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Variables Associated With Police Use of Excessive Force in the United States

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Abstract

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MS, University of Texas at Dallas, 2013

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Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

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Abstract

A negative relationship persists among minority communities and law enforcement officers, including officers' use of excessive force. Use of force researchers hold that a high percentage of African American men and boys can expect to die at the hands of police in the United States. Further, African American men are more likely than their White peers to die during an encounter with police. The purpose of this quantitative study was to examine the relationship between predictor variables and the use of excessive force against racial and ethnic minorities in the United States, controlling for race, gender, and household income. The predictor variables were (a) ethnicity, (b) whether respondent disobeyed or resisted police, and (c) verbal escalation of respondent with officers. The dependent variables were (a) police verbal escalation and (b) police physical escalation. Using conflict theory, this study was an examination of traffic stop summary data from the 2015 Police–Public Contact Survey to determine variables associated with police use of excessive force. The instrument used in the survey was binary; therefore, binary logistic regression was appropriate for testing the correlating hypotheses. The results indicate that in Models 1 and 2, race, gender, income, and citizen deference at time of stop were all highly significant, indicating police verbally escalated and physically escalated an encounter. The findings in this study have potential implications for positive social change by adding to the knowledge on this subject so that stakeholders, policymakers, and key administrators can make informed decisions to address the issue of excessive use of force among law enforcement officers, which is negatively impacting the lives of citizens in the United States.

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Dedication

This 10-year quest that started with my associate degree and now my PhD is dedicated to my family. First, my wife Ruth, who is the love of my life. She enrolled me into school without me knowing, tutored me semester after semester, and cheered and encouraged me every day—even when I didn't deserve it. I love you, Babe. Next, my kids, Chelsea, and Shane. I have intentionally set the bar high for you two, but not without giving you the tools to exceed it. God speed to you. Lastly, to my mom and dad, who repeatedly said to me, "Get an education. It is something that no one can ever take from you".

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I would like to thank my committee for giving me honest feedback, which made my work so much better. To my chair, Dr. Greg Koehle, whose guidance I really needed at that critical time. Without your advice and honesty, I would still be stuck in the same spot.

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Chapter 1: Introduction to the Study

Introduction

In this study, I explored the topic of violent encounters, or use of force, between police and communities of colored people. The findings from this research may help stop unjustified killings by the government that can lead to civil unrest. In this study, I sought social change by producing new research that may help police administrators and legislators write policy to address this issue. I conducted this study to help address an international issue affecting society recently that has been a reality for people of color for over a century.

The first public funded police force in the American north was created in Boston in 1838 (Waxman, 2017). The Boston police department employed full-time officers at first employed by the private sector to protect their property and safeguard the transport of goods from the port (Waxman, 2017). Community businesspeople devised a plan to transfer that cost of protection to the people of Boston (Waxman, 2017). This plan would save money by transferring the cost of maintaining a police force over to the citizens, and business owners argued this was for the collective good.

Armed patrols were the first publicly funded police departments in the American South (Spruill, 2016). The Charleston Police Department employed nearly 100 officers in 1837; the department's principal responsibility was patrolling for enslaved people. These patrols also included patrolling for Black people who were free, enforcing slave codes, checking documents, guarding against slave revolts, and catching runaway slaves. Brown (2019) stated that these officers were merciless when they encountered enslaved people

who had escaped. Because of this, people of African descent lived in a perpetual state of fear. The patrol would stop, search, physically beat, detain, re-enslave, and lynch. These officers used packs of what they called *Negro dogs* to hunt down people of color (Spruill, 2016). When the patrol found people, they subjected them to ravages from the bloodhounds. Spruill argued these same tactics are employed today by police but are now labeled *K-9 units*. Kaba (2020) posited that this extreme cruelty is anchored in deterrence and White supremacy that continued after the U.S. Civil War.

During reconstruction after the U.S. Civil War, hate groups emerged from the partially disbanded slave patrols with the goal of maintaining individual and societal control over African American citizens (Durr, 2015). These groups included federal military, state militia, and the Ku Klux Klan. Over time, these groups began to operate as newly established police departments in the United States (Durr, 2015). Historians cite this transition as the beginning of modern policing in the United States (Durr, 2015).

The population of immigrants disembarking on the shores of America and African Americans leaving the South increased as policing became salient (Lepore, 2020). The Irish and Germans who came to the United States during this time also faced hostility from the police (Lepore, 2020). Members of these ethnic minority groups were prevented from voting, holding office, and becoming citizens (Lepore, 2020). A great example of police hostility during this period was when Boston held a city election and the Know-Nothing party—which favored equality solely for White men-—swept the elections (Lepore, 2020). When the state and the mayor's office disagreed with the election outcome, this disagreement caused the Great Police Riot 1857 (Lepore, 2020). The New

York Municipal Police, run by the mayor's office, engaged in an armed conflict against the state-run New York Metropolitan Police Department, which called themselves the *New York Mets*, on the steps of city hall. That year an amateur baseball team was founded of the same name (Lepore, 2020).

During this period, Black people in the United States had few options for livelihood. Logan (2020) avowed that African Americans who went north fleeing the sharecroppers of the South and seeking equality in the industrial North, only found a new form of discrimination—Jim Crow. Despite gaining full citizenship in 1867, Jim Crow Laws served as a boundary between Black and White people. Under Jim Crow, Blacks were considered second-class citizens and White supremacy ruled in policymaking. Blacks continued to face organized violence at the hands of police.

Tactics such as organized violence by police, policymaking designed to discriminate all took on a more sophisticated role against Blacks as time would progress. According to Newberry (2017), today a more obscure adaptation of slave patrols exists, instituted by municipal governments through measures such as *Stop and Frisk*, racial profiling, *Driving While Black*, and *Speak When I Tell You* law. This ideology relives a historically continuous *Nigger moment*: a time when social position and location in society comes down to skin color, embedded in White perceptions and stereotypes.

In this chapter, I cover the purpose of this study, research questions, background, and nature of the study to give the reader a full understanding of the chapters to come.

Background

In 1837, the Charleston Police Department was officially established (Spruill, 2016). In 1865, the U.S. Civil War came to an end, the Confederacy lost, and slavery was abolished. Since that time, descendants of enslaved people have been disproportionately subjected to police misuse, mistrust, violence, and killings (Ralph, 2019). Modern police departments were created with the specific intent of controlling the behaviors of ethnic minority groups (Lopez, 2016). Due to slavery, Black people have historically been a target for police mistreatment (Lopez, 2016). Police departments, such as the New York Police Department, have a long history of killing unarmed Black people (Taylor, 2021). Moore et al. (2018) used critical race theory (CRT) to examine the historical context of the oppression and killing of African American men by police, emphasizing the patterns of prejudice against Black men in the United States. In this research, CRT was commissioned as an investigative tool in support of the argument that the dehumanization and killing of Black men are key features of a racialized America, a society that has institutionalized and normalized such patterns.

Although lynching of African American men is no longer as common as it once was, this may only suggest that racism is not static (Moore et al., 2018). Racism has evolved and adapted to fit a given regime in time and space. Law enforcement brutality and the killing of Black men is not a new phenomenon and reflects the unabated continuation of racism stemming from White supremacy. Robinson (2017) stated that during reconstruction, hate groups emerged from the partially disbanded slave patrols to maintain individual and societal control over African American citizens. As stated earlier,

these groups included members of the state militia, federal military, and the Ku Klux Klan. Once these units were established, they became even harsher than their forerunners Robinson (2017). Before long they began as newly recognized police departments in America (Spruill, 2016). Salimbene (2019) cited this passage in history as the beginning of modern law enforcement in the United States.

Today's police departments still serve and protect the racial hierarchy established by the U.S. Constitution (Hasbrouch, 2020). The relationship between police and Black people has been tempestuous at best; law enforcement is used as a means of social control to protect the interests of the wealthy (Robinson, 2017). The notion that police in America protect and serve the people by managing social issues like homelessness, unemployment, drug use and violence to create a better society is a myth (Vitale, 2017). Rather, law enforcement is an instrument for managing deeply entrenched inequalities organized along lines of race, class, gender, and sexuality (Vitale, 2017).

Modern policing is entrenched in the characteristics of slavery, including direct violence, natal alienation, and general dishonor (Ibe, 2020). Moreover, modern policing acts as a vehicle of White empowerment and Black denigration through incarceration. Nonstop policing of African Americans is imbedded in violence meant to debilitate these citizens physically and mentally (Ibe, 2020). This violence involves recurrent violent acts of physical harm, often in the form of beatings, and mental oppression as a condition that extends the lack of self-determination or social personhood that originated in White people's enslavement of Black people.

Most researchers believe that many different variables can be associated with police use of excessive force against Black people. In this project, I focused on a multiple-variable hypothesis to address a gap in the knowledge. This study needed to be conducted to help address this international issue in society that has been a reality for minorities for over a century.

Problem Statement

There is an ongoing negative relationship between people of colored communities and law enforcement regarding the use of excessive force (Robinson, 2017). Use of force researchers have held that 1 in 1,000 African American men and boys can expect to die at the hands of police in the United States (Schwartz & Jahn, 2020). African Americans men and boys are 2.5 times more likely than their White peers to die during an encounter with police (Schwartz & Jahn, 2020). Gilbert and Ray (2016) stated that during a 6-month period, police or individuals acting in that capacity killed one Black person every 36 hours. Additionally, 46% of those killed by police were unarmed at the time of their death and 36% were alleged to have had a weapon by police (Gilbert & Ray, 2016). Data from the National Violent Death Reporting System, which reports from 16 states, suggest that death by legal intervention is the third leading cause of violence-related deaths, 24.4% of the more than 16,000 violence-related deaths in those states (Gilbert & Ray, 2016). Of those statistics, Black men are 21 times more likely to be killed by a member of law enforcement than White men. Recent deaths of numerous African American men killed by police expose an unaddressed public health challenge: The challenge is determining the root causes of excessive use of force by police applied to African

American men that may result in "justifiable homicides" (Gilbert & Ray, 2016). Gilbert

and Ray (2016) believe that public health has not done enough to address the disparities

observed in recent trend analyses of "justifiable homicides" by police.

The terms justifiable homicide or legal intervention still seems to indicate

government behavior control by violence. According to Robinson (2017), another factor

of police use of excessive force against minorities could date back to the enslavement of

Black people in the United States. Throughout this time period, laws were constructed for

police to use any type of violence to control the behavior of African Americans. Bejan et

al. (2018) posited that these killings are retaliatory violence between law enforcement

and members of the African American community. Chaney and Robertson (2015)

indicated that race is a critical variable in law enforcement shootings of unarmed people.

Chaney and Robertson posited that CRT might be able to explain the disproportionate

amount (78%) of deaths of unarmed Black people between 1999 and 2015.

As current research suggests, there are many explanations for what variables

cause the phenomenon of police use of excessive force against people of color. While

social science researchers have conducted multiple types of analyses, none have explored

the multiple-variable hypothesis. This represents a gap in the literature and could help

stakeholders and police administrators determine cause and address the issue.

Purpose of the Study

The purpose of this quantitative study was to examine the relationship between

predictor variables—(a) ethnicity; (b) respondent disobeys or resists police (did

respondent disobey officer; try to leave, push, grab, or hit officer; resist arrest,

handcuffing, or search); (c) respondent verbal escalation with officers (curses, insults, verbal threats to officer; complaints; arguing with officer)—and the use of excessive force against people of color from the respondent's perspective in the United States. The dependent variables were (a) police verbal escalation (shout, curse, threaten force, threaten arrest, or threaten ticket); and (b) police physical escalation (push or grab, kick or hit, or handcuff).

In this study, I analyzed preexisting data from the U.S. Department of Justice. Data were collected from the 2015 Police–Public Contact Survey (PPCS) questionnaire. The 2015 PPCS was the primary source of data. The PPCS is a supplement to the National Crime Victimization Survey (NCVS), which is an annual survey that collects data on crime against people ages 12 and older from a nationally representative, stratified, multistage cluster sample of U.S. households. For this project, I used archival data available to the public. The PPCS provides specified data on the nature and characteristics of face-to-face interactions between the public and the police, including the purpose for and outcome of the contact and the respondent's satisfaction with the contact.

The PPCS is a representative, stratified, multistage cluster sample of U.S. households. The principal motivation of the PPCS is to generate domestic statistics of households about their contact with police during the previous 12 months. For instance, persons interviewed in July 2015 were asked about contact that occurred between August 2014 and July 2015.

The U.S. Census Bureau fields the 2015 PPCS, processes the survey data, and provides approximation specifications. The 2015 PPCS was tested cognitively in the spring of 2015 and conducted between July 1, 2015, and December 31, 2015. The PPCS survey questions used in my study were related to the outcome of traffic stops. Respondents answered questions about their encounter with police during a traffic stop. The sample size of this study was N = 90,719. These data were used to determine the probability of different types of contact for residents with different demographic characteristics, including contacts involving the use of nonfatal force by police. The PPCS provides social scientists with data not narrated by police. This allows researchers an opportunity to analyze variables that are otherwise lost.

Research Questions and Hypotheses

In 2015, an estimated 21% of U.S. residents aged 16 and older, about 53.5 million people, experienced some form of contact with law enforcement in the prior 12 months. According to the BJS, this was down from 26% of residents in 2011—a drop of more than 9 million people (from 62.9 million to 53.5 million). In addition, a similar percentage of citizens experienced law enforcement-initiated (10.8%) or resident-initiated (10.7%) contact (PPCS, 2015). The most predominant types of contact with police transpire when drivers are pulled over during a traffic stop (8.6% of residents experience this) or when citizens report a crime, disturbance, or suspicious activity to police (6.7% of residents; PPCS 2015).

This study revealed that Whites (23%) are more likely than Blacks (20%) or Hispanics (17%) to have contact with police. Police are less likely to initiate contact with

Hispanics (9%) than Blacks or Whites (11%). Although police are less likely to initiate

contact with Hispanics, police are far more likely to initiate contact with men (12%) than

women (9%); conversely, women (11%) are more likely to initiate contact with police

than men (10%). Contact initiated by law enforcement indicates that Blacks (5.2%) and

Hispanics (5.1%) are more likely to experience the threat or use of physical force than

Whites (2.4%). Further, men (4.4%) are more likely to experience the threat or use of

physical force than women are (1.8%) when police initiate contact (PPCS,2015).

