Empirical Examination of Factors that Influence Official Decisions in Criminal Cases Against Police Officers

Francis D. Boateng[1] · Daniel K. Pryce[2] · Michael K. Dzordzormenyoh[3] · Ming-Li Hsieh[4] · Alan Cuff[1]

Abstract

In the current paper, we examine departmental and court decision-making in criminal cases against police officers. The study has two objectives: 1) to examine variables that impact departmental decisions in criminal cases against police officers, and 2) to examine factors that affect case disposition/conviction decisions by the courts. To achieve these objectives, we analyzed nationally representative arrest data using multiple statistical approaches. The results obtained revealed important patterns that are critical to our understanding of how the courts and police departments decide matters relating to police criminality. For instance, victim characteristics significantly influenced decision-making by both the police agency and the court. Also, officer characteristics and crime types were important indicators of how offending officers were punished by both the courts and the agencies that employed them. Specifically, officers whose cases involved child victims and officers who were not familiar with their victims had greater odds of being convicted. The implications of our findings for policy and research in policing, especially research on police misconduct, are discussed.

Introduction

Police officers are custodians of the law and the roles they perform are critical to the safety and security of the society. In the criminal justice system, police officers are considered the "gatekeepers" of the system, primarily because their activities jumpstart the other subunits within the system (Wu et al., 2016). Without the arrests of suspects, there may be no criminal proceedings and the criminal courts may not exist. Despite the admiration and appreciation that officers receive for performing their duties, the occupation of policing offers many opportunities for the

---

Extended author information available on the last page of the article

      Springer

perpetration of misconduct (Klockars et al., 2000). Although police misconduct has received adequate coverage in the policing literature, the majority of these studies have tended to focus on identifying, addressing, and understanding the etiology of misconduct (Boateng et al., 2022; Boateng, et al., 2023), with little to no attention paid to how the perpetrators of misconduct are punished. While understanding the causes of officer misconduct is important, understanding and knowing how officers are punished is equally important and worth studying for both practical and theoretical purposes.

The numerous police misconduct studies have collectively made several observations and conclusions, and these deserve a mention in the current paper. First, misconduct in policing is a multifaceted concept with no single agreed-upon definition (Boateng et al., 2019; Klaver, 2013). This multifaceted nature of police misconduct implies that there are several dimensions of the behavior, and as researchers have argued, each dimension has significant implications for police work (Barker, 2002; Seron et al., 2004). These dimensions include corruption, use of excessive force, and other forms of police criminality (Boateng et al., 2022; Boateng et al., 2023). Second, researchers have offered two major explanations of police misconduct: the rotten apple and the rotten barrel phenomena (Kleinig, 2002; Paoline & Terrill, 2007; Wolfe & Piquero, 2011; Wood et al., 2019). These explanations suggest that the causes of misconduct are both individual and organizational in nature. The third major observation by police researchers is that police misconduct—in all its forms—has the potential to undermine police work (Boateng et al., 2022; Boateng et al., 2023; Covey, 2013; Stinson et al., 2016). Corruption, use of excessive force, physical abuse of community members, and other criminal behaviors by officers have a negative effect on police-citizen relationships because they undermine trust and confidence in, as well as the legitimacy of, the police (Chenane et al., 2020). They also undermine community members' willingness to cooperate with police as well as perceptions of police effectiveness (Palmiotto, 2001; Pryce et al., 2017; Pryce et al., 2021). Thus, it is important to study both the causes of and the punishments for police officer misconduct because officer misconduct can undermine police work.

Surprisingly, and as noted earlier, there is a dearth of research on how officers are punished for engaging in misconduct, as well as on the factors that influence punishment decisions within the criminal justice system. The lack of research efforts in this regard has affected researchers' ability to offer a holistic theoretical explanation about the punishments for police misconduct, or criminal behavior.

The primary purpose of the present study is to investigate the factors that influence how police departments and the courts make decisions involving officers accused of misconduct or criminal behavior. This endeavor is important for both theory and practice for several reasons. First, the study addresses a significant gap in the existing literature, in terms of understanding the factors that influence institutional or criminal justice decision-making in cases against officers accused of misconduct and criminal behavior. For example, in a Canadian study, Puddister and McNabb (2021), using a small sample of 180 charged officers, found, among other things, that physical assault and sexual assault were the most common offenses for which officers were prosecuted. Officers charged with a crime were mostly suspended with pay while they awaited their day in court. Interestingly, 30 percent of the cases were

withdrawn by the prosecutor because of difficulty trying the cases, due to a lack of witnesses to corroborate the victims' statements. This large percentage of withdrawn cases has the tendency to lower the legitimacy of the police, which has remained a concern in some communities, especially communities of color, (Pryce & Chenane, 2021; Sunshine & Tyler, 2003). Second, the findings of this study can serve as the foundation for theory development on how officers' criminal behaviors are punished. Third, in terms of policy, findings from the present study would set the stage for policy recommendations to address issues pertaining to the decision-making processes involved in the punishment of offending officers. The recommendations we proffer would strengthen and improve existing mechanisms for holding officers accountable, which will go a long way to improving citizens' trust and confidence in the police. To answer the research questions put forth in the present study, we analyzed nationally representative arrest data on over 6,000 offending officers across all 50 U.S. states. The next section addresses the theoretical framework that undergirds the current research study. Next, we address the methodology employed, followed by a discussion of our findings. We conclude the paper with ideas for policy formulation and future research.

Literature Review

Organizational Correlates of Police Misconduct

Police misconduct is not attributable to individual character flaws alone; instead, scholars have pointed to organizational correlates such as tolerance of violence among officers and officers' willingness to commit perjury to protect an agency as important predictors of officer criminality (Kane & White, 2009). Chevigny (1969, 1995) has argued that police leaders may subtly convey to first-line and patrol officers that the use of violence to maintain order in the streets is acceptable, which may explain why some officers engage in police brutality. Skolnick & Fyfe (1993) added that officers in police departments that have adopted a "siege mentality" may be unafraid to use excessive force because they are aware that upper management may tacitly endorse such an approach.

Other scholars have pointed out that the vigor with which an agency investigates police corruption conveys to officers whether the agency takes misconduct seriously (Sherman, 1978). While officers' use of violence against citizens may be tacitly supported by police leaders, Fyfe (1986) has argued that police violence falls into two categories: extralegal and unnecessary violence (see also Kane & White, 2009). Extralegal violence refers to situations in which officers intentionally inflict harm on a citizen or citizens, whereas unnecessary violence occurs when officers, cornered and at risk of bodily harm from some community members, employ excessive force to defend and potentially save themselves from serious bodily injury, or even death (Fyfe, 1986).

Other organizational correlates associated with police misconduct include the size of the agency, the degree of formalization, officers' educational levels, the geographic dispersion of precinct stations within the agency, the presence of an internal

affairs division, the number of hours required to train new officers and retrain current officers, and the structural complexity of the organization (Eitle et al., 2014; Hickman & Piquero, 2009; Kappeler et al, 1992; Maguire & Corbett, 1989; Maguire, 2003; Smith et al., 2006). Eitle et al., (2014), in their study of the effect of organizational and environmental factors on police misconduct, noted that the size of the agency, having a full-time internal affairs division, and regular training for current officers all influenced police misconduct. Specifically, compared to smaller agencies, larger agencies were more likely to experience more officer misconduct; agencies with an internal affairs division had more misconduct cases (perhaps this is because of the greater investigative capacity that the internal affairs division offers, although this correlation could not be tested by the authors due to data limitations); and agencies that provided regular training to officers experienced a decrease in misconduct cases, an outcome that was both expected and in line with prior research (Eitle et al., 2014).

