. Furthermore, we believe that the most appropriate time to make this determination is immediately following the event in question, and that the determination is best made by experts. The systematic collection of this data would contribute to our ability to make evidence-based policy recommendations for improving the quality of police–community interactions.

Our second takeaway is the clear relationship between passive and active representation. In every case, we find that passive representation is associated with changes in administrative and “real-world” street-level policing outcomes. While some of the relationships are seemingly counterintuitive, especially concerning racial representation and police fatalities, and causal pathways between passive representation and these outcomes remain opaque at times, our evidence leaves little doubt that passive representation matters a great deal to the policies, practices, and performance American law enforcement.

NOTES

1. As is the case throughout this volume, we use the term “race” to loosely refer to all types of politically salient ascriptive identity, including ethnic and linguistic groups where relevant.
2. Killedbypolice.net, fatalencounters.org, and the US Police Shootings Database.

3. This censoring is performed by the CDC due to concerns about confidentiality.
4. Kesling, Ben and Cameron McWhirter. "Percentage of African-Americans in US Police Departments Remains Flat Since 2007." *Wall Street Journal*, 14 May 2015. <http://www.wsj.com/articles/percentage-of-african-americans-in-u-s-police-departments-remains-flat-since-2007-1431628990> (Kesling and McWhirter 2015).

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Conclusions and Lessons for Reform

Abstract In this final chapter, we discuss the current state of police–community relations and offer recommendations to scholars, practitioners, and frontline managers who desire a more representative and ultimately harmonious relationship between citizens and police including improved and more equitable outcomes. We outline our primary contributions to the academic study of policing and representative bureaucracy. Based on each of those findings, we suggest appropriate policy solutions to address current problems. We argue that these policy solutions offer the potential to improve police–community relations, specifically the relationship between police and minorities. Further, we outline important questions that remain in the field of representative bureaucracy at large, and its application specifically in the area of policing.

Keywords Police community relations · Criminal justice
Active representation · Bureaucracy · Law enforcement · Diversity
Police involved fatalities · Segregation · Civil rights
Racial representation · Residency requirements · Passive representation
Citizen review board · Police brutality · Excessive force
Racial profiling · Police misconduct

6.1 REPRESENTATIVE BUREAUCRACY AND AMERICAN POLICING: LESSONS FOR SCHOLARS

Throughout this book we sought to provide public administration, racial politics, and criminal justice literatures with the most comprehensive up-to-date examination of passive and active representation in American policing. This endeavor is not only timely, responsive to real-world events and effective in magnifying public attention on criminal justice reform issues, but also necessary because of a paucity of existing systematic data collections and scholarly research studies. Sporadic, piecemeal efforts have been previously directed at examining the causes and consequences of racial representation in policing (Smith 2003; Wilkins and Williams 2008; Nicholson-Crotty et al. 2017), but often with shortened time frames, limited data availability and single agency outcomes. Discussions of racial diversity among law enforcement have filled periodicals and cable news shows, but arguably have not been met with commensurate attention from academic researchers. Our effort principally seeks to fill this void and set the direction for future scholarly research in representative bureaucracy and American policing.

First, our time frame examines data ranging from 1993 to 2013. While our work represents the longest time-series collection and analysis in this literature, our investigation is by no means fully comprehensive or exhaustive. Data on racial representation and policing outcomes prior to 1993 likely exists in various forms, even if limited in scope and comprehensiveness, and can be pursued with some success in future work. Admittedly, newer and continuing data will likely be easier to procure, and several systematic efforts in data collection around racial representation and police outcomes are likely underway. In a general sense, future research should continue building on this multi-decade approach in order to better explicate dynamic causal relationships and detect broader patterns in passive and active representation occurring across the US. For instance, in Chaps. 3 and 4, we uncover patterns of *decreasing* representativeness in the largest 100 US police departments over the 1993–2013 time periods. This finding is unexpected in the context of the Civil Rights Movement of the 1960s and the implementation of race-conscious policies in the decades that followed. The fact that racial representation in America’s law enforcement institutions seems to be decreasing, not increasing, is both puzzling and problematic for these policies. Only through comprehensive analysis of empirical trends can researchers begin

to understand the realities of racial representation and begin to explain its causes and consequences.