The following research questions and hypotheses were used in this study:

RQ1: What is the relationship between (a) ethnicity; (b) respondent disobey or

resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or

search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain,

argue); covariates (age, sex, income); and reporting police verbal escalation (shout; curse;

threaten force, arrest, or ticket) at time of arrest?

$H_0 1$: There is no relationship between (a) ethnicity, (b) respondent disobey or

resist police (disobey; try to leave; push, grab, or hit officer; resist arrest,

handcuffing, or search); (c) respondent verbal escalation with officers (curse,

insult, threaten, complain, argue); covariates (age, sex, income); and reporting

police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of

arrest.

$H_1 1$: There is a relationship between (a) ethnicity, (b) respondent disobey or resist

police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing,

or search); (c) respondent verbal escalation with officers (curse, insult, threaten,

complain, argue); covariates (age, sex, income); and reporting police verbal

escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest.

RQ2: What is the relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police physical escalation (push, grab, kick, hit, handcuff) at time of arrest?

$H_0$2: There is no relationship between (a) ethnicity; (b) respondent disobey or

resist police (disobey; try to leave; push, grab, or hit officer; resist arrest,

handcuffing, or search); (c) respondent verbal escalation with officers (curse,

insult, threaten, complain, argue); covariates (age, sex, income); and reporting

police physical escalation (push, grab, kick, hit, handcuff) at time of arrest.

$H_1$2: There is a relationship between (a) ethnicity; (b) respondent disobey or resist

police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing,

or search); (c) respondent verbal escalation with officers (curse, insult, threaten,

complain, argue); covariates (age, sex, income); and reporting police physical

escalation (push, grab, kick, hit, handcuff) at time of arrest.

Theoretical and/or Conceptual Framework

In this research project, I focused on the use of excessive force by police against

citizens, in particular among Black communities. The primary theory selected in this

analysis was conflict theory. According to Sedek (2018), conflict theory centers on the

fight between factions within society over limited resources. The perspective of conflict

is that laws are designed to satisfy the needs and interests of the powerful in society. Sedek added that Karl Marx thought that, as blue-collar and underprivileged people are exposed to worsening conditions, a collective consciousness would bring inequality to light and potentially result in revolt. Magalla (2018) stated that conflict theory denotes a misunderstanding on a specific matter between two or more persons who happen to be of different positions of authority and power. Because of such misunderstanding, crime can emerge. Grant (2017) submitted that conflict theory can be clarified through the lens of social inequality in a multicultural society. Society's most powerful people use a multitude of social mechanisms, including the legal system and the criminal justice system, to control people who are not powerful (Grant, 2017).

Being controlled with the use of social mechanisms has been a very familiar complaint for people of color in America. Bystrova and Gottschalk (2015) posited that the criminal justice system is biased and configured to protect people in the upper class. Powerful and wealthy people define what is right and what is wrong (Bystrova & Gottschalk, 2015). Laws and law enforcement are controlled by the ruling class, which allows its interests to be promoted and maintained. This class-based economic order is maintained by a criminal justice apparatus that serves the interests of wealthy people at the expense of poor people. Those who challenge this system of production are designed for social control, especially if they are seen as a serious threat to the system.

This system clearly showed how it works in the case of the Central Park 5. Where multiple young Black males were convicted of raping a White woman and years later exonerated. Spohn (2018) claimed that research shows that conflict theory plays a major

role in the sentencing of Black men. Black people are sentenced more harshly if the victim is White, and the defendant is Black. Research in this area has been conducted to explore the bearing of offender race and victim race on court decision making and is commonly focused on cases of homicide or rape (Spohn, 2018). According to Spohn, evidence supports those Black individuals found guilty of murdering a White person is more likely to be sentenced to death. Black people found guilty of killing a Black person or White people found guilty of murdering a Black person experience more leniency in sentencing (Spohn, 2018).

Current research seems to be suggesting that there is a valid reason for the moto "Black Lives Matter". Holmes et al. (2019) posited that police coercion helps continue social arrangements that benefit more privileged segments of society. Empirical research on patterns of police violence toward people of color frequently relies on the *threat hypothesis*, a derivative of conflict theory that hypothesizes the amount of police present surges as the size of a population that threatens the interests of the powerful increases (Holmes et al., 2019). When police patrol in these disadvantaged places minority citizens are viewed as particularly threatening, a perception that may trigger police killings (Holmes et al., 2019).

Nature of the Study

This study is quantitative in nature, which allowed me to use a preexisting data set from the Department of Justice, the PPCS (2015), with a sample size of N = 90,719. A quantitative approach is appropriate when a researcher is attempting to determine a correlation between two variables (Babbie, 2013). Correlational studies are suited for

measuring the strength between two variables (Fitria, 2019). This research project may expand the understanding of why U.S. police use excessive force, particularly against members of the African American community. Such an understanding could serve as the foundation for future studies on the same topic and could help stakeholders and police administrators determine cause in this area.

Variables

In this study there were two groups of dependent variables used that are based on respondents' recall of arrest or police interactions. Each of the dependent variables was recoded as 0 or 1: 0 for *no* and 1 for *yes*. I used dummy variables, which are common variables used in research. These variables measure whether the arresting officer used or threatened excessive force with the respondent, whether the officer pushed or grabbed the respondent, whether the officer shouted at the respondent, whether the officer cursed at the respondent, whether the officer threatened a ticket to the respondent, whether the officer hit or kicked the respondent, or whether the officer used pepper spray with the respondent at the time of the arrest or encounter.

In this study, I used two sets of focal independent variables. The first set is focused on race. The race variable was not grouped like the independent variables and dependent variables because the different categories of race are not mutually exclusive. I used *White* as the reference category. The other set of focal independent variables dealt with deference of respondent at time of arrest or encounter. I created dummy variables coded 0 and 1 for whether the respondent argued with or disobeyed the arresting officer and whether the respondent cursed at or insulted the arresting officer. Several control

variables were used in the analysis. Age was measured in actual years and centered around the mean. Sex was measured with a dummy variable for women. Income was measured with an ordinal scale of four income categories.

For this project, I used archival data available to the public conducted by the U.S. Department of Justice Bureau of Justice Statistics (BJS), the 2015 PPCS. This survey was conducted as a supplement to the NCVS. The PPCS is a representative, stratified, multistage cluster sample of U.S. households from individuals aged 16 and older. PPCS respondents were asked about their contact with police during the past 12 months. All PPCS respondents were informed verbally and in writing that their participation was voluntary, and that all information provided would be held in confidence. In this research, project quantitative analysis was used alone with binary logistic regression to test the correlating hypotheses. Because I used secondary survey data, the proper choice for method was quantitative. The instrument used in the survey was binary in nature; therefore, binary logistic regression was appropriate for testing. The data from this secondary survey was interpreted with a statistical package.

Assumptions

I assumed that because this study used secondary data, that I obtained from a government's website was accurate and up to date. I assumed that the government has regulation and rules regarding fair distribution of this survey. I also assumed that the racial demographical data that was acquired was precise. The closing assumption was that I eliminated my individual biases especially on race.

Scope and Delimitations

Specific aspects of this research problem are that people, Black men in particular, are being killed by police at a rate higher than other races, and individual rights are being violated by government agents. I chose this focus to bring awareness and to help stakeholders and police administrators address this problem. This study was produced from specified data on the nature and characteristics of face-to-face interactions between public individuals and police officers. Data included the purpose for and outcome of the contact and the respondent's satisfaction with the contact. Deterrence theory was not investigated but is relevant to the study.

Limitations

This quantitative study was conducted using binary regression to analyze data. Because I used archived data collected by the BJS, I did not have access to any of the respondents' personal data. The data collected are considered secondary data and the sources are public domain. The role of a researcher is to use said data to find fair and unbiased results that build upon and fill a gap in the literature. Consequently, this study does have several limitations. The most apparent limitation with this study is that people can lie. Trustworthy data provide the groundwork for social science research. In criminal justice, social scientists who elect to use survey data run the risk of respondents giving answers to avoid casting themselves in a negative light. In addition, these same respondents may feel encouraged to provide answers that bolster themselves, which is an issue of validity.

For example, finding out that a person gives liberal answers in a survey does not necessarily mean that person is liberal. According to Babbie (2013), surveys are subject to artificiality in connection with experiments. Babbie stated that this inadequacy is particularly noticeable in the realm of action. Surveys cannot gauge social action; surveys can only accumulate self-reports of recollected past action or of prospective or hypothetical action. Artificiality presents two difficulties: The first is the topic of study may not be amenable to measurement through questionnaires. The second is the act of studying that topic, say an attitude, for example may affect the study. Although survey data are typically strong on reliability and weak on validity in comparison with research conducted in the field, a researcher can address this by asking people to respond honestly on the survey and asking the same survey questions different ways to compare answers.

Significance

This research was created to fill a gap regarding the variables associated with police use of excessive force, particularly against members of the African American community. This is a unique research project because I measured data coming from victims, which can clarify the research questions. According to Robinson (2017), despite post-Ferguson (meaning after the killing of Michael Brown in Ferguson) trends, police and people of color have a troubled history. That history began with slave patrols as a precursor to modern policing. *Paddy rollers* were individuals charged with policing free Blacks and enslaved Africans. The paddy rollers would work only at night, stopping slaves, searching their homes, and beating anyone who resisted. Ralph (2019) posited that this troubled history between the African American community and law enforcement

manifested in the Second Amendment to the U.S. Constitution and the right to bear arms. The amendment was enacted so government could not take away states' ability to arm residents, which was used to control enslaved people.

The findings of this research could have potential implications for positive social change. That change can be implemented through the scholar–practitioner model. This model is used to compile, analyze, and interpret data that can be presented to stakeholders, policymakers, and key administrators (Distefano et al., 2004). The Walden University scholar–practitioner model has attributes—knowledge, skills, and attitudes— that can produce long-term solutions and promote lasting effects through social change (Callahan et al., 2012). Number 8 in the model is *humane ethics*, which is the center for this research. Humane ethics is a system of moral principles that guide human conduct with respect to the rightness and wrongness of certain actions (Callahan et al., 2012). This research is important to the public policy and administration field because I explored whether a bias exists among public administrations in respect to policing of people of color communities. In this research, I sought to expose any unfair practices and help public administrators with policing.

Summary

In the United States, an ongoing negative relationship persists between people of color communities and law enforcement regarding the use of excessive force (Robinson, 2017). Bystrova and Gottschalk (2015) posited that laws and law enforcement are controlled by the ruling class whose interests are promoted and maintained. This class-based economic order is maintained by a criminal justice apparatus that serves the

interests of wealthy citizens at the expense of people experiencing poverty. Additional

details about how this works and specific examples will be provided in the literature

review in Chapter 2.

Chapter 2: Literature Review

Introduction

Breonna Taylor, Elijah McClain, Tony McDade, and George Floyd died because of contact with police (Boyd et al., 2020). Rodney King's name is synonymous with injury because of police contact (Carbado & Rock, 2016). King encountered Los Angeles Police Department officers on March 3, 1991, and was tased twice, clubbed 56 times with a baton, and kicked in the head/body by three other uniformed officers (Lu, 2017). An officer from the Ferguson, Missouri, police department responded to a group of teenage girls play fighting in the street after school. During the incident, one of the girls gave the middle finger to a White witness who called the police. One of the Ferguson officers ordered the young woman to the car, and her friend was also present. The officer requested the young woman's friend to leave, and when she did not, the officer arrested both young women with force (DOJ, Ferguson Police Report, 2015). On October 26, 2015, a school police officer dragged a young Black female student across the floor, forcibly removing her from her classroom. The officer did so because the child refused to leave the classroom after using her cell phone in class. Another student recorded the incident, and the officer returned to the classroom and obtained the phone, arresting that student for disturbing the school, a misdemeanor (Zhang, 2017).

All these cases represent the application of use of excessive force. Police use excessive force as a tool (Hemel & Porat, 2019). Hemel and Porat (2019) and other researchers suggest that this tool is being used as a deterrent of free speech against underrepresented groups (Bejan et al., 2018). Researchers have determined there is a

continuum for the application of use of excessive force by police that ranges from verbal

threats of arrest, arrest, shoving, slapping, and beating a suspect (Hemel & Porat, 2019).

The term *use of excessive force*, for the purpose of this research project, is

predicated on the research question: What factors are related with police use of excessive

force against minorities? According to BJS (2021), the *use of excessive force* can be

defined as the application of force beyond what is reasonably believed to be necessary to

gain compliance from a subject in any given incident. For this research, the word *force* is

incorporated into multiple phrases to explain how force is being used by law

enforcement, e.g., *deadly force* or *lethal force*. This is the force that law enforcement

officers know can cause or creates a substantial risk of causing death or serious bodily

harm. *Nondeadly force* or *less-lethal force* are the level of force required to gain

compliance that is not known to or intended to create serious bodily harm or death.

Excessive use of force is the application of lawful use of force in too many separate

incidents. Lastly, *use of force* is the amount of effort required by law enforcement to gain

compliance from an unwilling subject (BJS, 2021).

The nation's leading enforcement arm, the Federal Bureau of Investigations

(FBI), defines the use of lethal force as follows: FBI special agents have been granted the

authority to use deadly force only when necessary. A special agent may deem lethal force

necessary if the agent reason reasonably believes the suspect of such action(s) represents

an immediate threat of death or serious physical danger to the public or agent. If possible,

the agent should give a verbal warning to submit to said authority before the use of force

(FBI, 2016). This definition makes clear that law enforcement has the authority to use

force in the application of the law. However, police officers are not given authority to use excessive force. According to Smith and Holmes (2014), social discriminations is the preservation of social order while protecting arrangements that advantage some segments of society but disadvantage others. Smith and Holmes (2014) added that conflict theory of law states that various coercive strategies of crime control expressly aim to regulate threats to the interests of the powerful. Efforts to examine this issue empirically have often focused on the police—the institution that holds a virtual monopoly on the domestic use of coercive control.

This literature review serves three purposes. First, I provide current evidence on the phenomenon under. Next, I identify the research gap that exists in this area. Finally, I provide a valuable resource for stakeholders such as policymakers, police administrators, and the executive branch.