Investigatory Approaches to Police Officer Misconduct

West (1988) has pointed to the multiple approaches used by police departments in the United States to investigate complaints against officers. On the one hand, "open" systems of investigations tend to include civilians, and the results of the investigations may be disseminated to the public. On the other hand, "closed" systems of investigations are investigations that address complaints internally, and the results are typically not divulged to the public. These "tiered" approaches to how officers are investigated for misconduct are a product of the highly decentralized system of policing in the United States, whereby agencies are generally run at the local level (West, 1988). West (1988) added that investigations of officer misconduct may take one of three forms: a fully internal investigation in which community member complaints are addressed exclusively by police investigators without external input, a partially internal and a partially external approach that involves an internal investigation but one that is subject to external review, and a "bilateral" system "in which complaints are administered by both the police department and a formally constituted external agency" (p. 104). Research has shown that some investigations into officer behavior result from citizen complaints, whereas others are carried out automatically by the agency that employed the officer, especially in cases in which (excessive) force was used and which led to injury or death of a citizen (McElvain & Kposowa, 2004).

Police Officers Serving as Witnesses and Defendants

Research has documented the roles of police officers as witnesses and defendants. In a review of the literature on how police officers perform their role as witnesses, Moran (2023) noted that officers sometimes believed that they were above the law, and thus were unwilling to report fellow officers who engaged in unlawful conduct (also, see Chappell & Lanza-Kaduce, 2010). Unwilling to turn on one another (Paoline & Terrill, 2007) and maintaining a code of silence (Sierra-Arévalo, 2021),

officers would lie in court to keep their fellow officers from being found guilty at trial. Perhaps because of their salient role in the co-production of security in the community, officers are almost always believed by judges when they serve as witnesses in court, and officers may also receive the benefit of the doubt when testifying on many issues before the court (Lvovsky, 2016; Moran, 2023). To cow some judges and force their hand to rule in their favor, some officers have been known to publicly criticize judges who have ruled in a manner that constricts officers' ability to abuse their authority. Moran (2023) also argued that there is an unjustifiable deference to police officers by judges, due to the notion that officers are experts when it comes to their actions vis-à-vis the constraints placed on them by the U.S. Constitution. In all, the plurality of the literature points to officers' frequent use of lying as a tool to justify their actions, which they perform in court and in the presence of court actors, such as judges, prosecutors, and defense attorneys (Moran, 2023).

Although this paper is about officer criminality and how police agencies and the courts handle cases involving law-violating officers, it is apt to note that "prosecutors historically have been extremely reluctant to charge police officers with crimes" (Moran, 2023, p. 9.8). In other words, when officers serve as defendants, they enjoy a level of "protection" from court actors, including prosecutors and judges. Chavis Simmons (2015) has argued that, because prosecutors and police officers work closely together to prosecute criminal defendants, the expectation that prosecutors would "betray" officers by prosecuting them to the fullest extent of the law is a fallacy. Not only are police officers rarely prosecuted for crimes they have committed, but the refusal by prosecutors to prosecute law-breaking officers creates a two-tiered system of justice: one system for community members who are more likely to be prosecuted criminally, and the other system for law-violating officers who are less likely to face criminal prosecution (Simmons, 2015). In addressing the conflict of interest that ensues when a prosecutor is facing a familiar defendant, such as a police officer, in court, Levine (2016c) has proposed that the prosecution of officers who have broken the law should fall on state or federal prosecutors or even civilian review boards, in order to eliminate, or, at the least, drastically reduce any favoritism the officer might receive from a friendly prosecutor. In addition, Levine (2016a; 2016b) has suggested that the following protections offered to officers should be extended to ordinary citizens as well: the full measure of procedural protections and special protections during interrogations. In the case of citizens, prosecutors carry out in-depth investigations about a case and then present exculpatory evidence to the grand jury. In the case of officers, prosecutors extend to the officers the right to review the evidence collected against them, limit the length of interrogations, and refrain from employing threats while interrogating the officer (also see Moran, 2023).

Punishing Police Crime

In the literature, although several theoretical orientations have been developed to explain police officers' behavior, no attempt has been made to explain why and how police officers are punished for the crimes they commit while still serving. The

absence of a theoretical framework may be largely due to the lack of a systematic and empirical examination of this issue. Instead, police scholars have relied on using existing theoretical frameworks designed to explain issues unrelated to the punishment of officers to understand why and how criminal officers are punished. In this paper, we briefly review three of these theories: rotten apple, rotten barrel, and focal concerns theories.

Police misconduct, deviance, criminal behavior, and corruption can be described as attitudes and actions that violate codes of ethics, policies, and laws (Ross, 2001; Stinson et al., 2015). An attempt to understand the etiology of police criminal behaviors led researchers to develop two opposing theoretical frameworks Boateng et al., 2019; Gottschalk, 2012; Punch, 2003; Wood et al., 2019). The first, the rotten apple perspective, is considered an individualistic and human failure model of misconduct and is preferred by police chiefs and administrators when explaining officer criminality. According to this perspective, misconduct, corruption, and criminal acts occur among only a few bad officers in the department. This implies that misconduct is an issue related to an individual officer and has nothing to do with the organization. In this case, it is individual characteristics and not organizational conditions/characteristics that cause officers to engage in either corruption or criminal acts. The rotten apple perspective, as noted by Boateng and colleagues (2019), further suggests that acts of misconduct are due to the weakening of morality among a small group of officers that could spread to the rest of the department.

The rotten apple perspective has significant implications for how officers are punished when they commit criminal acts. For instance, prior research that has examined the rotten apple hypothesis has found the influence of officer characteristics such as age, gender, race, and rank on criminal justice decisions related to cases of misconduct (Donner et al., 2016; Paoline & Terrill, 2007; Stinson et al., 2015). When allegations of misconduct are made, police chiefs typically respond by arguing that the acts are limited to a few problematic officers, who are isolated and operate alone. Adherence to this perspective therefore allows the police agency to address allegations of misconduct by targeting specific bad officers. Strategies such as proactive and reactive integrity testing are put in place to weed out the rotten apples from the barrel. Moreover, police departments are strategic in their recruitment and selection efforts to weed out applicants who are predisposed to deviant acts (Butcher et al., 2001; Sanders, 2008). Moreover, because police administrators believe that committing a crime or engaging in any form of misconduct was primarily due to certain attributes about the officer, they are more likely to sanction and discipline these officers as well as more willing to provide truthful information to the courts (Kleinig, 2002; Paoline & Terrill, 2007).

Contrary to the rotten apple arguments, the rotten barrel hypothesis suggests that police misconduct is a departmental issue. In essence, the working environment created by the department can either make it difficult or easy for officers to engage in misconduct (Eitle et al., 2014; Gottschalk, 2012; Wolfe & Piquero, 2011; Wood et al., 2019). Organizational characteristics such as managerial disorganization, poor supervision, negligent hiring, lack of disciplinary and accountability measures, and organizational culture can enhance the risk of officers engaging in misconduct (Cancino & Enriquez, 2004; Lee & Vaughn, 2010;

Prenzler, 2009; Rothwell & Baldwin, 2007). Thus, departments that make it difficult for officers to engage in misconduct have strong departmental structures that reduce these risk factors and prohibit misconduct-related behaviors, compared to departments that lack strong departmental structures for obviating or reducing misconduct.

Also, departments that frown upon misconduct are more likely to provide the needed resources that allow the courts to make informed decisions about cases involving accused officers, compared to those that do not (Gottschalk, 2012; Silver et al., 2017). For example, some studies have observed that departmental characteristics and other institutional factors influence officers' misconduct as well as institutional decision-making (Boateng, et al., 2022; Boateng et al., 2023; Donner et al., 2016; Wood et al., 2019). Some researchers have argued that if the institution is corrupt and tacitly supports officers' misconduct, then institutional measures such as internal disciplinary reviews, grievance panels, and civilian advisory boards defeat the institution's purposes of seeking truth and administering justice (Collins, 2004; Covey, 2013, Joy & McMunigal, 2015; Rojek and Scott 2009; Shane, 2012).

The focal concerns theory was originally developed to explain inequalities and judges' decisions in sentencing (Steffensmeier et al., 1998). According to Steffensmeier et al. (1998), judicial sentencing decisions are based on three central focal concerns: blameworthiness, protection of the community, and practical constraints/consequences of sentencing decisions. Each of these focal concerns requires judges to obtain enough information about the case/offender before deciding on the appropriate punishment. For instance, judges are to obtain information on the defendant's role in the crime, level of culpability, and seriousness of the crime to assess the defendant's blameworthiness (Hartley, 2014; Steffensmeier, et al., 1998). Also, to protect the community against dangerous offenders and to minimize the negative social consequences of sentencing, adequate information is needed to assess the offender's risk of re-offending and the consequences of punishment on the criminal justice system and the family of the offender (Bradley & Dollar, 2013; Steffensmeier & Demuth, 2001; Steffensmeier et al., 1998).