Next, our analysis in this book focuses primarily on racial representation in large urban areas. We provide minimal coverage of smaller cities and rural areas, yet these parts of the US are critical for the overall relationship between citizens and law enforcement. For instance, despite all of the media attention that Ferguson, MO, received in the aftermath of Michael Brown's death, the city is not included in our analysis due to its small size. Future research might include a wider range of municipal police departments in order to identify distinct patterns and effects across more and less populated settings. Might relatively smaller police departments operating within suburban and exurban contexts have unique challenges in racial diversity recruitment and retention or have unique organizational and cultural dynamics that shape street-level policing, irrespective of representativeness? The challenge, of course, is that the collections of reliable data become increasingly difficult for smaller departments. Also on the topic of data coverage, we examine only city- and county-level police departments, not state agencies, highway patrols, or federal law enforcement bodies. These departments are important not only because of their size and coverage, but because they are frequently called upon to restore order when local law enforcement agencies fail to deliver. In the wake of the Michael Brown shooting and the protests that followed, the Missouri Highway Patrol took over most policing activities in Ferguson in an effort to diffuse tensions between the Ferguson Police Department and upset citizens. Yet, the change in jurisdiction did little to cool the flames of discontent. Was this change an effective solution? More generally, does racial representation affect state and federal agencies in the same way it effects local ones? Dynamics of passive and active representation in US police agencies beyond the municipal-level deserve greater attention in future research.

Next, future research should continue examining interactive and conditional effects related to representative bureaucracy and policing outcomes. In Chap. 5, we report that the robust dampening effect of *unrepresentativeness* on police-involved fatalities still exists, but is muted in the presence of an increasing Black population. Additional conditional relationships between racial representation and policing outcomes should be explored in future studies. For instance, while we examine racial diversity and its relationship to policing outcomes, future research should explore interactive effects with variables such as levels of racial segregation, different political contexts, or different training reforms.

Finally, future research needs to bring greater clarity to the exact causal mechanisms linking passive and active representation. What factors influence successful diversity recruitment and hiring efforts? What contexts are likely to produce administrative responsiveness regarding agency policy adoptions? What mechanisms underlie racial representation and policing outcomes at the street-level? Empirical research linking passive and active representation in American policing is growing but various disciplines still lack theoretical richness, detailing the exact mechanisms at play. For instance, we find that race of the mayor is linked with enhanced police force representation, but we are unclear as to exactly how or why the presence of minority mayors yields greater racial representation in American police forces. Future research will need to tease out these theoretical complexities.

6.2 REPRESENTATIVE BUREAUCRACY AND AMERICAN POLICING: LESSONS FOR PRACTITIONERS AND POLICYMAKERS

Our aim in this investigation is not merely to provide a distant scholarly volume, flying to lofty heights in the theoretical clouds of abstraction. We desire to offer not only an academic treatment, but also some “real-world” advice in search for managerial best practices, administrative performance, and improvement in our collective societal condition.

Despite the limitations discussed above, the broad set of findings in this book around passive and active representation in American policing provides insights to policymakers and practitioners who seek to implement reforms which enhance police–community relations and reduce racial tensions.