Literature Search Strategy

In this literature review, I retrieved the information through a variety of resources: Walden University Library databases, University of Texas at Dallas Library, U.S. Supreme Court, U.S. Department of Justice, books, journal articles, magazine articles, published dissertations, case law, and numerous search engines, such as Google Scholar, Sage Premier, Political Science Complete, ProQuest Criminal Justice, Ebscohost, and Oxford Criminology Bibliographies. I performed both a general search and a search limited to articles published in the last 5 years. From the reference pages of dissertations and scholarly articles, I pulled numerous sources regarding use of excessive force by police. In my search, I started with common phrases and terms: *excessive force, police*

retaliation against citizens, First Amendment retaliation, lethal force, police shootings, homicide by cop, killer cops, racial killings, the slave patrol, lethal use of force, deadly use of force, biased-based policing, police misconduct, police shootings statistics, police shootings, mapping police violence, why police shoot Black men, police killing of Blacks, the slave patrol, police, policing, the history of police in the United States, issues in policing, CRT, police brutality, justifiable homicide, police involved shooting, recruitment in policing, diversity training, police training, deadly force, proactive policing, biased based policing multicultural policing, state police, municipal police, and *driving while Black or Brown*. I also used more specific terms, including names of individuals who were killed or harmed by police use of excessive force, including *Michael Brown, Eric Garner*, and *Alton Sterling*.

Theoretical Foundation

This research project focused on the use of excessive force by police against citizens, particularly in people of color communities. Therefore, the primary theory used was conflict theory. According to Sedek (2018), conflict theory centers on the fight between factions within society over limited resources. The perspective of conflict theory is that laws are designed to satisfy the needs and interests of society's powerful people. Karl Marx thought that, as the blue-collar and underprivileged were exposed to worsening conditions, a collective consciousness would bring the inequality to light and potentially result in revolt (Sedek, 2018). Magalla (2018) stated that conflict theory denotes a misunderstanding on a specific matter between two or more persons who happen to be of different positions of authority and power. Because of such

misunderstanding, crime can emerge. Grant (2017) submitted that conflict theory can be clarified through the lens of social inequality in a multicultural society. Society's most powerful people use a multitude of social mechanisms, including the legal system and the criminal justice system, to control those who are not powerful (Grant, 2017).

For years underrepresented groups have tried to bring attention to the ills of the criminal justice system in this regard. For example, when a member of the elite breaks the law, it seems like it is not a crime. Bystrova and Gottschalk (2015) posited that the criminal justice system is unfair and shaped to protect upper class people. Powerful and wealthy people define what is right and what is wrong (Bystrova & Gottschalk, 2015). Laws and law enforcement are controlled by the ruling class, which allows the ruling class's interests to be promoted and maintained (Bystrova & Gottschalk, 2015). This class-based economic order is maintained by a criminal justice machine that serves the interests of wealthy people at the expense of poor people (Bystrova & Gottschalk, 2015). Those who test this system of production are subjected to social control, especially if they are seen as a serious threat to the system (Bystrova & Gottschalk, 2015).

Some research suggest Black people are sentenced more harshly than White people if the victims are White and the defendant is Black. Spohn (2018) claimed that research shows that conflict theory plays a major role in the sentencing of Black men. Researchers have explored the bearing offender race and victim race have on court decision making, commonly in homicide or rape cases. According to Spohn, significant evidence supports that if a Black individual is found guilty of killing a White person, they are more likely to be sentenced to death. Research shows that Black people who murder

Black people or White people who murder Black people are shown leniency comparably (Spohn, 2018).

Leniency for the taking of Black life and harshness for the preservation of White life are old coercive tactics deployed by the government to service the ruling class. Holmes et al. (2019) posited that police coercion helps continue social arrangements that benefit more privileged segments of society. Empirical research on patterns of police violence toward minorities frequently relies on the threat hypothesis, a derivative of conflict theory that hypothesizes the amount of police present surges as the size of population that threatens the interests of the powerful increases (Holmes et al., 2019). The increase in patrols in these disadvantaged places may aid in viewing minority citizens as threatening, a perception that can trigger police killings.

Literature Review

History of Policing the Black Community

The first police departments are born in the American north and south. Both with completely different purposes. According to Spruill (2016), armed patrols were the first publicly funded police departments in the U.S. South. According to Waxman (2017) the first publicly funded police force in the North was created in Boston, Massachusetts, in 1838. The Boston Police Department employed full-time officers at first by the private sector to protect property and safeguard the transport of goods from the port. Community businesspeople devised a plan to transfer that cost to the people of Boston, arguing that it was for the collective good.

The Charleston Police Department was created in South Carolina for a different purpose. The Charleston Police Department employed nearly 100 officers in 1837, but the principal responsibility was patrolling for enslaved people. These patrols also included patrolling for Blacks who were free, enforcing slave codes, checking documents, guarding against slave revolts, and catching runaway slaves. Once an enslaved person was caught, the patrols were merciless (Spruill, 2016). In addition, these patrols used packs of *Negro dogs* to hunt people of color and subject them to the ravages of the bloodhounds (Spruill, 2016). According to Spruill, these same tactics are employed today by police and labeled *K-9 units*. Kaba (2020) states that this extreme cruelty was anchored in deterrence (Kaba, 2020). Because of this extreme cruelty, people of African descent lived in a perpetual state of fear of patrols, searches, beatings, detaining, re-enslavement, or lynching (Brown, 2019).

Historians cite this time period of beatings, detaining and patrols as the beginning of modern policing in the United States. Durr (2015) states that during reconstruction, hate groups emerged from the partially disbanded slave patrols to maintain individual and societal control over African American citizens. These groups included federal military, state militia, and the Ku Klux Klan. Once these groups were formed, they became even crueler than their predecessors. Over time, they began to operate as newly established police departments in the United States.

The Irish and Germans who came to America during this time also faced hostility from the police. Lepore (2020) claims that as the numbers increased in the population with immigrants disembarking on the shores of America and African Americans leaving

the South, policing became salient. The Irish and Germans faced hostility not for their race but to prevent them from voting, holding office or becoming citizens. During this period Boston held city elections and the Know-Nothings swept the elections. The Know-Nothings party was completely against equality for anyone but White men. As a matter of fact, this came to a head when the state and the mayor's office disagreed. This disagreement caused the Great Police Riot 1857. The New York Municipal Police, run by the mayor's office engaged in an armed conflict against the state-run New York Metropolitan Police Department (which called themselves the New York Mets) on the steps of city hall. That year an amateur baseball team was founded of the same name.

Despite gaining full citizenship in 1867, the enactment of Jim Crow Laws served as a boundary between Blacks and Whites. Logan (2020) avowed that African Americans fleeing the South, seeking equality in America's industrial North, only found a new form of discrimination - Jim Crow. Blacks were once again considered second-class citizens due to White supremacy policymaking. Consequently, just as their predecessors, the slave patrols, Blacks would continue to face organized violence at the hands of the police.

Relevant Judicial Material

This literature review review's relevant judicial material that governs use of excessive force. These unique slices of judicial literature explain the historical method scholars have taken when approaching the subject of use of excessive force and possible related factors such as protected free speech.

Protected Free Speech

In the protected free speech case of *McCurdy v. Montgomery County*, 240 F.3d 512, 520 (6th Cir. 2001) the defendant James McCurdy brought a suit against defendant officer David Cole and Montgomery County. The defendant claimed that officer David and Montgomery County violated his right to be free from unreasonable seizures under the Fourth Amendment and retaliated against him with arrest for the declaration of his First Amendment rights. McCurdy rights were violated by officer Davis on July 6, 1996, when he spotted Davis and his acquaintance standing outside of his apartment (*McCurdy v. Montgomery County, 2001*). The men had just finished celebrating his nephew college graduation from Wright State University when Officer Cole approached them. Cole was on routine patrol and did not have a legal reason to address the men. When he did address the men, McCurdy asked him what the f**k do you want? Cole then wanted to know why McCurdy was using profane language in addressing him. McCurdy said it again and Cole ordered him inside of his house when he refused Cole preceded to arrest McCurdy. McCurdy went to trial and was found guilty in district court but appealed and won his case. The McCurdy case clearly establish that the First Amendment protects the freedom to express disagreement with state action, without the fear of reprisal.

According to *City of Houston*, 482 U.S. at 461; *Hartman v. Moore*, 547 U.S. 250, 256 (2006) case the government or government agents are in violation of the First Amendment if they subject an individual to retaliatory actions, including criminal prosecutions, for speaking out against them. In this Supreme Court case, the defendants (REI) set out to convince the postal service that it needed to integrate multiline optical

scanning technology into its service, which REI happen to be a manufacture of the technology. REI launched an all-out lobbying campaign that eventually force the Postal Service into submission. Although, the postal service accepted the modifications they did not award the lucrative equipment contract to REI. Instead, they awarded it to a competing firm. Subsequently, the postal service inspectors opened an investigation into REI and its top executives.

The inspectors claimed that company and its executives were part of consulting firm kickback scandal and for their improper role in the search for a new Postmaster General. The federal government tried the case, but the District Court acquitted the defendants because of complete lack of evidence. Moore then filed an action against the federal prosecutor and inspectors arguing that they had concocted the prosecution in retaliation for his lobbying efforts. Thus, his case was accepted by the Supreme Court (Hartman v. Moore 2006).

The Supreme Court ruled in Hartman v. Moore (2006) that the inspectors and federal prosecutors indeed did construct a retaliatory-prosecution case against the defendants for speaking out. The postal service inspectors and federal prosecutors stated that the case was dismissed in the lower court in accordance with the absolute immunity for prosecution judgment and should stay that way. They also stated that underlying criminal charges were supported by probable cause therefore, they were entitled to qualified immunity. The Court stated that as a general matter, the First Amendment prohibits officials from subjecting an individual to retaliatory actions, including criminal prosecution, for speaking out. Lastly, since the respondent in a retaliatory-prosecution

case is not the prosecutor, which has immunity, but an official who allegedly influenced

the prosecutorial decision, the causal connection required is not between the retaliatory

animus of one person and that person's own injurious action, as it is in the ordinary

retaliation case, but between the retaliatory animus of one person and the adverse action

of another (Hartman v. Moore, p.6-13, 2006).

Use of Excessive Force

Research literature on excessive use of force after 1985 is centered around the

reasonable standard (a police officer reasonably believes that someone is a deadly threat,

therefore lethal force can be used; Tennessee v. Garner, 1985). The reasonable standard

has long been central to the scholarly understanding of the use of force in the role of

policing (Terrill, 2016). Therefore, to properly understand the use of force literature in

the role of policing, it is critical to understand these relevant cases.

Tennessee v. Garner, 471 US 1, 3 (1985) is a case in which, the Supreme Court

ruled that a police officer could not use deadly force just to apprehend a suspect. This

case was presented to the Court by the father of a victim fleeing apprehension. His son

was shot to death by a Tennessee state trooper. Two troopers responded to a call of

burglary in progress. Once on the scene, one of the troopers took a position in the front of

the house and the other went to the rear of the house. When the trooper reached the rear

of the residence, he surprised Garner's son, who attempted to flee. According to the

trooper, a verbal command was given to the suspect to stop, which according to the

trooper, he did not (Tennessee v. Garner, 1985). The boy made a dash for a fence while

carrying a flashlight in his hand. As he attempted to jump over the fence, the officer fired a shot that struck the boy in the back of his head and subsequently killed him (Tennessee v. Garner, 1985).

The father brought an action in Federal District Court under 42 U.S.C. § 1983 for asserted encroachments of his son's constitutional rights. The District Court held that the statute and the officer's actions were constitutional. The case made its way to the Supreme Court where it was determined that the state of Tennessee and its statute maintains that an officer using deadly force to apprehend a fleeing, non-threatening suspect is unconstitutional (Tennessee v. Garner, 1985). The Court ruled that shooting an unarmed suspect or a retreating suspect that is not posing a deadly threat to anyone is a violation of the Fourth Amendment (Tennessee v. Garner, 1985).

The Court ruled that the Fourth Amendment was violated in Tennessee v. Garner because shooting a suspect who is not a threat constitutes an illegal seizure of that person's body. Thus, the use of deadly force to apprehend Mr. Garner's fleeing son and any other non-threatening fleeing suspect is considered by the Supreme Court an illegal action (Tennessee v. Garner, 1985).

Although the Court held in Tennessee v. Garner (1985) that it is illegal to shoot a non-threatening, fleeing, unarmed felon, the Court also read that an officer *can* use lethal force if said officer *reasonably believes* a suspect is a deadly threat. Reading these two statements leads to a multitude of questions. The first question is how should criminologists interpret the 4th Amendment as it pertains to the circumstances of Tennessee v. Garner? On one-side it has been established that a police officer cannot

shoot if the suspect is not a threat. On the other side, there is precedent that an officer can shoot *if* they think the suspect, is a retreating threat.

Because the police have their interpretation, and minority communities have thier interpretation, there is an opportunity for academia to add to this discussion by studying the Court rulings. A combination of search strategies did produce some noteworthy results that will help in this area. One such paper was published in AELE Monthly Law Journal titled "Teaching 4th Amendment Based Use-of-Force" by James Marker (2012). Two other subsequent papers also address the reasonableness standard. The reasonableness standard represents the 'IF' in the wording of the Supreme Court case Tennessee vs. Garner (1985).

Since the 1985 ruling of Tennessee vs. Garner police have displayed barely any interest in the reasonableness standard. Shinn (2016) posits that there has been very little focus or how to teach or train police on the reasonableness standard. Shinn argues that when the use of force training does address the 4th Amendment, it is most often only a discussion on the legal standard and not real training. One reason for this position on the 4th Amendment comes from critics who formed their opinions from the Graham v. Connor, a 1989 Supreme Court case based on objective reasonableness.

The Graham v. Connor, 490 U.S 386 (1989) Supreme Court case followed the Tennessee v. Garner (1985) ruling that addressed the reasonableness standard. In Graham v. Connor (1989), the Court heard arguments from a private citizen and the police about what constitutes excessive/lethal force. The Court ruled that an objective reasonableness

standard should apply to a citizen's assertion that law enforcement used disproportionate force while making an arrest, stop or seizure of their person.

In some cases of arrest or stop police have legal authority to use force. According to Terrill (2016), law enforcement holds a lawful directive to use coercive tactics with the principal legitimate requirement being that use of force must be administered in an 'objectively reasonable' manner. To establish an objectively reasonable action within the limitations of excessive use of force or deadly use of force requires an imminent deadly threat (or perception of such) to the life of the officer or the life of others with narrow exceptions made for people that represent considerable danger to others should the police fail to seize a suspected offender. Of course, what constitutes 'objectively reasonable' force almost inherently requires subjective interpretation and therein lies the proverbial rub.