However, because judges are mostly not able to get the full information about a case/defendant, they tend to make decisions based on legal and extralegal factors (Walker & Cesar, 2020). Legal factors include seriousness and type of offense committed, criminal records/past criminal history, and offenses involving aggravating circumstances such as those involving firearms and strangers. While these variables play an important role in sentencing decisions, extralegal factors such as the victim's and offender's characteristics (e.g., race, ethnicity, class, age, and gender) continue to influence judicial outcomes (see Fearn et al. 2005; Engen, et al., 2002). The focal concerns perspective has been used to explain behaviors and decision-making processes at several stages of the criminal justice process. For instance, as it relates to criminal offenders, the theory has been used to understand criminal justice officials' sentencing decisions (Beckett & Sasson, 2000; Chiricos et al., 2004; Steffensmeier & Demuth, 2001; Steffensmeier, et al., 1998); parole and probation decisions (Huebner & Bynum, 2006; Leiber et al., 2011; Lin et al., 2012; Logan et al., 2017); and police officers decisions, such as traffic stops, use of force, and searches (Crow & Adrion,

2011; Higgins et al. 2012; Higgins et al., 2011; Morgan et al., 2020; Smith et al., 2006). In all these decisions, research has found that a person's age, gender, and race play a major role.

Despite the theory's broad application, its assumptions have not been used to explain the dynamics of departmental and court decision-making regarding cases involving offending police officers. However, we believe that the focal concerns perspective, with its three central focal concerns, could be applied to foster an understanding of the punishment modalities for police officers as well as the appropriateness of punishment for the crimes committed. Because judges, jurors, and police departments may not have access to all relevant information before deciding, they are likely to consider both legal and extralegal variables in deciding the outcomes of cases as well as the severity of sanctions. Regarding punishing officer criminality, legally relevant variables such as the type of crime the officer committed, the seriousness of the crime, the officer's history of criminality, the number of victims involved, and aggravating circumstances (e.g., the relationship between the victim and the criminal officer) should be considered. Moreover, extralegal variables will include officer and victim characteristics such as age, gender, race, and socioeconomic status (see Edwards, 2004; Franklin & Fearn, 2008).

Current Study

The current study attempts to explore factors that influence decision-making in police officer criminal cases concerning departmental and case disposition outcomes in the courts. This exploration is important for understanding criminal justice decision-making processes regarding how law enforcement officials who engage in misconduct are handled by the justice system. The main research questions that guide this examination are: (1) What attributes affect departmental punishment decisions regarding police crime cases? (2) What attributes affect judicial conviction decisions regarding police crime cases? Based on the three theories discussed in the literature review section, we test the following hypotheses:

1. Individual characteristics will influence criminal justice officials' decisions regarding police officers who commit crimes. Specifically, we expect that:
   a. A victim's age, gender, relationship with the officer, and being a child will impact the department's sanctioning decision as well as case disposition.
   b. An officer's age, gender, years of service, duty status, and rank will impact departmental sanctioning decisions and case disposition in cases of police officer criminality.

2. Given that crime type is a major consideration in criminal justice decision-making, we hypothesize that departmental sanctions and whether an officer will be convicted will depend on the type of crime the officer has committed.

Methods

Data

To address our research questions and test the study's hypotheses, this study analyzed the secondary data collected by Stinson (2017) for a nationwide police crime project targeting non-federal sworn law enforcement officers who had been arrested for engaging in misconduct in their local jurisdictions. The collection of the data was supported by the U.S. Department of Justice's National Institute of Justice (NIJ), and the data were derived from published news articles using the Google News search engine and Google Alerts email update service. The news articles found were coded, and content analyses were conducted by the original researchers to identify themes and phrases related to police crime, misconduct, and subsequent arrests. The present study focuses on 6,724 cases in which sworn law enforcement officers were arrested during the years 2005–2011.

Measures

Dependent Variables

There are two dependent variables examined in the current analysis.

The first dependent variable is departmental punishment decision, which measures the type of action the department took against the offending officer (1 = no action, 2 = suspended, 3 = resigned, and 4 = terminated). The second is judicial conviction decision, which indicates whether the officer was convicted or not (0 = not convicted, 1 = convicted).

Predictor variables. This study explored the effects of several victim and officer characteristics. In terms of victim characteristics, gender (0 = female, 1 = male), age (continuously measured in terms of years), whether the victim was an officer (0 = no, 1 = yes), whether the victim was a child (0 = no, 1 = yes), and victim-officer relationship (0 = non-stranger, 1 = stranger) were included. There are six officer characteristics included in the current study, including gender (0 = female, 1 = male), age (measured as the age of the officer at the time the charges were filed), years of service (a continuous variable that indicates the number of years the arrested officer had served as a sworn officer at the time the arrest was made), and the officer's duty status (whether the officer was on duty at the time of the offense, noted as 0 = off-duty, 1 = on-duty). Moreover, the officer's rank (this specifies the officer's rank at the time of the offense, measured as 1 = Deputy/Officer/Trooper, 2 = Detective, 3 = Corporal/Sergeant, and 4 = Lieutenant or higher) and the officer's function (the officer's current duty, measured as 1 = patrol, 2 = field supervision, and 3 = management) were also tested as independent variables.

In addition to the abovementioned variables, the effects of three other variables were examined in our models. The number of full-time sworn officers in the officer's department was an ordinal measure (1 = 1 to 25, 2 = 26 – 49, 3 = 50 – 99, and 4 = 100

or more officers). Also, the arresting agency, which assessed whether the arresting agency was the officer's employer (0＝no, 1＝yes) and types of police crime (the crimes that officers committed that led to their arrest, including violent crime, economic crime, drug-related crime, and alcohol-related crime) were examined. The "types of police crime" variable was measured dichotomously (0＝no, 1＝yes),[1] where *yes* means the officer was arrested for committing that crime.

Analytic Plan

Primarily, this study examines factors that influence criminal justice officials' decisions involving crimes committed by police officers. To achieve this purpose, several analytical models were employed. First, descriptive statistics for the study's variables are presented. These statistics were used to describe the data used for the current analyses. Second, a correlational analysis was conducted to examine the relationship among the variables at the bivariate level. Also, correlation analysis was used to test multicollinearity issues in the regression model. This analysis suggests there is no issue with collinearity in the data. Third, given the different ways that the two outcome variables were measured, we estimated the effects by using multinomial and logistic regression models, respectively. Specifically, we conducted a multinomial analysis to examine the effects of the predictor variables on departmental decisions. We also used binary logistic regression to assess the effects of the predictor variables on judicial case dispositions.

Results

Background of Criminal Cases Against Police Officers

Table 1 reports the descriptive statistics for the variables used in the current analysis. Of the number of officers arrested for committing various offenses from 2005 to 2011, about 33 percent of them were suspended, 29 percent were terminated, and 25 percent resigned. Moreover, in approximately 13 percent of those cases, the department took no action. In about 72 percent of the cases, the officers were convicted. About 61 percent of the victims were female and their average age was 24 years, with the youngest being less than 1 year old and the oldest being 92 years of age. While 6 percent of the victims were officers (officers victimizing officers), about 24 percent of the victims were children. Also, in 57 percent of these cases, the victims had no relationship with the criminal officers—they were strangers to the officers.

---

[1] Violent crime included serious offenses such as murder, manslaughter, robberies, and assault. Drug-related crime included selling, using, trafficking, or possessing any controlled substance. It also included drug equipment violations as well as illegal drug raids and theft of drugs from car stops and drug couriers. Alcohol-related crime included liquor law violations and drunkenness (this includes common drunkard, habitual drunkard, and intoxication). Economic-related crimes were offenses officers committed for the purpose of making profit or benefiting economically (e.g., fraud, bribe-taking, and gambling).