There are two broad takeaways from this investigation. First, enhancing passive racial representation on US police forces remains an important normative goal that should be prioritized by today’s US law enforcement agencies at all levels. Numerous police agencies are already making strides in minority employment, and we believe real, sustained progress can be made on this front. Racial minorities not only have been historically excluded from the criminal justice bureaucracy and subjected to discriminatory police treatment, but also remain systematically under-represented among the largest 100 US policing agencies examined here. And indeed, they have become *less* rather than *more* represented in many police agencies over time. Gains in equal protection, employment opportunities, and racial diversity undoubtedly rose immediately following

the Civil Rights Act of 1964, but in the more recent time period examined in this book, racial underrepresentation remains the norm among Black and Hispanic populations particularly, and there is evidence of *decreased* representativeness over time. In recent years, racial representation in American policing has gained influential airspace, alongside more sweeping calls for racial equity in the criminal justice system. Indeed, US police departments throughout the country are already prioritizing inclusive hiring practices, and making targeted efforts designed to attract racial minorities into law enforcement professions (Gupta and Yang 2016). Integrated with our findings in Chap. 4 and the latest disciplinary research, we offer some suggestions for police administrators interested in increasing racial diversity in hiring.

Our research suggests that having racial minorities in positions of political leadership and instituting strict residency requirements in hiring are two avenues that police departments can potentially undertake in pursuit of encouraging racial representation. In concert with previous studies, we find that the mayor's race is closely correlated with racial representation in the municipal police department, especially for White, Hispanic, and Asian populations. Indeed, this is the strongest, most enduring relationship with passive representation uncovered in the analysis. Although we lack comprehensive data on police chief race across space and time and therefore excluded this measure in the analysis, we believe that this factor, alongside mayoral race, could also influence police representation in positive ways. Encouraging racial minorities to seek and achieve positions of leadership, such as mayoral and police chief positions, appears to be one promising pathway to increasing minority rank-and-file representation in local police departments.

Next, we report that residency requirements in police hiring can reduce overall unrepresentativeness and work to enhance Hispanic and Asian representation in particular. Black representation is found to be unaffected, either positively or negatively, by residency requirements. While residency requirements can be one potential tool for enhancing police representation, recent court rulings have limited the legality of local residency ordinances, and in a general sense, there has been a marked reduction in support for residency requirements over time in America. There is some regional variation at play here, but the overall pattern of reduced usage of residency requirements holds strong in the analysis in Chap. 4. We suggest that residency requirements are a valuable tool for improving police representativeness. If this tool is to be

utilized, citizen and government effort will be needed to reinstitute past requirement policies, and perhaps more difficultly, uphold these laws in court against legal challenges.

As noted earlier, the Obama administration initiative, *Advancing Diversity in Law Enforcement*, recognized the importance of increasing diversity among law enforcement. While understanding the extent of underrepresentation, the report also acknowledges the limits of data alone without policy solutions based on this data. In order to assist local law enforcement around the county, they worked to identify barriers preventing minority recruitment, hiring and retention as well as best practices for overcoming these barriers. Recruitment procedures include providing targeted outreach through educational institutions and use of technology to increase minority awareness of career opportunities. They also recommend reconsidered hiring criteria based on a more holistic view of strengths as well as response to feedback from community stakeholders about hiring procedures. Finally, they recommend creating mentorships and specific incentives to attract minorities to these positions (Gupta and Yang 2016).

Second, the mechanisms by which passive representation translates into active representation in terms of police agency policies and frontline policing outcomes appears to be much less linear and predictable than efforts to enhance racial representation alone. Put another way, we can improve racial representation in US police forces (or at least make concerted, target efforts toward that end), but the ultimate ramifications and implications for officers, agencies, and citizens they serve remain less clear. In a general sense, we believe that active representation will likely translate most directly in terms of agency policy directives, while translating less directly, or at least in conjunction with greater complexity of variables, in terms of street-level police activities and outcomes. As reported in Chap. 5, enhanced racial representation in the police forces of the largest 100 US cities is found to yield responsive agency policies regarding both written policies for handling citizen complaints and the creation of civilian review boards. These relationships extend across both Black representation and overall racial representativeness. When racial minorities are underrepresented on US police forces, policies aimed at providing oversight and accountability over policing misconduct are less likely to be adopted. This set of findings is consistent with earlier representative bureaucracy research, which argues the potential and importance of active representation reflected primarily in agency policies and

rules, which reflect the interests and preferences of passively represented groups.