In many cases of police use of excessive force not all people disagree with the police actions. Garrett (2017) suggests that police agencies train officers to respond to threats that is dictated by a force continuum that does not provide definitive rules for when or how police can use force or deadly force. Nor, as recent high-profile cases have demonstrated, does a criminal prosecution under state law care to lend itself to outlining suitable police uses of force. Garrett tells of atavistic attitudes inside the profession of law enforcement. Which suggests people in the profession are not willing to evaluate what is a legitimate threat. Therefore, how can it be fairly determined if an officer's decision to shoot was objectively reasonable? The answer to these and other questions are somewhat impossible to ascertain but California has presented an attempt with AB931.

Tennessee v. Garner (1985) and Graham v. Connor (1989) open the door to California AB-931 (2017). AB-931 is a bill inspired by the rash of questionable killings by police around the country including the killing of Stephone Clarke. Clarke, a resident of California was killed by two officers from the Sacramento Police Department while unarmed on March 18, 2018. The two officers responded to a call about a person breaking car windows when they encountered Clarke. A subsequent chase ensued where Clarke was killed in his grandmother's backyard; he was shot while lying on the ground with a phone in his hand (Kilgo, 2021).

After Clarke's death, California State Senators Shirley N. Weber (D-San Diego) and Kevin McCarty (D-Sacramento) began to draft AB-931 (California Assembly Bill 931, 2017). The verbiage in AB-931 ratifies the reasonable standard ("the IF word") in Tennessee v. Garner (1985) and the objective reasonableness standard in Graham v. Connor (1989). The wording in both these Supreme Court cases has led to social strife and civil unrest over the unnecessary shootings of people in America. According to the authors, AB-931 seeks a remedy for both cases, while not infringing on the Court's ruling (California Assembly Bill 931, 2017). AB-931 addresses very important variables that Tennessee and Graham does not. AB-931 requires an officer to *retreat* or *desist from an attempt to make an arrest* because of resistance or threatened resistance of the person being arrested (California Assembly Bill 931, 2017).

The bill reads that peace officers must attempt to control an incident by using distance, time, communication, and available resources to deescalate a situation whenever it is feasible. This bill also eliminates the use of lethal force by police against a

person who poses a risk only to himself or herself. The bill would similarly constrain the use of lethal force by a peace officer targeting a fleeing suspect from arrest or imprisonment to certain situations where probable cause exists for a felony involving serious bodily injury or death (California Assembly Bill 931, 2017).

The issue of police shootings that results in serious bodily injury or death especially if it is a person of color can disrupt the peace of a community. Chaney and Robertson (2015) believe that race is a critical variable in why police shoot unarmed people. The pair posited that CRT might be able to explain the uncomfortable amount (78 percent) of unarmed Black male and female deaths between 1999 and 2015. CRT is the theoretical structure in social sciences that uses critical theory to scrutinize issues of race in culture and society. CRT views race and racism from a legal standpoint. Siegel (2020) adds that CRT confronts conventional methods of viewing racism, particularly the notion that if we reject intentional, interpersonal racial discrimination or bias, then we will eliminate racism itself. Siegel goes on to state that the first basic tenet of CRT is that racism is structural. Meaning that it is woven into the fabric of our systems, institutions, and culture. Nevertheless, most conceptions of racism do not recognize this.

In America CRT has sharply divided some communities with some being outraged at the claim of CRT and some celebrating its honesty. Delgado and Stefancic (2017) postulate that CRT challenges the notion or falsehood of meritocracy told by the elites; that everyone who works hard can gain supremacy, prosperity, and privilege while completely ignoring the systemic inequalities that institutional racism provides. Siegel (2020) again adds that traditional civil rights scholarship indicates that once racial bias,

prejudice, and discrimination are eradicated, racial fairness will reign. On the contrary, CRT recognizes that racial injustice is fabricated into society's groundwork and will not be completely addressed until radical reform produces a collapse of that infrastructure, which will address institutional racism.

The term Institutional racism is still highly debated despite America being a country constructed on slave labor. This debate especially looms large around policing. Aymer (2016) article titled *I can't breathe* focus on how institutional racism plays a pivotal role in biased and aggressive policing, which climaxes in to killings and fatal injuries of unarmed Black men. I believe that it was critical to implore and address historical sanctioned violence against and killings of Black people in America. Aymer research takes institutional racism as it pertains to policing of Blacks in America a step further. Aymer (2016) suggest that CRT has established that the liberation of African Americans from institutional racism cannot transpire without interrogating and analyzing how the horrific reality of enslavement, centuries of discrimination, and unequal treatment have affected this group.

The author continues his argument with this statement, the recent homicides of unarmed Black men should be examined through the lens of how America has treated African American men throughout history, focusing on the history of lynching when violence and killings were used to control people of color. Aymer argues the point of how this mechanism is also illustrative of how society places African American men at the margins by constructing stereotypic images of them as threatening and prone to criminality. Moore et.al (2018) uses CRT to examine the historical context of the

oppression and killing of African American men by police, to emphasize the patterns of prejudice against Black men in the United States. In this research project CRT is commissioned as an investigative tool in support of the argument that the dehumanization and killing of Black men are key features of a racialized America, a society that has institutionalized and thus normalized such patterns.

Some believe that such patterns of a racialized America can be seen in our schools today. Salisbury (2021) states in his paper titled Teacher perspectives on the presence of police officers in English secondary schools that understanding White supremacy is a structure that bestows an advantage upon those racialized as White is imperative to CRT analyses. The scholar posits that CRT scholarship seems to make evident that White supremacist substructure of both policing and schooling are key sites of anti-Black racism and resistance. The presence of law enforcement, Salisbury adds, inside of schools seems to be an annex of the joining of these institutions. He states that this is an increasing entanglement of what he referrers to as a *web of Whiteness*. This web of Whiteness works to reproduce White supremacy and therefore, the fundamental maintenance of institutional racism.

Colleges and universities are no exception to institutional racism either. Walker (2020) postulate that Black students at universities and colleges are also subjected to White supremacy and institutional racism on campus. He states that Black students on campus feel isolated from resources like campus police. One student in his study admitted that while on campus she would see White police walking home groups of White people from the library or parties. And she would only see White police officers

with White female students being escorted safely home. However, Walker does mention

that these institutions are recruiting and hiring more Black campus police. Nevertheless,

simply employing Black police officers, without scrutinizing fundamental practices and

culture, will translate into those Black officers reinforcing problematic and racialized

behaviors which uphold White supremacy (Walker, 2020).

Like the United States, the UK has also attached racial meaning on to crime and

criminal propensity. Aseltine (2019) who's paper titled Perpetual suspects a CRT of

Black and mixed-race experiences of policing in the UK. Used CRT to shape her

research, specifically the counter-narratives of Black people being the face of crime and

criminal propensity. Aseltine research probed the intensely entrenched nature of racism in

these organizations of power and revealed the ways in which institutions work to

maintain White privilege and White supremacy in the United Kingdom.

The United Kingdom like in the United States has a history of White angst about

Blackness and its counterfeit relationship with criminality. According to Aseltine (2019)

these unfounded beliefs like in the U.S. led to the creation of lynch mobs in the port

towns of Liverpool and Cardiff. According to the researcher, these beliefs also led to a

system of policing by consent. The researcher argues that "consent" is mainly mythical,

at least for many Black communities. Black communities have never consistently nor

completely consented to the divergent methods of policing to which they are subjected.

Nor are the people of these communities encompassed within the ranks of those doing the

policing. Policing and the model of policing by consent have benefited White people and

the wealthy populations comparatively, while the policing of Black communities has

been more disciplinary in nature, which is targeted at social domination and upholding White supremacy.

Research seems to suggest that without institutional racism White supremacy would find it hard to exist. Chaney and Robertson (2015) hypothesize that not only does institutional racism provide systemic inequalities but also White supremacy. The researchers state that the murders of unarmed Blacks support the superiority of Whites. This support is gained through the massive amount of attention generated by the shooting deaths of unarmed Black people by police. According to these researchers this carries forward and solidifies the racist legacy of citizen slave patrols that were initiated during slavery. Therefore, regardless of whether these organizations are referred to as citizen slave patrols or police/law enforcement a societal disdain for African Americans creates a desensitization to Black suffering and death.

Black suffering and societal disdain are not a new occurrence in this country. According to Carbado (2016) if a societal disdain for African Americans creates a desensitization to Black suffering and death it also bears responsibility for predatory policing. Carbado argues that mass criminalization and predatory policing cooperate to expose Black people to ongoing police surveillance, contact, social control, economic exploitation, and state violence in the form of arrest, incarceration, serious bodily injury, and death. Carbado continues by stating that what is precarious about this issue are the social, economic, and legal forces that incentivize police officers to target Black people with little or no basis. Carbado describes this type of policing as frontend police contact, which is often the predicate to backend police violence and incarceration. Carbado

concludes that African American vulnerability to police violence and mass incarceration cannot be solved unless we also solve African American vulnerability to police surveillance and contact.

Police militarization, police surveillance and contact according to Gamal (2016) is and has always been, a deeply racialized issue. The militarization trend of police, specifically in America can be viewed as a race-making process that is patterns of militarizing the police have constructed and reinforce race and racial hierarchies in America. Gamal deems that the process of police militarization is allowing the State to construct race by selectively assembling two groupings. The first group are those who will be marginalized through heightened surveillance and control. The next are those who will be advantaged by their access to state protection. Gamal maintains that police militarization both reflects and reinforces a system of White supremacy and Black subordination. Lastly, Gamal states: When defining supremacy, he does not mean to allude only to the self-conscious racism of White supremacist groups. He refers in its place to a political, economic, and cultural system in which Caucasians unanimously control power and material resource, aware and unaware ideas of White superiority and entitlement are commonplace, and relations of White superiority and non-White deference are daily reenacted across a broad array of institutions and social settings.

The body of Michael Brown left uncovered by police for the world to see may suggest the preservation of White superiority. Robertson and Chaney (2020) argue their theory on the connection between White Supremacy and the murders of unarmed Blacks; asserting that White Supremacy is preserved when juries decline to concede the

victimization and humanity of African Americans. Because most juries are made of White people, the probability of a not guilty verdict when a police officer is on trial is greatly increased. The probability is increased because jury members very likely share many of the same attitudes about Blacks. Chaney and Robertson believe that this shared attitude about Blacks is very important to maintaining White Supremacy.

The perception of Black men or Black women as sub-human, animals or dangerous is a vivid reminder that Blackness needs to be stopped, regardless of the cost (Chaney & Robertson, 2020). Blackness represents a life engaged in criminal behavior and actively resisting law and order in society. The belief that the Black man is a menace to society, is enormous in size, and has a dangerous mindset but is inferior to Whites. This perception of inferiority can be tested by looking at the number of unarmed African Americans killed by White police officers who are never indicted or convicted. It is a stark reminder that little if any personal accountability exists for these murders (Hempfield et al., 2021).

Over the life course, about 1 in every 1000 African Americans can expect to be killed by law enforcement. Edwards et al. (2019) holds that violence from police is a leading cause of death for young men in the United States. The possibility of being killed by someone in law enforcement crests between the ages of 20y and 35y for men and women and for all racial and ethnic groups. African American women, African American men, American Indian; Alaska Native women and men are significantly more likely than White women and men to be killed by law enforcement. Lastly, Latino men are also more likely to die at the hands of someone working as law enforcement than are White men.

Even with clear statistics such as these there are some who still believe that Black men are not predominantly vulnerable to police violence. Salimbene, (2019) state that in the year 2015 police killed 1,353 African Americans and 2,601 White Americans. According to Edwards et al., (2019) they estimate an overall police death rate of about 1.8 per 100,000 for men between the ages of 25 y and 29 y. This ranks police use of force as one of the leading causes of death for young men. With those total police violence trails accidents (which include drug overdoses, motor vehicle traffic deaths, and other accidental fatalities) at 76.6 deaths per 100,000, suicide (26.7 deaths per 100,000), other homicides (22.0 deaths per 100,000), heart disease (7.0 deaths per 100,000), and cancer (6.3 deaths per 100,000) as a leading cause of death.

The possibility of being killed by police is a real issue for everyone. Sherman (2018) postulates that the risk of any resident being shot by law enforcement is 1 in 68,000. His figures were derived from the number of police in America 1.13 million, a mean of 1.7 for contacts per individual who had contact with police, which was 40 million and multiplied by the mean of 1.7 for contact with the public, which is 68 million contacts. Based on those estimates the risk of being shot for any resident is 1 in 68,000. By contrast, he states having contact with a police officer is 26,000 times more dangerous than getting on an airplane.

The counter argument on this subject is what Delgado and Stefancic (2017) calls Black victimization or self-inflected. Many members today believe that Blacks should not complain about police doing their jobs. These individuals present the argument that Black-on-Black violent crime is the real problem (James, James, & Vila, 2016). They

reason that the Black community should take account of the great number of young Black men dying on the streets of America every night and understand that the police are trying to help. They reason that police are good guys who are performing a very difficult task with life-and-death implications. Therefore, they should be given the benefit of the doubt without the hindrance of racism (Lee, 2016).

Further research suggests *threat perception failures* (TPFs) in police shootings could be a plausible reason (James, James, & Vila, 2016). TPFs are defined as *mistake-of-fact* shootings. This is the result if said officer believes that someone is armed when they are not. This might be a result of a (reasonable or not) misperception of an object or action. The shooting of Stephone Clarke is an example of a TPF. His cell phone was mistaken for a gun. Another example is a furtive movement being mistaken for reaching for a weapon. The Philadelphia Police Department recently analyzed officer-involved shootings and found that shootings of unarmed Black individuals were more likely to be result of TPF than racial bias (James et al, 2016).

There is a suggestion in society that if one would only comply, they would avoid personal tragedy. James et al. (2016) cites other studies that proclaim Blacks are responsible for their own calamity as it pertains to fatal encounters with law enforcement. The reasoning for this statement is that Blacks represent 12% of the population but commit 43% of the felonious killings against police. In short, Black man suspects pose a greater threat to the police (James et al., 2016). Therefore, race is believed to be insignificant in the face of community-level crime rate and dangerousness of the underlying offense. "For example, Fyfe (1978) found that 60 percent of Black suspects

shot by the police were carrying handguns compared with 35 percent of White suspects"

(p.3). Consequently, according to the authors, members of law enforcement are more

hesitant to shoot Black suspects than White suspects. This observation is supported by

research data from analyses of incidents, police interviews, experimental research, and

incident reports -which was pulled for a major metropolitan police department that found

police officers fired more shots at White suspects than at Black suspects. Perhaps officers

were more concerned with the race of the suspect because of departmental policy or

public sentiment concerning treatment of African Americans. Supporting this notion are

views expressed by law enforcement executives having increased concern when an

officer shoots a minority suspect (James et al., 2016).