Table 1 Descriptive statistics of study variables (*N*=6,724)

	M/SD %
Outcomes	
Departmental Decision	
No action	12.9
Suspended	33.1
Resigned	25.4
Terminated	28.5
Conviction	
Not convicted	27.7
Convicted	72.3
Victim characteristics	
Male	38.8
Officer as a victim (yes)	5.8
Age (min.=.00, max.=92)	24.16 (14.13)
Child victim (yes)	23.5
Victim-offending officer relationship (stranger)	56.9
Officer characteristics	
Age (min.=19, max.=79)	37.34 (8.58)
Years of service (min.=.00, max.=49)	10.10 (7.70)
Male	94.5
On-duty (yes)	41.5
Officer's rank	
Deputy/Officer/Trooper	75.8
Detective	5.5
Corporal/Sergeant	10.5
Lieutenant or higher	8.3
Function	
Patrol	81.3
Field Supervision	13.1
Management	5.6
Number of FT Sworn Officers	
0 to 25	21.2
26 to 49	10.1
50 to 99	10.5
100 or more	58.3
Crime type	
Economic-related (yes)	23.6
Violent-related (yes)	47.9
Drug-related (yes)	11.0
Alcohol-related (yes)	20.9
Arresting agency (not officer's employer)	66.1

Moreover, approximately 95 percent of the offending officers were males, and the average age of the officers was about 37 years, with the youngest being 19 years old and the oldest, 79 years of age. The officers had served 10 years on average, with a minimum of less than 1 year and a maximum of 49 years on the force. About 42 percent were on duty at the time they committed the crime. In terms of rank, the majority (76 percent) were officers, deputies, or troopers, 6 percent were detectives, 11 percent were either corporals or sergeants, and 8 percent were lieutenants or a higher rank. In terms of functional responsibility, the majority (81 percent) were on patrol duty, followed by field supervision (13 percent) and management (6 percent). Furthermore, most of the departments had 100 or more full-time sworn officers (about 58 percent), followed by departments with 50 to 99 full-time sworn officers (11 percent). Departments with 26 to 49 officers accounted for 10 percent of the sample, whereas departments with 25 or fewer officers accounted for 21 percent of the sample. Finally, concerning the type of crime that officers were arrested for, approximately 48 percent were for violent offenses, 24 percent were for economically motivated offenses, 11 percent were for drug-related crimes, and 21 percent were for alcohol-related crimes.

Factors Influencing Departmental Decisions Regarding Police Crime Cases

Table 2 reports the results of the multinomial analysis by using "termination of employment" as the reference category. In Model 1 (no action vs. termination), the victim's gender (Wald = 11.49, $p < 0.001$), victim-officer relationship (Wald = 4.26, $p < 0.05$), duty status (Wald = 4.73, $p < 0.05$), and drug-related crime (Wald = 9.96, $p < 0.001$) significantly predicted whether the department will take no action or terminate the officer's employment. Specifically, male victims were more likely to receive a "no action" decision than being terminated (OR = 2.54). In cases where victims were not related to the officer, the odds of receiving no action compared to a termination decreased by 55% (OR = 0.45). Departments are also less likely to take no action (compared to termination) in cases involving on-duty officers. Moreover, drug-related offenses increased the odds of receiving no action.

Model 2 presents the results for the suspended vs. terminated comparison. Those cases involving child victims and victims not familiar with the offending officer had a 48% (OR = 0.52, $p < .05$) and a 43% (OR = 0.57, $p < .05$) decreased odds of receiving suspension, compared to termination, respectively. However, cases involving male victims (OR = 2.19, $p < .001$) had greater odds of receiving a suspension, compared to a termination (OR = 2.19, $p < .001$). In terms of officer characteristics, detectives and sergeants (compared to Lieutenants or higher) were 3.22 times (OR = 3.22, $p < .05$) and 2.88 times (OR = 2.88, $p < .05$), respectively, more likely to be suspended, compared to being terminated. Compared to full-time officers in departments with 100 or more officers, full-time officers in departments with 26 to 49 officers (Wald = 3.78, $p < 0.05$), and full-time officers in departments with 50 to 99 officers (Wald = 4.19, $p < 0.05$) had greater odds of being suspended versus being terminated. For drug-related offenses (Wald = 4.43, $p < 0.05$), departments were significantly less likely to suspend officers than terminate their employment.

Table 2 Analysis of factors influencing departmental decisions ($N = 6724$)

	Model 1 No Action vs. Terminated			Model 2 Suspended vs. Terminated			Model 3 Resigned vs. Terminated		
	b (S.E)	Wald	OR	b (S.E)	Wald	OR	b (S.E)	Wald	OR
Intercept	-2.84 (1.26)	5.08*		-.06 (.77)	0.01		-.36 (.80)	0.20	
Victim characteristics									
Male	.93 (.28)	11.49***	2.54	.79 (.16)	24.44***	2.19	.38 (.17)	5.02*	1.46
Officer as a victim	.51 (.75)	0.47	1.67	.49 (.52)	0.88	1.63	-.09 (.65)	0.02	.91
Age	.02 (.01)	3.28	1.02	.01 (.01)	1.97	1.01	.01 (.01)	0.87	1.01
Child victim (yes)	-.82 (.44)	3.55+	.44	-.65 (.27)	5.98*	0.52	.59 (.30)	3.74*	1.80
V/O relationship	-.79 (.38)	4.26*	.45	-.57 (.24)	5.78*	0.57	.33 (.27)	1.51	1.39
Officer characteristics									
Age	.02 (.02)	1.02	1.02	.00 (.01)	0.02	1.00	-.01 (.01)	0.15	1.00
Years of service	.04 (.02)	2.78	1.04	.00 (.02)	0.06	1.00	.06 (.02)	12.99***	1.06
Male	.39 (.84)	0.22	1.48	-.33 (.46)	0.52	0.72	-.82 (.47)	2.99	0.44
On-duty	-.65 (.30)	4.73*	.52	-.29 (.17)	2.96	.75	-.32 (.18)	3.27	0.73
Officer's rank[1]									
Deputy	.02 (.50)	.00	1.02	.59 (.39)	2.31	1.81	.24 (.35)	0.48	1.27
Detective	.26 (.72)	0.14	1.30	1.17 (.49)	5.59*	3.22	.01 (.51)	.00	1.01
Corporal/ Sergeant	-.07 (.62)	0.01	.94	1.06 (.45)	5.61*	2.88	.30 (.42)	0.53	1.35
Number of FT officers[2]									
0 to 25	.43 (.36)	1.49	1.54	-.20 (.22)	0.82	0.82	.28 (.22)	1.51	1.32
26 to 49	.22 (.42)	0.28	1.25	-.51 (.26)	3.78*	0.60	.43 (.25)	2.96	1.54
50 to 99	-.03 (.42)	0.01	0.97	-.55 (.27)	4.19*	0.58	.08 (.26)	0.09	1.08
Crime type									
Economic	-.04 (.72)	.00	.97	-.21 (.52)	0.16	0.81	.24 (.51)	0.21	1.27
Violent	-.36 (.30)	1.48	.70	-.10 (.18)	0.32	0.90	-.43 (.18)	5.72*	0.65
Drug	1.57 (.50)	9.96**	4.79	-1.64 (.78)	4.43*	0.19	.12 (.47)	0.06	1.13
Alcohol	-.19 (.33)	0.35	.83	-.37 (.21)	3.18	0.69	-.29 (.22)	1.75	0.75
Arresting agency	-.27 (.27)	0.99	.77	.09 (.16)	0.32	1.09	-.13 (.17)	0.60	0.88

Note: [1] Missing values were treated using the Listwise deletion method. This brought the final sample size to 1278; $X^2 = 197.104^{***}$, d.f. = 60; -2LL = 3046.842; Pseudo R^2 (Nagelkerke) = 0.16. [1] = Lieutenant or above was reference category; [2] = 100 or more was reference category; *$p < .05$, **$p < .01$, and ***$p < .001$