In a similar vein, we find that passive representation can potentially translate into active representation in the form of street-level outcomes by reducing reported instances of police brutality. In particular, enhanced racial representation in the largest 100 US police departments is found to be associated with reduced numbers of citizen excessive force complaints, at least with regards to Black representation. This is the group which arguably exhibits tightest historical connection and greatest current saliency around excessive police force outcomes (Rios 2011). Thus, finding that Black inclusion on police forces is associated with reduced excessive force claims is incredibly important. At the same time, and rather unexpectedly, increased Asian police force representation is found to be associated with *increased* complaints for excessive force. We are not immediately sure why Black representation might work to decrease excessive force claims, while Asian representation might work in the opposite direction. For instance, reduced brutality claims among contexts of Black representation might be indicative of more genuinely empathetic policing and compliant citizen posturing whereas Asian representation might ease linguistic barriers and the burdensome process of filing claims. Because we do not know the racial origins of citizen complaints, this also could be an artifact of Asian Americans principally living within jurisdictions with a high number of citizen complaints for other unknown, unobserved reasons.

Conversely and counterintuitively, we find that increased representation is associated with *increased* police-involved fatalities. This finding is the strongest, most robust, and enduring in the analysis presented in Chap. 5. This finding also mirrors the recent work of Nicholson-Crotty et al. (2017), who find that until a critical mass is reached, increasing Black police presence is associated with *increases* in homicides of Black citizens. We cannot confirm a critical mass effect here, but together these findings suggest that police representation alone will not necessarily lessen the number of fatal encounters with law enforcement, and that “simply increasing the percent of Black officers is not an effective policy solution” (Nicholson-Crotty et al. 2017, p. 22). Indeed, we find *unrepresentativeness* related to a *reduced* number of police-involved fatalities. We are unsure if this is due to more attentive policing from minority officers, aggressively and dutifully engaging the citizenry and using lethal force to lawfully protect minority communities, or because minority

officers might be more prone to aggressive behaviors toward perpetrators in order to better “fit in” with police culture and norms of behavior (Nicholson-Crotty et al. 2017). Our ability to draw accurate inferences is further hamstrung by the inability to distinguish between justifiable and unjustifiable uses of force. In short, we remain uncertain as to whether police-involved fatalities are indicative of police abuse or proper use of force. Since nearly all police-involved fatalities are ruled legal and reasonable, we tend to believe that the heightened citizen fatality number among racially representative police forces is indicative of active representation through police attentiveness and willingness to confront deadly threats with maximal force in order to protect the public safety of minority areas. Nonetheless, the finding that racial representation increases police-involved fatalities should give us pause. Here more than anywhere else, we desperately need more accurate and thorough data collection if we are to provide empirical explanations of and solutions to police violence.

Earlier research into active representation in American policing found that increased racial representation was associated with *increased* racial disparity in police vehicle stops (Wilkins and Williams 2008). That is, discriminatory police behavior and racial profiling was *more likely* among racially representative police agencies. The authors attribute this police culture and desire to “fit in” organizationally with norms associated with negative views of the criminality and decreased service toward minority citizens. Thus, in some ways we are left with a mixed bag of findings in this literature.

In Chap. 5, various measures of racial representation are found to be associated with increased likelihood of adopting written policies for citizen complaints and instituting civilian review boards. In terms of street-level outcomes, Black representation is found to be associated with reduced frequency of excessive force complaints, which is consistent with recent comparative findings on racial representation and reduced brutality claims in England and Wales (Hong 2016). Conversely, enhanced racial representation on US police forces is also shown to be associated with *greater* frequency of police-involved fatalities and racial disparity in police stops (Wilkins and Williams 2008). Additionally, Asian representation is found to *increase* the number of citizen use of force complaints. In short, how passive representation translates into active representation is not always clear or immediately predictive.