 The impression that Black people are subhuman and should be feared still

resonates today. Lee (2016) asserts that police are no different than normal citizens who

have been taught that Black men are dangerous, physically superior and will show little

respect for authority. He believes that the shooting deaths of unarmed Black people by

law enforcement is a product of TPF not race. James (2020) also argues the TPF is

brought on by White Fear. James (2020) affirms that research demonstrate most

individuals are swifter to perceive a weapon when dealing with a Black suspect than

when dealing with a White suspect. He also states that data shows police have done better

at shooter bias studies of deciding when to shoot than citizens.

 Some research seems to suggest that more training would help in improving the

accuracy of TPF. Hine et al. (2018) believes that proper training can help alleviate the

anxiety of White officers working in minority communities. He proposes first that

departments implement training aimed at improving accuracy and reducing bias in the use of deadly force. He posits that this can be achieved through repeated exposure to Black and White suspects. This type of training has resulted in less biased and more accurate decisions about when to shoot. In addition, Lee (2016) suggests that departments mandate ongoing traditional martial arts training for all its officers. This type of training will provide additional confidence when attempting an arrest. The more tools an officer must work with while trying to arrest someone they find intimidating, the less likely he/she will want to use a firearm.

A study conducted on the association between fatigue and racial bias in the decision-making of a police officer to shoot brings a new dynamic to this discussion. Ma, et al., (2013) developed a first-person shooter (FSPT) game in which the person is seated at a computer and plays the role of a police officer on patrol. In the game, the player is surveilling public spaces such as apartment buildings, parks, train stations and periodically, a male target appears. The race of the target is variable. Players are instructed to press a button to shoot the suspect if they are armed and another button not to shoot when the suspect is not armed.

> Race is peripheral to the task; however, the FPST reveals racial bias in both error rates (e.g., participants mistakenly "shoot" unarmed targets more if they are Black than White) and reaction times (e.g., participants are faster to "shoot" armed targets if they are Black than White). These effects are believed to emerge because of cultural associations and stereotypes linking Blacks with danger (Correll, Park, Judd, & Wittenbrink, 2007; Ma et al. p.516, 2013).

When dealing with the mental aspects of fatigue, one can experience dullness and difficulty preserving normal levels of cognitive function (Ma et al. 2013). Despite having negative effects on the body, cognitive depletion is temporary. During this state, one has reduced capability to exercise control over their associated bias toward Black men with a weapon. Ma et al. (2013) posits those studies such as this one converges on a central implication that people may possess stereotypes associating Black men with being dangerous or having a weapon. This could well lead to a danger in the decision to shoot, spurred from racial bias. The researchers also added that the availability of cognitive control may help a person to avoid reacting in a stereotypical fashion. Reacting in a stereotypical fashion can be brought on by factors that diminish cognitive control, such as fatigue, which may increase racial bias in the decision to shoot.

Fatigue is depicted by both physical and cognitive aspects and can be easily induced. Blagrove, Alexander, and Horne (1995), for example, showed that just one week of sleep reduction (i.e., sleeping five to even seven hours per night as opposed to eight hours) was sufficient to produce fatigue. Nevertheless, people still underestimate the adverse influence that mild sleep loss can have on cognitive function (Banks & Dinges, 2007). Physically fatigued individuals can experience feelings of weakness, sleepiness, and lack of energy. The WIT exposed an array of racial bias; this was particularly obvious when participants were forced to respond quickly.

Because stereotypes serve as cognitive shortcuts that allow individuals to quickly judge others (Macrae, Milne, & Bodenhausen, 1994), individuals should rely on them to a greater extent when they lack cognitive control. Consistent with this

logic, Govorun and Payne (2006) demonstrated that depletion exacerbated racial

bias in distinguishing weapons from tools using the WIT. Participants performed

either a long or relatively brief cognitively taxing task prior to completing the

WIT. Cognitively depleted participants displayed significantly more racial bias

than control participants (p.517).

Consequences of Using Excessive Force

When a police officer reaches for a weapon, two things can happen. One: they can

fire it, or two: not fire it. If a police officer fires the weapon, the results can be hit or miss.

If they miss, no physical injury to the intended target is inflicted. If they make contact,

then its injury or death. In the case of death, the outcome can be three things, justifiable

homicide, homicide, or manslaughter. Justifiable homicide means the officer responded

in a proper fashion. Homicide means that he killed this person for unjustifiable reasons.

Manslaughter means it was an unjustifiable action but the intent to kill was not there

(Stinson, 2015). Stinson (2015) also reports that on-duty police officers in the United

States shoot and kill at least 1,100 people each year. Chaney and Robertson (2015) report

that between the years of 1980 to 2012, police shootings accounted for more than 12,000

homicides. These researchers readily admit these statistics could be grossly

underestimated as law enforcement (local and state) were not required to submit this data

until the Michael Brown shooting.

The Michael Brown shooting and Alter Sterling shooting are believed to be by

some good examples of how police are not held accountable for mistreating people of

color. Stinson (2015) reports that between 2005 and 2014, only 47 police officers were

charged with manslaughter or murder because of an on-duty use of lethal force incident.

In 2015, 12 police officers were charged with manslaughter or murder (Stinson, 2015).

Chaney and Robertson (2015) procured dispositions of homicides by police from July

1999 to February 2015 in their paper 'Armed and Dangerous'. Chaney and Robertson

argue that there are several things that a no-true bill against a police officer suggests

about the consequences of shooting an unarmed Black person. First, the non-indictment

for police who murder unarmed African Americans exhibits that White life is more

valuable than Black life (Crenshaw, 2011; 2002; Solorzano et al, 2000; Yosso et al, 2009;

Zuberi, 2011).

While many may immediately take issue with this statement, the overwhelming

truth is that members of law enforcement are generally not indicted nor convicted for

murdering an unarmed Black person. Recall that in only 13 cases, or 16 percent of

fatalities between 1999 and 2015, the officer was indicted. To put this in a better

perspective, this means that, on average, in only one out of every six cases were the

officer charged (Chaney. C & Robertson. R, 2015).

Criminal Justice System

Because poverty is a source of crime, and capitalism is a source of poverty, poor

inner-city youth represent, the sacrifice. According to Reiman and Leighton in their book

"The Rich Get Richer and the Poor Get Prison" (2004) nothing succeeds like failure.

Specifically, the failure of those from a certain stratum. This group is at the lowest end of

the economic spectrum in America. This is a group with no realistic chance of achieving

any part of the American dream (Reiman, J., & Leighton, P. 2004). We know the

sacrifice to be true because we have the data, yet we do virtually nothing to improve the lives of inner-city poor (Reiman, J., & Leighton, P. 2004).

Ferguson Case

The Civil Rights Division of the U.S. Department of Justice opened its investigation of the Ferguson Police Department ("FPD") on September 4, 2014. This investigation was initiated under the pattern-or-practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d ("Safe Streets Act"), and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI"). This investigation has revealed a pattern or practice of unlawful conduct within the Ferguson Police Department that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law (Ferguson Report, DOJ, p.1, 2014).

Research on unarmed shootings of African Americans seems to signal that marginalization of Black people by police can begin early in society. According to the Department of Justice Report of The Michael Brown Shooting (2015), on August 9, 2014, officer Darren Wilson of the Ferguson police department shot and killed Michael Brown Jr. seconds after the shooting, members of the community started to gather around the crime scene. There they could see Michael's lifeless body face down on Canfield Street. When Michael's mother arrived on Canfield, she could see him but was not allowed on the crime scene. As the scene on Canfield became more and more volatile, Lesley McSpadden, Michael's mother, pleaded with officials to get him up. Law

enforcement ignored her and kept her son's remains in that very spot for four and a half hours after his death.

The reason why Michael's death and his body subsequently were left out for public consumption represents what many scholars call the marginalization of Black Lives (Goff et al., 2014). The research on unarmed shootings of African Americans indicates that marginalization of Black people by police begins early, specifically during pre-pubescent years (Goff et al., 2014). Goff et al. posit that Black men are not afforded equal protection of childhood by the law as their White counterparts are. They go on to state that Black men are viewed as much older than their actual age and less innocent than White peers.

Tamir Rice who was 12 years of age when police killed him is another example of racial inequalities regarding police violence and Black children. Chaney and Robertson (2015) added that these findings from the aforementioned demonstrate that perceiving African Americans as "apes" is a precise forecaster of racial inequalities in police violence regarding children. Therefore, Michael Brown being only 18 and having just graduated from high school when Darren Wilson killed him seems to state that the above premise fits. Michael was over six-foot-tall and weight over two-hundred pounds. In addition, Michael was the suspect of a strong-arm robbery. This makes it very conceivable that Wilson could have viewed him in this capacity.

According to the data provided by the Department of Justice on the city of Ferguson (2015), Wilson's actions toward Brown should not come as a surprise. The report found that the city of Ferguson participated in the victimization and marginalizing

of its African American citizens. According to Robinson, Nathan, and Oren Nimmi

(2015), the Ferguson police department was so egregious in its efforts that 16,000 people

out of 21,000 in the city had outstanding arrest warrants. This means that at that time ¾

of its residences were actively wanted by the Ferguson police department (Robertson et

al. 2015). The other 5,000 had citations that put them in to the court system also. In 2013,

the courts of Ferguson issued out 32,975 offenses that had associated warrants. To put

this into context to show the relevance: "In 2014, the Boston Municipal Court System, for

a city of 645,000 people, issued about 2,300 criminal warrants. The Ferguson Municipal

Court issued 9,000, for a population 1/30th the size of Boston's" (p.2).

In Ferguson unlawful policing and court practices when hand and hand to build

public mistrust and rage. Robinson et al., (2015) states that Ferguson is just one of 19,492

municipal governments in the United States. With 19,491 other municipal governments

in operation, Ferguson is one of many ever-enlarging interlocking system of

administrative bureaucracy and police violence. Robinson et al. (2015) state in the world

of more militarized, better funded, and more advance law enforcement, Ferguson serves

as a high-profile case study. A case study that reveals American policing is so out of

control that Ferguson-style practices can occur on at least some level in practically every

police department. Therefore, the chances of Ferguson being the vilest is highly unlikely.

First Amendment Retaliation and the Police

The Ferguson police department was so reprehensible in its daily assault on

minorities in Ferguson that one citizen was beaten for talking back to police and then

arrested for bleeding on the officers' uniforms. According to the Department of Justice

Investigation of The Ferguson Police (2015) report, Ferguson police went about their days forcibly robbing minority citizens of their constitutional rights with impunity. The U.S. Department of Justice (2015) documented several cases where the police told citizens they were being arrested for using free speech. In another case, a Ferguson police officer arrested a business owner for dialing 911 when she objected to harassment by police when they stopped her employee for walking across the street. When the business owner complained, the officer arrested her for misuse of 911 and interfering in police business (DOJ, Ferguson Police Report, 2015).

The system of marginalization of Black people seems to be a key element in lethal violence against minorities by police in Ferguson, Missouri according to Department of Justice Ferguson Police Report (2015). The Department of Justice Ferguson Police Report (2015) reported voluminous civil rights incidences between the Ferguson police and minorities that influenced the killing of Michael Brown by officer Darren Wilson. Officer Wilson, according to the report, was one of many officers who patrolled Ferguson and projected a no-tolerance policy for any type of profane backtalk in Ferguson.

FPD's suppression of speech reflects a police culture that relies on the exercise of police power—however unlawful—to stifle unwelcome criticism. Recording police activity and engaging in public protest are fundamentally democratic enterprises because they provide a check on those "who are granted substantial discretion that may be misused to deprive individuals of their liberties." Glik, 655 F.3d at 82. Even profane backtalk can be a form of dissent against perceived misconduct. In the words of the Supreme Court, "[t]he freedom of individuals verbally to oppose or challenge police

action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state. (The Department of Justice Ferguson Police Report, p.28. 2015)

Controlling the free speech of people of color with police violence is an old tactic used by modern law enforcement. Hickman et al. (2018) posits that retaliatory violence does exists between law enforcement and communities of colored people. The Hickman study reports that daily data between January 2015 and September 2016, modeling the contemporaneous, cyclical relationship between the number of cops killed in the United States, the number of people killed by cops in the United States, and the number of tweets that included #BlackLivesMatter or the term "BlackLivesMatter" produced these results. In real-world terms, if the number of tweets related to Black Lives Matter doubles from the average, there are an additional 1.02 minorities shot to death that day. Other results were, the number of law enforcement officers killed are correlated with more minorities killed and fewer Whites killed on the same day. Lastly, results show a meaningful retaliatory violence effect against minorities by police, nevertheless there is no sign of retaliatory violence against law enforcement officers by minorities.

According to The Department of Justice Baltimore City Police Report (2016), BPD unlawfully detained and arrested members of the public for protected speech. Members of the Baltimore police department arrested citizens for speech perceived to be rude, critical, or disrespectful. These arrests were described by the arresting officers in their own words from the arrest and incident reports. One such example, an officer believed that it was reasonable to order a young African American man to leave the area

because he had no respect for law enforcement and was making idle threats towards a uniformed officer. The man departed with an acquaintance but as he and his acquaintance departed, they made further remarks disrespecting the officers. Later, that evening the officers spotted the gentlemen again and arrested them. The DOJ (2016) report went on to state that the freedom of an individual to contradict or contest police action without thereby hazarding arrest is one of the principal characteristics by which we differentiate a free nation from a police state.

In a different incident from the DOJ (2016) report in 2011, BPD officers arrested a man for disorderly conduct after he declined to vacate a municipal area following a directive issued without just cause and yelling "F-You" repeatedly at the officer. This detainment was also illegal, because individuals cannot be punished for using offensive or vulgar language unless the language used are fighting words. Fighting words are words that by their very announcement impose injury or can cause a breach of the peace. According to the DOJ (2016) report of the Baltimore police department, the use of profanity by itself is not grounds to rise to the level of causing harm, inflicting injury, or inciting a breach of the peace. The DOJ (2016) report is very clear that BPD officers violated the First Amendment rights of the young men when they ordered them to leave and then arresting them for their comments.

The DOJ (2016) report also covered investigations of use of force against citizens who engaged in protected speech. The report stated that BPD retaliated with unreasonable force against individuals in its citizenry in-order to suppress their right to speak freely. The DOJ states that during their investigation of BPD they discovered

several disturbing incidents. These incidents seem to indicate that BPD officers used

force against individuals simply because they did not like what those individuals said to

them. One such case BPD officers tackled and used a taser to drive-stun a young Black

man who was, in their view. When the officers told him to move along, the man refused

and cursed at the officers. They then proceeded to tackled him, in doing so, the BPD

managed to violate both the First and Fourth Amendments of this individual.