In Model 3, the results for the *resigned* vs. *terminated* comparison are presented. For cases involving male victims and child victims, there were 1.46 times (OR = 1.46, $p < .05$) and 1.8 times (OR = 1.80, $p < .05$) greater odds of having

Table 3 Factors predicting conviction outcomes in police criminal cases ($N = 3934$)[1]

	b (S.E)	Wald	OR
Victim characteristics			
Officer as a victim (yes)	.02 (.24)	.01	1.02
Child victim (yes)	1.40 (.18)	62.64***	4.07
V/O officer relationship (stranger)	.90 (.16)	31.76***	2.45
Officer characteristics			
Age	-.02 (.01)	3.3	0.98
Male	.44 (.31)	2.11	1.56
Years of service	.04 (.01)	9.76**	1.04
On-duty	-.21 (.14)	2.19	0.81
Function (Field Supervisor)	-1.25 (.53)	5.51*	0.29
Officer's rank[2]		15.53**	
Deputy	-1.59 (.96)	2.70	0.21
Detective	-2.42 (.99)	6.00*	0.09
Corporal/Sergeant	-.59 (.49)	1.43	0.56
Arresting agency	.05 (.12)	.17	1.05
Crime type			
Economic	.07 (.21)	.10	1.07
Violent	-.21 (.15)	1.82	0.81
Drug	.73 (.28)	6.67*	2.08
Alcohol	.42 (.18)	5.52*	1.51
Constant	3.04 (1.55)	3.84*	20.81
Model fit			
X^2	123.945***		
-2LL	1927.926		
R^2	.10		

Note: [1] = These were cases that went to trial and there was an outcome. Missing values were treated using the Listwise deletion method and this brought the final sample size to 1723

[2] = Lieutenant or above was the reference category. *$p < .05$, **$p < .01$, and ***$p < .001$

officers resign than having their employment terminated, respectively. The results also indicate that years of service increased the odds of the officer resigning (rather than being terminated) (OR = 1.06, $p < 0.001$). Moreover, officers who committed violent crimes were more likely to be terminated than resign (Wald = 5.72, $p < 0.05$).

Determinants of Case Disposition in Police Crime

Table 3 presents the results of a binary logistic regression analysis that examines the influence of individual characteristics on judicial outcomes against offending police officers. The model was significant ($X^2 = 123.945$, $p < 0.001$) and had a pseudo-R^2 of 0.10, which is about 10 percent. The results indicate that child victim (Wald = 62.64, $p < 0.001$) and the victim-offender relationship (Wald = 31.76,

$p < 0.001$) significantly influenced case disposition. Specifically, officers whose cases involved child victims and officers who were not familiar with their victims had greater odds of being convicted. Additionally, three officer characteristics—years of service (Wald = 9.76, $p < 0.01$), function (Wald = 5.51, $p < 0.05$), and rank (Wald = 15.53, $p < 0.01$)—significantly predicted conviction outcome/case disposition. Longer-tenured officers had greater odds of being convicted (OR = 1.04), whereas field supervisors had decreased odds of being convicted (OR = 0.29). Moreover, detectives had decreased odds of being convicted (OR = 0.09), compared to Lieutenants. In addition, the effects of two types of crimes were found to influence case disposition: officers who committed drug-related crimes (Wald = 6.67, $p < 0.05$) and officers who engaged in alcohol-related crimes (Wald = 5.52, $p < 0.05$) had a greater likelihood of being convicted than officers who committed other crimes. The commission of economic and violent crimes did not significantly influence case disposition.

Discussion

Although police officer criminality in the United States continues to receive attention from scholars, very few studies exist that address why and how officers are punished by their departments and the courts. Police officers engage in all forms of crimes but are hardly punished for many reasons, including the existence of legal protections such as the qualified immunity clause and the absence of sunshine laws. Many scholars believe that qualified immunity protection encourages officers to engage in misconduct with impunity (Iris, 2012). This protection shields officers from facing charges and prosecution for engaging in mischievous acts. Police chiefs who may want to publicly divulge officers' offenses may be hamstrung by legal protections for officers. For example, Rabe-Hemp and Braithwaite (2012), using data based on a decade of newspaper stories in the U.S. Midwest, argued that the lack of immunity protections for police chiefs hampered the chiefs' ability to report offending officers' behaviors to future employers when said dismissed officers seek employment elsewhere. The pair of researchers argued that granting agencies and their personnel qualified immunity, the same kind enjoyed by officers, would allow the former to report police officer sexual violence more freely, thus decreasing the shuffle of criminal officers from one agency to another. Sunshine laws were promulgated to increase transparency about police officer records and, in some cases, to make police disciplinary records public, although powerful police unions and their political allies continue to fight these laws designed to increase police accountability (Bies, 2017; Payne, 2021). Despite being an important area of study, past research has done little to advance our knowledge of institutional, prosecutorial, and judicial decision-making related to how criminal police officers are held accountable. Using nationwide arrest data, the current study aimed to provide an empirical exploration of the nature of decision-making regarding criminal matters involving police officers to understand specific factors that influence decision-making at two different points: departmental decisions and conviction decisions. Two overarching objectives guided

this exploration: examining variables that impact departmental decisions in officers' criminal cases and examining factors that affect final case disposition by the courts.

Police departments rarely punish officers for engaging in misconduct. However, when they decide to punish, they face the difficult task of deciding the appropriate level of sanction that will deter future offending while increasing the morale of other officers. There are several disciplinary options (ranging from informal discussion to discharge/termination) with varying degrees of severity available to police departments (Harris & Worden, 2014; Peak, 2015). Regarding the study's first question, our multinomial regression analysis revealed several important indicators of departmental decision-making in cases of police criminal behavior. First, these decisions are largely influenced by the characteristics of the offending officers and their victims. For instance, when victims are females, children, and strangers to the offending officer, departments tend to punish officers more harshly by choosing the sanction with the highest level of severity. Officers who victimized children were more likely to be terminated than suspended. Similarly, years of service and duty status of the offending officer are critical in departmental decision-making. Second, departments consider the type of crime officers commit in deciding the appropriate level of punishment. While economic-related crime did not play any meaningful role, violent and drug-related crimes did. More specifically, the findings suggest that officers who engaged in drug-related crimes were more likely to be terminated from employment than suspended.

The observations above do not only meet the study's expectations about the role of individual characteristics and crime type in influencing the department's sanctioning decisions but also shed light on the critical role that legal and extralegal factors play in these decisions. Criminal justice officials have been found to consider all relevant factors about the crime and the individual in making punishment decisions (Walker & Cesar, 2020), and it is obvious that police administrators also do consider these variables when it comes to making decisions about officers who committed crimes while in active service. Since consideration of both legal and extralegal factors is a key part of the focal concerns theory, we can argue that police departments use focal concerns in determining the appropriate sanction for officers who engage in criminal acts. We also note that the findings of the present study support the rotten apple perspective, as several variables (e.g., years of service, officer rank, officer function, crime type) predicted judicial decision-making regarding police crime cases. In terms of the rotten barrel framework, while we discussed it as a theoretical framework for understanding police crime, we were unable to test it in the current study due to data limitations.

In terms of case disposition, this study revealed that types of offense and individual characteristics of victims and officers are important indicators of whether an officer will be convicted or not. While we did not observe any effect for officer's age and gender, we found that years of service, officer's rank, and officer's function are important indicators of whether a law-breaking officer will be convicted or not. Moreover, it was observed that officers who victimized children and had no familial relationship with their victims tended to be convicted for the crimes they committed. These observations support the study's hypothesized relationships, and while these variables may not explain the totality of the circumstances surrounding how police

criminal cases are processed through the criminal justice system, they provide important insights into the factors that largely influence case disposition by the courts.

The observation that victims' and officers' characteristics play critical roles in case disposition could be explained by the focal concerns doctrine (Steffensmeier et al., 1993, 1998), in which judicial outcome considers key features of crime along with culpability, the dangerousness of the suspect, victim harm, and other practical constraints and courtroom culture. The current study's findings offer credence to similar observations made by prior studies in which, besides legal factors, extralegal factors do substantially shape criminal justice officials' decision-making in the prosecution process and subsequent criminal conviction (see Cauffman et al., 2007; Martin & Stimpson, 1997).