We believe that active representation will likely play out most directly in terms of agency policies and directives that encompass minority concerns around police abuse and having formal accountability mechanisms. How much racial representation influences agency culture and frontline policing practices is much more in question. That said, these policies are important and may themselves over time influence street-level outcomes. Street-level policing activities and outcomes are likely shaped by myriad individual-level, situational and environmental factors beyond police force diversity alone. Thus, our objective here is not to link passive representation to specific police outcomes. It is merely to say that racial representation on US police forces is an important variable in need of inclusion and further exploration in future research. We believe that optimal police outcomes will occur when racial representation initiatives are coupled with additional strategies related to police training and front-line implementation. For instance, racial diversity coupled with implicit bias training, de-escalation training, community policing approaches, and richer engagement with community stakeholders can potentially improve police–community relations and overall police performance. All of this in its totality has stark implications for American democracy. Policing outcomes directly relate to the quality of representation and inclusion that racial minorities experience in their contact with American institutions. When they are not served adequately and equitably by those who are empowered to protect them, our democracy has fallen short.

6.3 CONCLUDING THOUGHTS

Ultimately, much like our findings, we leave with mixed thoughts about the power and potential of representative bureaucracy in American policing. On the one hand, we are encouraged by the rising wave of popularity enjoyed by criminal justice reformers, shining light on issues of police underrepresentation and potential ramifications of demographic mismatch for the communities they serve. Although we observe uneven patterns in racial representation across local departments during the time period examined here, there can be little doubt that racial advocacy and criminal justice reform groups are routinely aiming their sights at enhancing racial representation within local police forces. As stated earlier, we believe that while there remain serious barriers to achieving equitable racial representation on US police forces, strides are being made across the country toward more inclusive hiring practices (see Gupta

and Yang 2016). With some optimism, we believe that there will likely be significant progress made in terms of enhancing passive representation in upcoming years and decades. It will not be easy to continue making progress on this front, and real, sustained efforts will be needed to recruit, hire, and retain qualified members of historically underrepresented groups. We set forth some ideas earlier in this chapter and introduced the latest research into ways of enhancing police diversity. Time will tell here. Most of these inclusive hiring practices protocols are in their infancy and will need time to percolate before meaningful lessons or “best practices” can be drawn.

However, we remain uncertain about the “power” of representative bureaucracy to translate into active representation and significantly alter street-level administrative practices and policing outcomes. It is not clear that representative bureaucracy alone can improve policing outcomes on the frontlines of service provision. There is some evidence that police representativeness is associated with increased likelihood of adopting formal policies on citizen complaints and instituting civilian review boards that investigate claims of police misconduct. It is likely within this rulemaking function of police agencies where passive is most readily translated into active representation. Wilkins and Williams (2008) earlier research and our arguably mixed findings in Chap. 5 suggest that street-level outcomes are likely more impervious to direct representation effects. This could be because many more variables are “in motion” in frontline policing and the shifting immediacy of various situational factors does not lend itself to influence from more “distant” variables like agency-level racial integration. This could also be likely due to the indelible police culture, the blue wall of silence, which assimilates, accepts, and expects certain norms of aggressive posturing and behavior. Minority officers might feel pressure to conform to organizational police culture and choose to profile and target members of their own racial group.

In the final summation, we encourage US police agencies at all levels to pursue diversity hiring initiatives, but to do so in conjunction with alternative training approaches, additional frontline resources, and actively engaging stakeholders with community policing strategies. Predictive changes or sweeping improvements to street-level policing practices and outcomes are unlikely to follow from enhancing racial diversity alone. The promise of representative bureaucracy to improve responsiveness and police performance hinges on policies which actively engage with the challenges of race in law enforcement. Only in

conjunction with thoughtful, context-appropriate policies will racial representation in law enforcement lead to improved outcomes for citizens and police officers alike.

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