Lastly, the DOJ (2016) report stated that since the very day the ink dried on the paper of

the Bill of Rights, all Americans was given the right to criticize public officials and

policies. Which is the very essence of the First Amendment.

Summary

There is a problem in the United States of America with police use of excessive

force against minorities. According to use of force researchers' Schwartz, G. L., and

Jahn, J. L. (2020), hold that 1 in 1,000 African American men and boys can expect to die

at the hands of police in America. That makes African Americans men 2.5 times more

likely than their peers (White men and boys) to die during an encounter with police. The

researchers also added that 46% of those killed by police were unarmed at the time of

their death and 36% were alleged to have had a weapon by police.

There is also a lack of understanding of what factors are associated with it.

Analyzing these factors may lead to explaining the deaths of people like Breonna Taylor,

Elijah McClain, Tony McDade, and George Floyd who share a commonality, and that

commonality is they died because of contact with police (Boyd et al., 2020). The name

Rodney King is also synonymous with injury because of contact with police (Carbado et

al., 2016). Mr. King encountered Los Angeles Police Department officers on March 3, 1991, because of this encounter Mr. King was tased twice, clubbed fifty-six times with a baton, and kicked in the head/body by three other uniformed officers (Lu, 2017).

When summarizing this research review, it can be said that police do use excessive force sometime. Why police use excessive force seems to be linked somewhat (according to the research) to laws that are subjective such as Tennessee v. Garner (1985) as one example. The research also suggests that when police use excessive force they are disproportionately protected from prosecution. Why they are protected from prosecution is one of the many new potential research questions that evolved from this review. In addition to potential research questions, the review goes on to establishes what can be viewed as research gaps in the current research. These gaps in the research and potential research questions seems to indicate that much more research is needed in this area.

A significant gap in the research area that holds promise is the perspective of the victim as it pertains to police use of excessive force. But when using search phases such as these (police use of force, lethal force, excessive use of force by police, or deadly use of force by police) in Google scholar or the school's online library they produce very little if any information on the subject. When these searches are conducted, the researcher will be endowed with a plethora of research that originated from law enforcement statistics, which presents only the law enforcement's perspective. Statistics from the victims of excessive use of force is noticeably absent. This presents itself within the literature as a legitimate research gap. This gap seems to have some valid reasons for not assembling its full academic attention. One reason especially in the cases of use of lethal

force is, the victim is dead. Clearly, there is no way to interview this individual. Another reason comes from page 29 of this document, which is, the issues of policing and the victim's first amendment rights. As stated on page 29 "Ferguson police went about their days forcibly robbing minority citizens of their constitutional rights with impunity" (DOJ, Ferguson Police Report, 2015).

Obviously, law enforcement suppressing citizen's rights, citizen's constitutional rights, Supreme Court cases and social history all contribute greatly to this phenomenon according to this research. With that, according to the researcher, the research states that America does have a policing problem. America not only has a policing problem, but they too have a crime problem. And Americans look at these problems very differently, which means that a solution will not be easily ascertained. Lastly, what can be easily ascertained from the data is that people are being killed and the perceived authority of the police is being eroded.

Chapter 3: Research Method

Introduction

The purpose of this correlational, quantitative research study was to examine the underlying relationship of factors related to police use of excessive force against people of color. The data for this research project came from the 2015 PPCS (N = 90,719). In Chapter 3, I address the selected methodology for this research project. I cover the independent and dependent variables and validation that the chosen design works best with these variables. This chapter continues with the research target population, corresponding sampling procedures, and procedures for data collection. Lastly, I present a comprehensive discussion on the instrument employed for data collection along with data analysis and interpretation.

This research fills a gap in understanding the variables related with police use of excessive force against minorities, which has not been examined. This is a unique research project because I analyzed data from citizens rather than data from police officers. These data can help clarify variables present in police use of excessive force during minority arrests. The nature of this research project is to seek social change that can be applied through the scholar–practitioner model. This model is used to compile, analyze, and interpret data that can be presented to stakeholders, policymakers, and key administrators (Distefano et al., 2004). This Walden University model structures attributes—knowledge, skills, and attitudes—to produce long-term results and encourage permanent effects through social change (Callahan et al., 2012). Number 8 in this model, humane ethics, is the center for this research project. Humane ethics is a system of moral

principles that guide human conduct with respect to the rightness and wrongness of certain action (Callahan et al., 2012). This research project is significant to the public policy and administration field because I investigated whether accepted prejudice exists within public administrations regarding the policing of minority communities.

The purpose of this quantitative study was to examine the relationship between predictor variables—(a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, or verbal threat to officer, complain, argue) and use of excessive force against minorities from the respondent's perspective in the United States. The dependent variables in this study were (a) police verbal escalation (shout, curse, threaten force, threaten arrest, or threaten ticket) or (b) police physical escalation (push, grab, kick, hit, or handcuff). In this study, I analyzed preexisting data from the Department of Justice 2015 PPCS. The findings of this study will add to the existing body of literature in this area and help stakeholders and police administrators determine cause in this area, improving the body of knowledge regarding the use of excessive force by police against minority citizens.

Research Design and Rationale

In this research project, I used quantitative analysis with binary logistic regression to test the correlating hypotheses. Because I used secondary survey data, the proper choice for this study was quantitative. The instrument used in the survey was binary in nature; therefore, binary logistic regression was appropriate for testing. The data from

this secondary survey were interpreted within a statistical package. Watson (2015) stated

that quantitative data may be analyzed statistically, and analysis of data may be used to

draw inferences about the population. According to Cokley and Awad (2013),

quantitative methods represent the principal methodology used by the social and natural

sciences—quantitative methods are *master's tools*. Cokley and Awad argued that

although empirical research includes qualitative and quantitative methods, *empirical* is

often code for *quantitative*. Quantitative methods permit social scientists to be empirical

in stating their research questions and hypotheses *a priori* from established theory,

allowing criminologists to examine relationships for causes and effects and to test

theories. According to Watson (2015), a unique quality of quantitative research

application is its capability to formally test theories by formulating hypotheses and

applying statistical analyses. The nature of quantitative research is to gather data using

measurement and then examine data for trends and relationships that can be verify by the

measurements made (Watson, 2015).

Methodology

For this project, I used archived data that are available to the public. The National

Crime Victimization Survey (NCVS) is a yearly survey that amasses statistics on criminal

offences against individuals aged 12 or older from a nationally representative, stratified,

multistage cluster sample of U.S. households. The Police-Public Contact Survey (PPCS)

is a supplement to the NCVS, administered to NCVS respondents aged 16 or older. The

2015 PPCS (N = 90,719). This survey was conducted to provide specified data on the

nature and characteristics of face-to-face interactions between the public and the police,

including the respondent's satisfaction with the contact. All 90,719 respondents were

informed verbally and in writing that their participation was voluntary, and that all

information provided would be held in confidence. The data used in this research are the

most current data available from the BJS.

The data can be used to estimate the likelihood of different types of contact for

residents with different demographic characteristics, including contact involving the use

of nonfatal force by police. To date, the PPCS has been conducted seven times by BJS:

(a) in 1996, in the BJS publication *Police Use of Force: Collection of National Data*

(NCJ 165040); (b) in *Contacts Between Police and the Public: Findings From the 1999*

National Survey (NCJ 184957), archived as Police-Public Contact Survey, 1999: [United

States] (ICPSR 3151); (c) in *Contacts Between Police and the Public: Findings From the*

2002 National Survey (NCJ 207845), archived as Police-Public Contact Survey, 2002:

[United States] (ICPSR 4273); (d) in *Contacts Between Police and the Public, 2005* (NCJ

215243), archived as Police-Public Contact Survey, 2005: [United States] (ICPSR

020020); (e) in *Contacts Between Police and the Public, 2008* (NCJ 234599), archived as

Police-Public Contact Survey, 2008 (ICPSR 32022); (f) a split sample design due to

instrument changes, in two publications, *Police Behavior During Traffic and Street Stops,*

2011 (NCJ 242937), and *Requests for Police Assistance, 2011* (NCJ 242938), archived as

Police-Public Contact Survey, 2011 (ICPSR 34276); and (g) in *Contacts Between Police*

and Public, 2015 (NCJ 251145), archived as Police-Public Contact Survey, 2015 (ICPSR

36653).

Data Analysis Plan

I used the statistical package for social sciences (SPSS) software. To assess what variables are related with police use of excessive force, I conducted a series of regression analysis. Because all the dependent variables are dichotomous, I used binary logistic regression. Two regression models were constructed to assess the odds of a suspect reporting various forms of violence at time of arrest: force or threat of force, being pushed or shoved, being hit, or kicked, and being pepper sprayed. For each model the variables for race included dummies (variable that only take the value of 0 or 1) for African American and Hispanic suspects with White as the reference category.

Each model included two variables to capture deference of suspect at time of arrest. These were dummy variables that account for suspect's behavior at time of arrest; argued or disobey with the officer and insulted or cursed at the officer. A series of control variables were added to account for age, sex, income. In this study, two groups of dependent variables were used. The data are based on questions dealing with what respondents recalled happening at the time of the arrest or police interaction.

Each of the dependent variables was recoded as 0 and 1: 0 for *no* and 1 for *yes*. In this study, I also used dummy variables. These variables measure whether the arresting officer used or threatened excessive force with the respondent, pushed or grabbed the respondent, shouted at the respondent, cursed at the respondent, threatened a ticket, hit or kicked the respondent, or pepper sprayed the respondent at the time of the arrest or encounter.

This study has two sets of focal independent variables that is used in the study. The first set deals with race. The race variable was not grouped like the independent variables and dependent variables because, the different categories of race are not mutually exclusive. I did use White as the reference category. The other set of focal independent variables dealt with deference of suspect at time of arrest. I also created dummy (dummy variables are common variables used in research recoded 0 and 1) variables for whether or not the suspect argued with or disobeyed the arresting officer and whether or not the suspects cursed at or insulted the arresting officer. Several control variables were used in the analysis. Age was measured in actual years and centered around the mean. Sex was measured with a dummy variable for women. Income was measured with an ordinal scale of 4 income categories.

Research Question (s) Hypotheses

The following research questions and hypotheses were used in this study:

RQ1: What is the relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest?

$H_0$1: There is no relationship between (a) ethnicity, (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting

police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest.

$H_1$1: There is a relationship between (a) ethnicity, (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest.

RQ2: What is the relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police physical escalation (push, grab, kick, hit, handcuff) at time of arrest?

$H_0$2: There is no relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police physical escalation (push, grab, kick, hit, handcuff) at time of arrest.

$H_1$2: There is a relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police physical escalation (push, grab, kick, hit, handcuff) at time of arrest.

Internal Validity

Internal Validity: The validity of inferences about whether the relationship between two variables is causal (Glen, 2015). Because this research project is constructed on archival survey data, data collected from a structured interviews or self-administered questionnaires, which means limitations. The most apparent limitation with this study is that people can lie. Trustworthy data provide the groundwork for social science research. In criminal justice, social scientists who elect to use survey data run the risk of respondents giving answers to avoid casting themselves in a negative light. In addition, these same respondents may feel encouraged to provide answers that bolster themselves, which is an issue of internal validity.

Although survey data are typically strong on reliability and weak on validity in comparison with research conducted in the field, a researcher can address this by asking people to respond honestly on the survey and asking the same survey questions in different ways then compare answers.

Ethical Procedures

Because this project did use archived data that was collected by the BJS, the researcher does not have access to any of the participant's personal data. The data collected is considered secondary data and the sources are public domain. The role of the researcher is to use said data to find fair and unbiased results that builds and fills a gap in the preexisting literature. I believe this information will help bridge the gap between law enforcement and the community.

Summary

Chapter 3 delivered a comprehensive detail of how the study was conducted and what methodology was used, and why. The justification as to why the research project was needed and how it will build on the current research regarding police use of force.

This study is quantitative and utilized binary logistic regression to analyze data. SPSS was utilized to create each model that was needed. Binary logistic regression was used to find if a correlation exists between dichotomous dependent variables and multiple independent variables. The sample size of this study was N=90,719. This survey represents the most current data available from the BJS.

A survey was administered to the sample population that consisted of respondents from around the United States. The participants from this study were ideal because the intent of this study is to investigate excessive use of force by police from the victim's perspective. The term excessive use of force was used over lethal use of force because this term covers the complete spectrum of use of force by police.

Any correlation exposed between the dependent variables and independent variables will be discussed in chapter 4. Chapter 4 will also clarify all statistical conclusions that were derived from the analysis. Chapter 4 will discuss in part the collection process and the results. To help explain these results visual aids are provided. This will enable the reader to identify any key similarities or differences between variables.

Chapter 4: Results

Introduction

The purpose of this quantitative study was to examine the relationship between predictor variables and the use of excessive force against minorities from the victims' perspective in the United States. The predictor variables were (a) ethnicity, (b) respondent disobey or resist police, and (c) respondent verbal escalation with officers. The dependent variables were (a) police verbal escalation and (b) police physical escalation. I analyzed preexisting data from the Department of Justice, the 2015 PPCS. The goal of this analysis was to improve upon the body of knowledge behind the use of excessive force by police against minority citizens. This study's findings will add to the existing body of literature and help stakeholders and police administrators determine cause in this area.

To address the questions regarding what variables are correlated with police use of excessive force, I sought preexisting data because of the sensitive nature of police use of force. The 2015 PPCS target population were respondents of the NCVS age 16 and over. Only respondents who indicated that their most recent contact with police was a street stop received the questions shown in the variables in this research. While there are 70,959 responses in the 2015 PPCS file, most respondents did not have contact with police. About 15,000 people indicated they had some type of police contact, and street stops are one of the least common types of contact (fewer than 400 respondents experienced a street stop as their most recent contact with police in 2015).

The following research questions and hypotheses were used in this study:

RQ1: What is the relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest?

$H_0$1: There is no relationship between (a) ethnicity, (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest.

$H_1$1: There is a relationship between (a) ethnicity, (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police verbal escalation (shout; curse; threaten force, arrest, or ticket) at time of arrest.