The current analysis is not without limitations. First, due to the use of secondary data, we were not able to fully assess the influence of individual characteristics on decision-making related to prosecuting and punishing police officers who violate the law. For instance, we were not able to examine and determine the extent to which officers' educational background, marital status, race and ethnicity, and income impact departmental, prosecutorial, and judicial decision-making in these cases. Second, although police officers' roles as witnesses were discussed in the current paper, we were not able to control for such officer roles due to data limitations. Third, there are several victim-related characteristics that we did not explore due to the limited number of variables in the dataset. Fourth, our analysis is limited in scope, in that, we only focused on what happens to officers who commit crimes at the department level and as they go through trial. Given the lack of research in this area, this effort is important and should be replicated in future studies to help develop a theoretical framework for understanding why and how officers are punished at the departmental level and by the courts. However, an important question about what happens after officers have been convicted was not addressed by the current analysis—that is, what factors influence sentencing decisions? This question needs to be fully addressed in future studies. We also suggest that further research be conducted to expand on the current effort and to include variables, such as victim race and educational background, not examined in the present study. Furthermore, we suggest that future research include whether victims of police crimes were themselves engaging in criminal activity at the time of their victimization by the police. This extra layer of analysis might reveal if offending officers felt that the victims' criminal activities at the time of their interactions with officers might lower the victims' chances of reporting the officers' crimes to their agencies.

Finally, we acknowledge the limitations of the method used to collect the data we analyzed in the current study. Reviewing news items/articles for cases involving instances where police officers were arrested for committing crimes may not be enough to create a complete picture of officers who engage in criminal behaviors in the United States, since the approach may not capture every single case (for example, officers whose criminal acts and arrests were not covered by the media may not be captured). For example, research has shown that the proverbial *blue wall of silence* (Sierra-Arévalo, 2021), which points to officers' willingness to band together and protect one another from criminal prosecution (Puddister & McNabb, 2021), may hinder scholars' ability to collect data directly from police officers and agencies. Thus, the use of media sources to obtain data on the police should remain a

viable option for studying the police; this method also seems appropriate considering the difficulties in obtaining police-related data as well as the limitations of other methods. For example, conducting a survey to ask officers to report their past criminal behavior or that of their colleagues may lead to social desirability bias where officers may report in a manner that would make them look good in the eyes of the researcher(s) and the general public. This problem will either deflate or inflate the data and may subsequently create the wrong picture of police criminality. Also, police departments that keep such records on officers may be reluctant to release them to researchers, which will create an accessibility issue. Moreover, not all departments keep accurate data, so relying on official data from these agencies to understand officers' criminal behavior and punishment will be somewhat difficult.

In conclusion, the current study examined decision-making processes related to punishing police officers who engage in criminal behavior while in active service. The analyses conducted revealed important patterns that are critical to our understanding of how the courts and police departments decide on matters related to police criminality. Based on the study's findings, the following conclusions can be made. First, individual characteristics play a significant role in the decision-making process at all levels. Whether an officer will be disciplined by his or her employer or convicted by his/her peers, depends on both the characteristics of the officer and the victim. Specific victim characteristics such as gender, age, relationship with the officer, and being a child were found to be important. Among officer characteristics, years of service, rank, function, and duty status were essential to the decision-making process. Second, the number of full-time sworn personnel employed by the department (agency size) also matters in these decisions. Third, the type of crime an officer committed is also an important consideration.

The findings from our study raise some critical questions that need to be further examined to advance our knowledge in the area of police misconduct and crime. For instance, why does being a female and a child victim influence the decision to punish an offending officer more harshly? At all levels of decision-making, these two variables resulted in severe outcomes for the officer. Why is this so? We may speculate, but we need solid and well-grounded empirical evidence to explain the rationale behind this observation. Furthermore, because officers who committed violent crimes were more likely to be terminated than resign, this finding may be a vindication for police departments, which are sometimes accused of covering up the crimes of fellow officers (Chappell & Lanza-Kaduce, 2010; Moran, 2023). While police unions may quickly back an officer charged with a crime or protect bad officers to keep them on the job (Bies, 2017; Payne, 2021; Rushin, 2017), it is unlikely that police unions can influence judges in their rulings against officers accused of criminal activity. Thus, unless a department is notorious for whitewashing its officers' crimes, our findings may mean that no external oversight may be necessary for departments whose officers do not consistently commit crimes. Any efforts to micromanage a department, or to "cry wolf" when such a move is unnecessary, would only dampen the morale of officers as well as increase officer stress on the job. While police departments and officers should be accountable to the public, the former should not be subjected to unnecessary oversight unless it is clear that an agency's internal mechanisms for oversight, or self-regulation, are absent or inadequate.

References

Barker, T. (2002). *Ethical police behavior. In: Lersch KM (ed) Policing and Misconduct.* Upper Saddle River, NJ: Prentice Hall.

Beckett, K., & Sasson, T. (2000). *The politics of injustice: Crime and punishment in America.* Pine Forge Press.

Bies, K. J. (2017). Let the sunshine in Illuminating the powerful role police unions play in shielding officer misconduct. *Stanford Law & Policy Review, 28*, 109–149.

Boateng, F. D., Makin, D. A., Abess, G., & Wu, G. (2019). Speaking out: Officers speaking about police misconduct in Ghana. *The Police Journal, 92*(2), 121–135.

Boateng, F. D., Pryce, D. K., & Abess, G. (2022). Legitimacy and cooperation with the police: Examining empirical relationship using data from Africa. *Policing and Society*, *32*(3), 411–433.

Boateng, F. D., Hsieh, M-L., & Pryce, D. K. (2022). Police criminality: Nature and extent of crimes committed by female police officers. *Police Quarterly*, *25*(4), 415–442.

Boateng, F. D., Pryce, D. K., & Hsieh, M-L. (2023). The criminal police officer: understanding factors that predict police crime in the United States. *Crime & Delinquency*, *69*(9), 1700–1735.

Bradley, R., & Dollar, C. B. (2013). Examining mental health court completion: A focal concerns perspective. *The Sociological Quarterly, 54*(4), 647–699.

Butcher, J. N., Graham, J. R., Ben-Porath, Y. S., Tellegen, A., Dahlstrom, W. G., & Kaemmer, B. (2001). *Minnesota Multiphasic Personality Inventory-2 (MMPI-2): Manual for administration, scoring, and interpretation* (rev). University of Minnesota Press.

Cancino, J. M., & Enriquez, R. (2004). A qualitative analysis of officer peer retaliation: Preserving the police culture. *Policing: An International Journal of Police Strategies & Management, 27*(3), 320–340.

Cauffman, E., Piquero, A. R., Kimonis, E., Steinberg, L., Chassin, L., & Fagan, J. (2007). Legal, individual, and environmental predictors of court disposition in a sample of serious adolescent offenders. *Law and Human Behavior, 31*(6), 519–535.

Chappell, A. T., & Lanza-Kaduce, L. (2010). Police academy socialization: Understanding the lessons learned in a paramilitary-bureaucratic organization. *Journal of Contemporary Ethnography, 39*, 187–214.

Chenane, J. L., Wright, E. M., & Gibson, C. L. (2020). Traffic stops, race, and perceptions of fairness. Policing and Society, 30, 720–737.

Chevigny, P. (1969). *Police power: Police abuses in New York City. New York: Vintage. 1995*. Edge of the Knife: Police Violence in the Americas.

Chevigny, P., & Chevigny, P. (1995). *Edge of the knife: Police violence in the Americas*.

Chiricos, T., Welch, K., & Gertz, M. (2004). Racial typification of crime and support for punitive measures. *Criminology, 42*(2), 359–390.

Collins, S. C. (2004). Sexual harassment and police discipline: Who's policing the police? *Policing: An International Journal of Police Strategies & Management, 27*, 512–538.

Covey, R. (2013). Police misconduct as a cause of wrongful convictions. *Washington University Law Review, 90*, 1133–1189.