RQ2: What is the relationship between (a) ethnicity; (b) respondent disobey or resist police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing, or search); (c) respondent verbal escalation with officers (curse, insult, threaten, complain, argue); covariates (age, sex, income); and reporting police physical escalation (push, grab, kick, hit, handcuff) at time of arrest?

*H*₀2: There is no relationship between (a) ethnicity; (b) respondent disobey or

resist police (disobey; try to leave; push, grab, or hit officer; resist arrest,

handcuffing, or search); (c) respondent verbal escalation with officers (curse,

insult, threaten, complain, argue); covariates (age, sex, income); and reporting

police physical escalation (push, grab, kick, hit, handcuff) at time of arrest.

*H*₁2: There is a relationship between (a) ethnicity; (b) respondent disobey or resist

police (disobey; try to leave; push, grab, or hit officer; resist arrest, handcuffing,

or search); (c) respondent verbal escalation with officers (curse, insult, threaten,

complain, argue); covariates (age, sex, income); and reporting police physical

escalation (push, grab, kick, hit, handcuff) at time of arrest.

Data Collection

The data collected for this study were secondary data. The PPCS was conducted

to generate domestic statistics of households about contact with police during the

previous 12 months. Only respondents who indicated their most recent contact with

police was a street stop received the questions shown in the variables in this research. The

overall weighted response rate for the 2015 PPCS was 64%. The sample size for this

study was N = 90,719. The U.S. Census Bureau fielded the 2015 PPCS survey

questionnaire, processed the survey data, and provided approximation specifications. The

2015 PPCS was tested cognitively in spring 2015 and conducted between July 1, 2015,

and December 31, 2015. Respondents were asked about their contact with police during

the past 12 months (PPCS, 2015).

As previously reported, the baseline descriptive and demographic characteristics of the PPCS sample are vast. The PPCS is a supplement to the NCVS, which collects data from a nationally representative sample of people over the age of 12 in U.S. households. The 2015 PPCS target population were respondents of the NCVS who were 16 and over. The mode of data collection was computer-assisted personal or telephone interviews.

Of the 90,719 respondents to the survey, 81.3% were White, 10.9% were African American, and the remaining 7.8% were neither White nor African American. Among survey respondents, 43,381 were male (47.8%) and 47,338 were female (52.2%). The age range of PPCS respondents was from 16–90 years. The mean age was 47.67, median age was 48.00, mode was 54.00, and the standard deviation was 18.53. Of the survey respondents, 17,918 (19.8%) had a household income less than $24,999 a year; 23,681 (26.1%) had a household income between $25,000 and $49,999 a year; 16,559 (19.3%) had a household income between $50,000 and $74,999 a year; and 32,561 (35.9%) had a household income of $75,000 or more a year.

The data sample was not as representative as I had hoped, as African Americans only comprised 10.9% of the survey respondents. According to the 2020 U.S. Census, African Americans represent 12.4% of the nation's population. PPCS survey respondent were 81.3% White, but the U.S. Census indicated that 57.8% of the nation's population is White. Lastly, the interpretation of the data may be accurate due to research error (U.S. Census, 2020).

Results

In this study, I set out to investigate the variables associated with police excessive use of force. I found secondary data from the U.S. government, which has conducted a PPCS every 3 years since 1996. This survey represents a national sample of individuals 16 years or older who are asked questions about their contact with police. From this survey, I derived my research questions and dependent and independent variables. Because the dependent and independent variables consisted of multiple variables, I grouped both independent and dependent variables. Independent variables were (a) respondent's ethnicity/race, (b) respondent disobeyed or resisted police, (c) respondent verbal escalation with officers, while controlling for age, gender, and income. Dependent variables were (a) police verbal escalation and (b) police physical escalation at time of arrest. After grouping the variables, I assessed that the right statistical analysis to answer these questions would be binary logistic regression. I created two logistical models in SPSS to run my analysis. The first model was created for RQ1.

To answer RQ1, I used the statistical analysis technique binary logistic regression because the dependent variable is dichotomous. Binary logistic regression was used to examine the relationship between age, gender, income, ethnicity, disobey/resist, verbal escalation, and police verbal escalation. Because age was the only linear variable, multicollinearity and linearity assumptions were met by default and therefore a Box Tidwell test was not needed. I ran a descriptive analysis on age, which showed a mean of 47.67 and a standard deviation of 18.50, thus showing no outliers. The logistic regression results were significant, $X^2(13, N = 7,904) = 497.23$, $p < .001$, indicating the model could

distinguish between respondents who reported a verbal escalation during a police stop. The model explained between 6.1% (Cox & Snell R^2) and 18.2% (Nagelkerke R^2) of the variance in police verbal escalation and correctly classified 95.0% of the cases. Sensitivity was 5.4%, and specificity was 99.9%.

Age, gender, income, disobey/resist, and verbal escalation were significant. For every year increase in age, a person having a police verbal escalation increased 0.984 times. Men were 1.539 times more likely than women to report a police verbal interaction. When compared to the reference group with a household income of $75,000 or more per year, those reporting incomes of less than $24,999 were 1.400 times more likely to report police verbal escalation. Those with incomes between $25,000 to $49,999 were 1.465 times more likely when compared to the reference group of $75,000. There was no significant difference between those making $50,000 to $74,999 and those making more than $75,000. People who disobeyed/resisted were 6.721 times more likely to have police verbal escalation, and those who verbally escalated were 11.763 times more likely to have police verbal escalation. Therefore, the null hypothesis must be rejected in favor of the alternative hypothesis. Table 1 provides the percentages for Model 1 Summary Block 1. Table 2 depicts the study's descriptive statistics. Table 3 illustrates the logistic regression summary.

Table 1

Model Summary

Step	-2 Log Likelihood	Cox & Snell R^2	Nagelkerke R^2
1	27.33.287[a]	6.1%	18.2%

Notes. a. Estimation terminated at iteration number 6 because parameter estimates changes by less than .001.

Table 2

Descriptive Statistics

Variable	*M*	*SD*
Age	47.67	18.50
	f	%
Gender		
Male	47,338	52.2
Female	43,381	47.8
Income		
Less than $24,999	1,552	19.6
$25,000 to $49,999	2,005	25.3
$50,000 to $74,999	1,466	18.5
$75,000 and more	2,886	36.4
Ethnicity		
White only	73,732	81.3
Black only	9,919	10.9
Hispanic	13,417	14.8
Asian only	4,994	5.5
American Indian	580	0.6
Hawaiian	269	0.3
Disobey/Resist		
Yes	40	0.5
No	7,875	99.5
Respondent verbal escalation		
Yes	476	6.0
No	7,436	94.0

Table 3

Logistic Regression Summary

	B	S.E.	Wald	*df*	*p*	Odds ratio	95% C.I. for odds ratio	
							Lower	Upper
Age	-.017	.003	22.513	1	<.001	.984	.977	.990
Gender	.431	.111	14.975	1	<.001	1.539	1.237	1.915
Less than $24,999	.337	.153	4.817	1	.028	1.400	1.037	1.892
$25,000 to $49,999	.382	.145	6.972	1	.008	1.465	1.103	1.944
$50,000 to $74,999	.186	.164	1.295	1	.255	1.205	.874	1.660
White Only	.345	.397	.758	1	.384	1.413	.649	3.074
Black Only	.524	.418	1.567	1	.211	1.688	.744	3.833
Hispanic	.263	.150	3.061	1	.080	1.301	.969	1.747
Asian	.012	.514	.001	1	.981	1.012	.370	2.772
American Indian, Alaskan Native Only	.833	.608	1.875	1	.171	2.300	.698	7.581
Hawaiian/Pacific Islander Only	1.468	.843	3.032	1	.082	4.341	.832	22.655
DisobeyResist	1.905	.386	24.299	1	<.001	6.721	3.151	14.335
RespVerbalEscal	2.465	.123	403.643	1	<.001	11.763	9.249	14.961

a.Variable(s) entered on step 1: Race=White Only, RACE=Black Only, IV1

RaceEthnHispanic, RACE=Asian Only, RACE=American Indian, Alaskan Native Only,

RACE=Hawiian/Pacific Islander Only, IV2RespDisobeyResist01,

IV3RespVerbalEscalation01.

The second statistical model was created to answer research question 2. To answer RQ2, I used the statistical analysis technique binary logistic regression because the dependent variable is dichotomous. Binary logistic regression examined the relationship between age, gender, income, ethnicity, disobey/resist. verbal escalation, and

police physical escalation. Since age is the only linear variable, multicollinearity and linearity assumptions are met by default and therefore a Box Tidwell test is not needed. A descriptive analysis was run on age which showed a mean of 47.67 and a standard deviation of 18.50, thus showing no outliers. The logistic regression results were significant, X^2(13, $N = 7904$) = 304.35, $p <$.001, indicating the model could distinguish between respondents who reported a physical escalation during a police stop. The model explained between 3.8% (Cox & Snell R^2) and 19.5% (Nagelkerke R^2) of the variance in police physical escalation and correctly classified 97.8% of the cases. Sensitivity was 5.6%, and specificity was 99.9%. Age, gender, income, disobey/resist, and verbal escalation were significant. For every year increase in age, a person having a police physical escalation increased 0.980 times. Men were 2.634 times more likely than women to report a police physical interaction. When compared to the reference group of $75,000 and more, those reporting incomes of less than $24,999 were 3.844 times more likely to report police physical escalation. Those with incomes between $25,000 to $49,999 were 3.323 times more likely. Lastly, when compared to the reference group of $75,000 and more, those reporting incomes of $50,000 to $74,999 were 2.910 times more likely to report police physical escalation. This model also indicates that some ethnicity or races were not statistically significant, and some were. The variable White Only was statistically significant because it had a p<.004 and an Exp(B) .353. When compared to the group Blacks Only, the reference group Whites Only were .353 times less likely than Blacks Only to have a police officer physically escalate a situation. Asian Only had a p<.046 and an Exp(B) .289. When compared to the Blacks Only group Asian Only group

were .289 times less likely than Blacks Only to have a police officer physically escalate a

situation. People who disobeyed/resisted were 7.917 times more likely to have police

physical escalation, and those who verbally escalated were 7.386 times more likely to

have police physical escalation. Therefore, the null hypothesis must be rejected in favor

of the alternative hypothesis. Table 4 provides the percentages for model 1 summary

block 1. Table 5 depicts the study's descriptive statistics. Table 6 illustrates the logistic

regression summary.

Table 4

Model Summary

Step	-2 Log Likelihood	Cox & Snell R^2	Nagelkerke R^2
1	1398.273[a]	3.8%	18.2%

Notes. a. Estimation terminated at iteration number 20 because maximum iteration has

been reached. Final solution cannot be found.

Table 5

Descriptive Statistics

Variable	*M*	*SD*
Age	47.67	18.50
	f	%
Gender		
Male	47,338	52.2
Female	43,381	47.8
Income		
Less than $24,999	1,552	19.6
$25,000 to $49,999	2,005	25.3
$50,000 to $74,999	1,466	18.5
$75,000 and more	2,886	36.4
Ethnicity		
White only	73,732	81.3
Black only	9,919	10.9
Hispanic	13,417	14.8

Asian only	4,994	5.5				
American Indian	580	0.6				
Hawaiian	269	0.3				
Disobey/Resist						
Yes	40	0.5				
No	7,875	99.5				
Respondent verbal escalation						
Yes	476	6.0				
No	7,436	94.0				

Table 6

Logistic Regression Summary

	B	S.E.	Wald	df	p	Odds ratio	95% C.I. for odds ratio Lower	Upper
Age	-.020	.005	14.253	1	<.001	.980	.970	.990
Gender	.968	.178	29.542	1	<.001	2.634	1.857	3.735
Less than $24,999	1.347	.262	26.394	1	<.001	3.844	2.300	6.425
$25,000 to $49,999	1.201	.260	21.356	1	<.001	3.323	1.997	5.530
$50,000 to $74,999	1.068	.281	14.472	1	<.001	2.910	1.678	5.044
White Only	-1.041	.365	8.134	1	.004	.353	.173	.722
Black Only	.524	.403	1.683	1	.194	.593	.269	1.306
Hispanic	.374	.208	3.221	1	.073	1.453	.966	2.185
Asian	-1.241	.622	3.978	1	.046	.289	.085	.979
American Indian, Alaskan Native Only	.525	.561	.877	1	.349	1.691	.563	5.078
Hawaiian/Pacific Islander Only	-17.670	8368.09	.000	1	.998	.000	.000	.000
DisobeyResist	2.069	.387	28.589	1	<.001	7.917	3.708	16.903
RespVerbalEscal	2.000	.180	123.747	1	<.001	7.386	5.193	10.505

a.Variable(s) entered on step 1: Race=White Only, RACE=Black Only, IV1

RaceEthnHispanic, RACE=Asian Only, RACE=American Indian, Alaskan Native Only,

RACE=Hawiian/Pacific Islander Only, IV2RespDisobeyResist01,

IV3RespVerbalEscalation01.

Just to reiterate, the statistical outcome of these variables may be unusual but according to some current research when police and citizens share similar cultural backgrounds, the aftermath of the event is generally more positive (Flexon et al.,2019). Also, according to the previous variable analysis in this study people of an increase income level have less negative interaction than those of a lower income bracket, which means that those people could have been the majority respondents for this question.

Summary

Chapter 4 showed the results of the study followed by tables that broke down each variable in the study. The result of some variable surprised me, which prompted me to contact the authors of this study. As stated before, I am using preexisting data from the DOJ BJS. After contacting them one researcher responded with this statement: Thank you for contacting the BJS. Only respondents who indicated that their most recent contact with police was a street stop received the questions shown in V148, V152, V154, and V158. While there are 70,959 responses in the 2015 PPCS file, most respondents did not have contact with police. About 15,000 people indicated that they had some type of police contact and street stops are one of the least common types of contact (fewer than 400 respondents experienced a street stop as their most recent contact with police in 2015).

The variables mentioned above are all the variables used in this study. The variables age, sex, income 1 and 2 were shown to be closely correlated to the dependent variable Police Verbal Escalation by the first model. The model also indicated that the variable Respondents Disobey or Resist and Respondent Verbal Escalation were also closely correlated to the dependent variable Police Verbal Escalation in the first model. The model here, in my opinion is stating the obvious. We understand that older people have different driving habits than younger people and if stopped the odds are they will not disobey, resist, or argue with police. This means that police will likely not verbally escalate, which they are trained to do in order to gain control of a situation. The same can be said for men being stopped versus women. Women on average are less aggressive than men. The variable income indicates in this model lower income people are more prone to police verbal abuse than their counterpart's upper income people.