Crow, M. S., & Adrion, B. (2011). Focal concerns and police use of force: Examining the 66 factors associated with taser use. *Police Quarterly, 14*(4), 366–387.

Donner, C. M., Fridell, L. A., & Jennings, W. G. (2016). The relationship between self-control and police misconduct: A multi-agency study of first-line police supervisors. *Criminal Justice and Behavior, 43*(7), 841–862.

Edwards, I. (2004). An ambiguous participant: The crime victim and criminal justice decision-making. *British Journal of Criminology, 44*(6), 967–982.

Eitle, D., D'Alessio, S. J., & Stolzenberg, L. (2014). The Effect of organizational and environmental factors on police misconduct. *Police Quarterly, 17*(2), 103–126.

Engen, R. L., Steen, S., & Bridges, G. S. (2002). Racial disparities in the punishment of youth: A theoretical and empirical assessment of literature. *Social Problems, 49*, 194–220.

Fearn, N. E., Franklin, T. W., & Franklin, C. A. (2005). *Valued victims or valued offenders: Community context and murder case disposition*. Paper presented at the annual meeting of the American Society of Criminology, Toronto, Ontario, Canada.

Franklin, C. A., & Fearn, N. E. (2008). Gender, race, and formal court decision-making outcomes: Chivalry/paternalism, conflict theory or gender conflict? *Journal of Criminal Justice, 36*, 279–290.

Fyfe, J. J. (1986). The split-second syndrome and other determinants of police violence. *Violent transactions*, 207–225.

Gottschalk, P. (2012). Conceptual framework for police deviance applied to police crime court cases. *International Journal of Law and Management, 54*, 222–233.

Hartley, R. D. (2014). *Focal concerns theory* (Ed). The encyclopedia of theoretical criminology. Wiley-Blackwell.

Harris, C. J., & Worden, R. E. (2014). The effect of sanctions on police misconduct. *Crime & Delinquency, 60*, 1258–1288.

Hickman, M. J., & Piquero, A. R. (2009). Organizational, administrative, and environmental correlates of complaints about police use of force: Does minority representation matter?. *Crime & Delinquency, 55*(1), 3–27.

Higgins, G. E., Jennings, W. G., Jordan, K. L., & Gabbidon, S. L. (2011). Racial profiling in decisions to search: A preliminary analysis using propensity-score matching. *International Journal of Police Science and Management, 13*, 336–347.

Higgins, G. E., Vito, G. F., Grossi, E. L., & Vito, A. (2012). Searches and traffic stops: Racial profiling and capriciousness. *Journal of Ethnicity in Criminal Justice, 10*, 163–179.

Huebner, B. M., & Bynum, T. S. (2006). An analysis of parole decision making using a 76 sample of sex offenders: A focal concerns perspective. *Criminology, 44*, 961–992.

Iris, M. (2012). Unbinding arbitration of police discipline: The public policy exception. *Virginia Journal of Criminal Law, 1*, 540–594.

Joy, P. A., & McMunigal, K. C. (2015). Prosecutorial conflicts of interest and excessive use of force by police. *Criminal Justice, 30*, 47–53.

Kane, R. J., & White, M. D. (2009). Bad cops: A study of career-ending misconduct among New York City police officers. *Criminology & Public Policy*, 8(4), 737–769.

Kappeler, V. E., Sapp, A. D., & Carter, D. L. (1992). Police officer higher education, citizen complaints and departmental rule violations. *American Journal Police*, 11, 37.

Klaver, J. J. (2013). Law enforcement ethics and misconduct. *Law Enforcement Ethics: Classic and Contemporary Issues*, 3–28.

Kleinig, J. (2002). Rethinking noble cause corruption. *International Journal of Police Science & Management, 4*, 287–314.

Klockars, C. B., Ivkovic´ K. S., Harver, W. E., & Haberfeld, M. R. (2000). *The measurement of police integrity. Research in brief*. US Department of Justice, Office of Justice Programs, National Institute of Justice. Washington, DC: Government Printing Office.

Lee, H., & Vaughn, M. S. (2010). Organizational factors that contribute to police deadly force liability. *Journal of Criminal Justice, 38*, 193–206.

Lvovsky, A. (2016). The judicial presumption of police expertise. *Harvard Law Review*, 130, 1995.

Levine, K. (2016a). Police suspects. *Columbia Law Review*, 116, 1197.

Levine, K. (2016b). Who Should't Prosecute the Police. *Iowa Law Review*, 101, 1447.

Levine, K. (2016c). How we prosecute the police. *Georgetown Law Journal*, 104, 745.

Leiber, M., Reitzel, J., & Mack, K. (2011). Probation officer recommendations for sentencing "relative to judicial practice": The implications for African Americans. *Criminal Justice Policy Review, 22*, 301–329.

Lin, J., Grattet, R., & Petersilia, J. (2012). Justice by other means: Venue sorting in parole revocation. *Law & Policy, 34*, 349–372.

Logan, M. W., Dulisse, B., Peterson, S., Morgan, M. A., Olma, T. M., & Pare, P. P. (2017). Correctional shorthands: Focal concerns and the decision to administer solitary confinement. *Journal of Criminal Justice, 52*, 90–100.

McElvain, J. P., & Kposowa, A. J. (2004). Police officer characteristics and internal affairs investigations for use of force allegations. *Journal of criminal justice*, *32*(3), 265–279.

Maguire, E. R. (2003). *Organizational structure in American police agencies: Context, complexity, and control*. Suny Press.

Maguire, M., & Corbett, C. (1989). Patterns and profiles of complaints against the police. In R. Morgan & D. J. Smith (Eds.), *Coming to terms with policing* (pp. 174–194). Routledge.

Martin, M., & Stimpson, M. (1997). Women, race, and sentencing in Oklahoma: A preliminary analysis. *Journal of the Oklahoma Criminal Justice Research Consortium*, *4*.

Morgan, M. A., Logan, M. W., & Olma, T. M. (2020). Police use of force and suspect behavior: An inmate perspective. *Journal of Criminal Justice, 67*, 101673.

Moran, R. (2023). Police Go to Court: Police officers as witnesses/defendants. *Annual Review of Law and Social Science*, *19*.

Paoline, E. A., III., & Terrill, W. (2007). Police education, experience, and the use of force. *Criminal Justice and Behavior, 34*, 179–196.

Palmiotto, M. J. (2001). Can police recruiting control police misconduct? In M. J. Palmiotto (Ed.), *Police Misconduct: A Reader for the 21st Century* (pp. 344–354). Prentice Hall.

Payne, B. K. (2021). *White-collar crime: A systems approach* (3rd ed.). Sage Publications, Inc.Speaking out: Officers speaking about police

Peak, K. J. (2015). Policing America: Challenges and best practices (8th ed.), [Kindle version]. Pearson Education, Inc.

Prenzler, T. (2009). *Police Corruption: Preventing misconduct and maintaining integrity*. CRC Press.

Pryce, D. K., & Chenane, J. L. (2021). Trust and confidence in police officers and the institution of policing: The views of African Americans in the American South. *Crime & Delinquency*, *67*, 808–838.

Pryce, D. K., Johnson, D., & Maguire, E. R. (2017). Procedural justice, obligation to obey, and cooperation with police in a sample of Ghanaian immigrants. *Criminal Justice and Behavior*, *44*(5), 733–755.

Pryce, D. K., Olaghere, A., Brown, R. A., & Davis, V. M. (2021). A neglected problem: Understanding the effects of personal and vicarious trauma on African Americans' attitudes toward the police. *Criminal Justice and Behavior, 48*, 1366–1389.

Puddister, K., & McNabb, D. (2021). When the police break the law: The investigation, prosecution, and sentencing of Ontario police officers. *Canadian Journal of Law and Society, 36*, 381–404.

Punch, M. (2003). Rotten orchards: Pestilence, police misconduct and system failure. *Policing & Society, 13*, 171–196.

Rabe-Hemp, C. E., & Braithwaite, J. (2012). An exploration of recidivism and the officer shuffle in police sexual violence. *Police Quarterly, 16*, 127–147.

Rojek, J., & Scott, H. D. (2009). Examining racial disparity in the police discipline process. *Police Quarterly, 12*, 388–407.

Ross, J. I. (2001). Police crime & democracy: Demystifying the concept, research, and presenting a taxonomy. *In S. Einstein and M. Amir (Eds.), Policing, Security and Democracy: Special Aspects of Democratic Policing*, 177–200.

Rothwell, G. R., & Baldwin, J. N. (2007). Whistle-blowing and the code of silence in police agencies: Policy and structural predictors. *Crime and Delinquency, 53*, 605–632.

Rushin, S. (2017). Police union contracts. *Duke Law Journal, 66*, 1191–1266.

Sanders, B. (2008). Using personality traits to predict police officer performance. *Policing: An International Journal of Police Strategies and Management, 31*, 129–147.

Seron, C., Joseph, P., & Jean, K. (2004). Judging police misconduct: 'Street-level' versus professional policing. *Law & Society Review, 38*, 665–710.

Shane, J. M. (2012). Police employee disciplinary matrix: An emerging concept. *Police Quarterly, 15*, 62–91.

Silver, J. R., Sean, P. R., Thomas, J. B., & Stephanie, B. R. (2017). Traditional police culture, use of force, and procedural justice: Investigating individual, organizational, and contextual factors. *Justice Quarterly, 34*, 1272–1309.

Smith, M. R., Makarios, M., & Alpert, G. P. (2006). Differential suspicion: Theory specification and gender effects in the traffic stop context. *Justice Quarterly, 23*, 271–295.

Steffensmeier, D., & Chester, L. B. (2001). Judges' race and judicial decision-making: Do Black judges sentence differently? *Social Science Quarterly, 82*, 749–764.

Steffensmeier, D., & Demuth, S. (2001). Ethnicity and judges' sentencing decisions: Hispanic-Black-White comparisons. *Criminology, 39*, 145–178.

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, Black and male. *Criminology, 36*, 763–798.

Simmons, K. C. (2015). Increasing police accountability: restoring trust and legitimacy through the appointment of independent prosecutors. *Washington University Journal of Law & Policy*, *49*, 137.

Skolnick, J. H., & Fyfe, J. J. (1993). *Above the law: Police and the excessive use of force*, 242. New York: Free Press.

Sierra-Arévalo, M. (2021). American policing and the danger imperative. *Law & Society Review, 55*(1), 70–103.

Steffensmeier, D., Kramer, J., & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, *31*(3), 411–446.

Stinson, P. M., John, L., Steven, L. B., Jr., & Brooke, E. M. (2015). Police sexual misconduct: A national scale study of arrested officers". *Criminal Justice Policy Review, 26*, 665–90.

Stinson, P. M., Liederbach, J., Lab, P. S., & Brewer, S. L. (2016). Police integrity lost: A study of law enforcement officers arrested. Retrieved from chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ojp.gov/pdffiles1/nij/grants/249850.pdf

Sherman, L. W. (1978). Scandal and reform: Controlling police corruption. *Univ of California Press*.

Stinson, P. M. (2017). Study of sworn nonfederal law enforcement officers arrested in the United States, 2005-2011. *Inter-university Consortium for Political and Social Research [distributor]*. Retrieved from. https://doi.org/10.3886/ICPSR35648.v1

Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review, 37*, 513–548.

Walker, D. A., & Cesar, G. T. (2020). Examining the "gang penalty" in the juvenile justice system: A focal concerns perspective. *Youth Violence and Juvenile Justice, 18*, 315–336.

West, P. (1988). Investigation of complaints against the police: Summary report of national survey. *American Journal of Police, 7*, 101–122.

Wolfe, S. E., & Piquero, A. R. (2011). Organizational justice and police misconduct. *Criminal Justice and Behavior, 38*(4), 332–353.

Wood, G., Roithmayr, D., & Papachristos, A. V. (2019). The network structure of police misconduct. *Socius, 5*, 2378023119879798.

Wu, G., Boateng, F. D., & Yuan, Y. (2016). In the eyes of the gatekeepers: Insights of Chinese police officers' perceptions of the public. *The Police Journal, 89*, 269–289.

Francis D. Boateng, Ph.D. is an associate professor of criminal justice and legal studies at the University of Mississippi. Dr. Boateng has 12 years of experience in conducting research in policing, comparative criminology, victimology, terrorism, and immigration. He has previously done work for police departments and has been consulted for his advice on program implementation by other criminal justice agencies including the Louisville Department of Correction. In 2019, Dr. Boateng was among nine police scholars from six countries invited for a global discussion on policing and security in Lisbon, Portugal. Dr. Boateng has published several peer-reviewed articles in top criminal justice, criminology, and social science journals. In addition, he has co-authored two books on terrorism, national security, and immigration, with the latest publication titled "National Security and Policy in America: Immigrants, Crime, and the Securitization of the Border". Dr. Boateng is a fellow at the Sarah Isom Center for Women and Gender Studies, Africa Institute for Crime, Policy & Governance Research, and a research fellow at the Mississippi Crime and Justice Research Unit.

Daniel K. Pryce, Ph.D. is an associate professor in the Department of Sociology and Criminal Justice at Old Dominion University. He was the recipient of the 2017 Dean's Excellence in Research Award and the 2018 Chancellor's Award for Research at North Carolina Central University, his previous employer. He is the author/coauthor of more than 30 peer-reviewed journal articles, which have appeared in leading journals including Police Quarterly, Crime & Delinquency, Criminal Justice and Behavior, Journal of Criminal Justice Education, Criminal Justice Policy Review, Journal of Crime and Justice, Police Practice and Research, Policing and Society, Du Bois Review, Child Abuse & Neglect, Journal of Crime and Justice, and Criminal Justice Review. His primary research interests include policing and race, immigration, fear of crime and victimization, college internships, and research methods. His co-authored paper that examined U.S. residents' views about the Diversity Visa Lottery (DVL) program was recently published in Sociological Perspectives.

Michael K. Dzordzormenyoh, (PhD) is an Assistant Professor of Political Science in the Department of Political Science and a faculty affiliate at the Center for African Studies at Kent State University, Kent, Ohio, USA. His research and pedagogical expertise are shown in comparative public administration and public policy, specifically in elections, immigration, criminal justice, and leadership.

Ming-Li Hsieh, PhD is an associate professor in Criminal Justice Program at University of Wisconsin-Eau Claire.Her research includes an examination of cybercrime and policing, recidivism risk assessment, crime control policies and comparative criminal justice. Her recent work has been published in the Crime and Delinquency, Criminal Justice and Behavior, Police Quarterly, Journal of Interpersonal Violence, Sexual Abuse, Victims and Offenders, International Journal of Cyber Criminology, International Journal of Offender Therapy and Comparative Criminology, Criminal Justice Policy Review, International Criminal Justice Review, and Feminist Criminology, among others. Her achievements were recently recognized by the Academy of Criminal Justice Sciences, awarding her the Dorothy Bracey/Janice Joseph Minority and Women New Scholar Award in 2021.

Alan Cuff, MA is currently a J.D. Candidate at SMU Dedman School of Law, Allen, TX. Alan graduated from the University of Mississippi with an MA degree in Criminal Justice in 2022.

Authors and Affiliations

Francis D. Boateng[1] · Daniel K. Pryce[2] · Michael K. Dzordzormenyoh[3] · Ming-Li Hsieh[4] · Alan Cuff[1]

✉ Francis D. Boateng
   fboateng@olemiss.edu

   Daniel K. Pryce
   dpryce@odu.edu

   Michael K. Dzordzormenyoh
   mdzordzo@kent.edu

   Ming-Li Hsieh
   hsiehm@uwec.edu

   Alan Cuff
   amcuff@go.olemiss.edu

[1] Department of Criminal Justice and Legal Studies, The University of Mississippi, 84 Dormitory Row West, P. O. Box 1848, University Park, MS 38677, USA

[2] Department of Sociology and Criminal Justice, Old Dominion University, Norfolk, VA, USA

[3] Department of Political Science, Kent State University, Kent, OH, USA

[4] Department of Political Science, University of Wisconsin-Eau Claire, Eau Claire, Wisconsin, USA