In model 2, the results become far more revealing. The model states that age, gender, income 1, 2, and 3 are correlated to the dependent variable Police Physical Escalation. The model also stated that White and Asian are less likely than Blacks to have police physical escalation. Lastly, respondents' verbal escalation and respondent disobey/resist were all highly correlated to the dependent variable Police Physical Escalation.

Chapter 5 will summarize these results from chapter 4. The results will be interpreted as to how they relate to Conflict Theory and the implications. The results of this study confirm that the answer to why police use excessive force resides in the

multivariable theory. This study clearly states that no one variable can reliably explain this occurrence.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this quantitative study was to examine the relationship between predictor variables and the use of excessive force against minorities from the victims' perspective in the United States. Predictor variables were (a) ethnicity, (b) whether respondent disobeyed or resisted police, and (c) respondent's verbal escalation with officers. The dependent variables were (a) police verbal escalation and (b) police physical escalation. In this study, I analyzed preexisting data from the Department of Justice, the 2015 PPCS. The goal of this study was to improve upon the body of knowledge behind the use of excessive force by police against minority citizens. The findings of this study will add to the existing body of literature and help stakeholders and police administrators determine cause in this area.

The results of this study confirm that the answer to police use of excessive force resides in the multivariable theory. The findings indicate that no one variable can reliably explain this occurrence. The findings from this study are based on data from the BJS 2015 PPCS, a supplement to the NCVS. The PPCS gathered data on contact with police during the prior 12 months from people aged 16 or older. Only respondents who indicated that their most recent contact with police was a street stop received the questions used in this study. While there are 70,959 responses in the 2015 PPCS file, most respondents did not have contact with police. About 15,000 people indicated they had some type of police contact, and street stops are one of the least common types of

contact (fewer than 400 respondents experienced a street stop as their most recent contact with police in 2015).

Analysis of street stop contact did produce some interesting results. These results have led me to believe a post Michael Brown world is seeing a change. Police may be developing an awareness of their response to citizens. The findings in this study seem to indicate that police are exercising some restraint in their response to citizens when it comes to the use of force continuum. This study produced statistically significant results that people expose themselves to verbal escalation and some physical escalation by police when they resist or disobey. The analysis also indicates that young men of any race who have lower household incomes are more likely to resist, disobey, or verbally escalate a situation with police than other respondents.

Although some change may be occurring with police community relations, some issues with policing still persist. Disparities in police treatment across gender and race are still prevalent. For example, Black men are more likely to be exposed to police violence than Whites or Asian men. Additionally, young Black men from lower income households seem to still be a target for police.

Interpretation of Findings

In this study, I sought to examine the variables associated with police use of excessive force. I believe the answers to why police use excessive force resides in the multiple variables hypothesis, and the findings in this study seem to confirm that. The findings in this study confirm and extend knowledge in the discipline.

According to the findings in the analysis in this study, Black people are more likely than White people to experience physical escalation when in contact with police. This supports Brown's (2019) statement that people of African descent live in a perpetual state of fear that police will stop them, search them, detain them, or beat them. The findings of my analysis indicate that older people are less likely to have a physical confrontation with police than younger people. I also found that women were less likely to have a physical confrontation with police than men were. Lastly, people with lower household incomes were more likely to experience physical escalation compared to the reference group with a household income of $75,000 or more, and this finding was statistically significant. The combined outcomes in this study indicate that young Black men with lower household incomes are at higher risk of experiencing physical escalation during police contact.

As found in the current literature, police will physically escalate a situation with specific individuals and may not fully support the First Amendment. In U.S. 6th Circuit Court case *McCurdy v. Montgomery County*, 240 F.3d 512, 520 (6th Cir. 2001), McCurdy brought a suit against officer Cole and Montgomery County, claiming that the officer and the county violated McCurdy's right to be free from unreasonable seizures under the Fourth Amendment. McCurdy further contended that the defendants retaliated against him with arrest for declaration of his First Amendment rights. As discussed in Chapter 2, the McCurdy case clearly established that the First Amendment protects the freedom to express disagreement with state action without the fear of reprisal.

Like the McCurdy case this study clearly establish that police are having a hard time believing that the First Amendment protects the freedom to express disagreement with state action, without the fear of reprisal. In this study I created multiple models and, in every model, the independent variable 'respondent verbal escalation' was statistically significant. As a matter of fact, all model showed a p<.001 C.I. 95% with this variable. Therefore, if we move back to the previous variable, we can conclude that young Black men of lower income who exercise their First Amendment rights are at higher odds of police retaliation.

Police retaliation, White supremacy or institutional racism are some of the variables that current literature seems to revolve around when discussing police community relations. This may be the case for some but not all. There is a counter argument on this subject that is what Delgado and Stefancic (2017) calls Black victimization or self-inflected. Many supporters today believe that Blacks should not complain about police doing their jobs. These people present the disagreement that Black-on-Black violent crime is the real problem (James, James, & Vila, 2016). They reason that the Black community should take account of the great number of young Black men dying on the streets of America every night and understand that the police are trying to help. They reason that police are good guys who are performing a very difficult task with life-and-death implications. Therefore, they should be given the benefit of the doubt without the hindrance of racism (Lee, 2016).

Blacks represent 12 percent of the population but commit 43 percent of the felonious killings against police. James et al. (2016) cites studies that proclaim Blacks are

responsible for their own calamity as it pertains to fatal encounters with law enforcement. In short, African American suspects pose a greater threat to the police (James et al., 2016). Therefore, race is believed to be insignificant in the face of community-level crime rate and dangerousness of the underlying offense. "For example, Fyfe (1978) found that 60 percent of Black suspects shot by the police were carrying handguns compared with 35 percent of White suspects" (p.3). Consequently, according to the authors, members of law enforcement are more hesitant to shoot Black suspects than White suspects. This observation is supported by research data from analyses of incidents, police interviews, experimental research, and incident reports -which was pulled for a major metropolitan police department that found police officers fired more shots at White suspects than at Black suspects. Perhaps officers were more concerned with the race of the suspect because of departmental policy or public sentiment concerning treatment of African Americans. Supporting this notion are views expressed by law enforcement executives having increased concern when an officer shoots a minority suspect (James et al., 2016).

Again, not all in society believe police are fully to blame for what happens to Black men in police custody. Lee (2016) asserts that police are no different than normal citizens who have been taught that Black men are dangerous, physically superior and will show little respect for authority. He believes that the shootings deaths of unarmed Black people by law enforcement is a product of TPF not race. James (2020) also argues the TPF is brought on by White Fear. James (2020) affirms that research demonstrate most

individuals are swifter to perceive a weapon when dealing with a Black suspect than when dealing with a White suspect.

When reading the above peer-reviewed literature and comparing it to this study results, I believe there is some support for what the researchers are claiming. Model 1 in this study states that race was not a statistical factor in the dependent variable police verbal escalation. It did find that the variable respondent disobeyed or resisted was found statistically significant. Which means that young men who disobey or resist a police officer is more likely to have the police verbally escalate a situation then a person who does not disobey or resist. This is common knowledge we know that police officers are trained to do this. They do it to keep control of a situation. They do not apply this technique only when someone is Black. Lastly, in this model the variable respondent verbally escalated was found statistically significant. Which also means that a person who verbally escalate a situation with a police officer (more than likely a young male) more likely to have the police verbally escalate a situation then a person who does not verbally escalate a situation. Once again this is common knowledge, police are trained to respond in this manner, this action is not predicated on race. What we can conclude from the models is the dependent variable determines what actions the police will take.

When analyzing and interpreting the findings in the context of the theoretical framework we must described the framework. For this study that focuses on the use of excessive force by police against its citizens. In particular, its use of force against citizens of minority communities. Therefore, the primary theory selected is Conflict Theory. According to Sedek (2018) Conflict theory centers on the fight between factions within

society over limited resources. The perspective of conflict believes that laws are designed to satisfy the needs and interest of the powerful in society. Sedek continues by adding that Karl Marx further thought that as the blue-collar and underprivileged were exposed to worsening conditions, a collective consciousness would bring the inequality to light and potentially result in revolt.

The powerful and rich defines what is right and what is wrong. Laws and law enforcement are controlled by the ruling class, which allows its interests to be promoted and maintained. Bystrova and Gottschalk (2015) also states that the criminal justice system is biased and is configured to protect the upper class and powerful. This class-based economic order is maintained by a criminal justice apparatus that serves the interests of the wealthy at the expense of the poor. Those who challenge this system of production are designed for social control, especially if they are seen as a serious threat to the system.

As we compare the models and the result of this study with its theoretical framework, I believe we have alignment. I state this knowing that one model did reveal that race was a factor. But when we read the definition of the theoretical framework it clearly states that Conflict Theory is centered on the caste system. Bystrova and Gottschalk clearly state that the powerful and rich defines what is right and what is wrong. They also state that this class-based economic order is maintained by a criminal justice apparatus that serves the interests of the wealthy at the expense of the poor. When we look at all models, we do see race statistically significant in one model, but we also see income being significant in all models.

When examining model 1 results for the dependent variable police verbal escalation we have the variable income 1 and income 2 being significant. Income 1 has a range of $24,999 or less and income 2 has a range of $25,000 - $49,000. These incomes represent annual income, which means that income 1 people are very close to the census poverty threshold. Income 2 people, which the annual income is increased by $24,000 are also close to the threshold. When we compare the reference group which is $75,000 or more, we see the odds of them having police verbal escalation is far less than the other group. These results seem to indicate or align with Bystrova and Gottschalk statement: that the criminal justice system is biased and is configured to protect the upper class and powerful. The powerful and rich defines what is right and what is wrong. Laws and law enforcement are controlled by the ruling class, which allows its interests to be promoted and maintained.

When examining model 2 the result from the dependent variable police physical escalation all income groups became significant. The model showed that your odd of having police physical escalation increased more for lower income people than upper income people. Although, all three income brackets are exposed to police physical escalation. With that statement, the model also indicated that Whites and Asians were less likely than Blacks, Hispanics, Indian/Alaskan, and Hawaiian/Pacific Islander to be involved in a physical altercation with police.

These results seem to align with Holmes et al (2019) that states police coercion helps continue social arrangements that benefit more privileged segments of society. He adds that empirical research on patterns of police violence toward minorities frequently

relies on the threat hypothesis. The threat hypothesis is a derivative of conflict theory that hypothesizes the amount of police present surges as the size of a particular population that threaten the interests of the powerful increase. The increase in patrols in these disadvantaged places may see minority citizens as particularly threatening to their wellbeing, a perception that may trigger police killings.

Limitations of the Study

The Examination of Variables Associated with Police Excessive Force study is a quantitative study that utilized binary regression to analyze data. Because this project used archived data that was collected by the BJS, I did not have access to any of the participant's personal data. The data collected is considered secondary data and the sources are public domain. The role of the researcher is to use said data to find fair and unbiased results that builds and fills a gap in the preexisting literature.

Consequently, this study does have several limitations. The most apparent limitation with this study is the fact that people lie. Trustworthy data provides the groundwork upon which social scientist base their work on. In criminal justice, social scientists who elect to use survey data run the risk of having respondents who may not feel comfortable giving out answers that cast them in a negative light. In addition, these same respondents may feel encouraged to provide answers that bolster themselves, which is an issue of validity.

Finding out that a person gives liberal answers in a survey does not necessarily mean that person is liberal. According to Babbie (2013) survey are subject to the artificiality mentioned in connection with experiments. Babbie states that this inadequacy

is particularly noticeable in the realm of action. Surveys cannot gauge social action; they can only accumulate self-reports of recollected past action or of prospective or hypothetical action. Artificiality presents two difficulties, the first is the topic of study may not be amenable to measurement through questionnaires. The second is the very act of studying that topic, say an attitude, for example may affect the study.

Although survey data is typically strong on reliability and weak on validity in comparison with research conducted in the field a researcher can address this by asking people not to lie on the survey and asking the same survey questions different ways to see if you get a different answer.

Recommendations

Future research regarding conflict theory in law enforcement as it pertains to use of excessive force is needed. Based on the results of this study policing have come a long way and has a long way to go in equal service to all communities. Many of the same ole problems that came from slave laws still govern police practice today. Living in a post Michael Brown world revealed issues in policing that has successfully existed in minority communities for decades. That in itself has left a legacy of data for researchers to analyzed. All data retrieved on this topic face the same monumental challenge. The challenge of how does U.S. society acknowledge its slaveholding past and reshape its present interracial discord?

Interracial discord has existed in this country for many centuries. I believe chapter 2 of this project supports that statement. I believe this study's results through quantitative analysis provides proof that police principal responsibility today is the same as it was in

Charleston in 1837. If this is the case, then the next question should be how do we change this? It seems through current literature scholars have done a good job bring awareness to the problem of police community relations. The research does show that police do have a bias toward minorities, as does this study. The limitation here is that the focus should be in other areas. Current research shows that certain variables are the center point of the vast majority of police use of excessive force research, also with this study. This research gave us the problem, therefore future research should seek the answer. Future research on police use of excessive force should center on citizen oversight of police. This is according to current research.

Future research should focus in these areas: effectiveness of citizen oversight of police the elimination of police internal affairs, and the interworking of the courtroom work group (police, DA, and judge). These areas are vastly unexplored in the social sciences and may hold some great answers.

Implications

The nature of this research seeks social change. That change can be implemented through the scholar-practitioner model. These models compile, analyzes, and interprets data, which can be presented to stakeholders, policymakers, and key administrators (Distefano, Rudestam, & Silverman, 2004). The model is a product of Walden University that formats attributes (Knowledge, Skills, and Attitudes) that will produce long-term solutions and promote lasting effects through the process of social change (Callahan et al., 2012). Number 8 in the model, Humane Ethics, is the center for this research.

Humane ethics is a system of moral principles that guide human conduct with respect to the rightness and wrongness of certain action (Callahan et al., 2012).

This research is important to the public policy and administration field because it will explore the question as to whether a bias exists within public administrations in respect to policing of minority communities. This research looks to expose, if any, unfair practices and help public administrators with policing.

Conclusion

The idea of policing in America is a noble one. Believing that the good guys are just around the corner is true for some of us but for others a different reality. In reality there is an ongoing negative relationship between minority communities and law enforcement and its use of excessive force. This study examined multiple variables for social change by way of producing new research that may help police administrators and legislators write policy to address this issue. This study needed to be conducted because this has become an international issue in society in the last decades, but it has been a reality for minorities for over a century. To bridge this gap law enforcement has with minority communities will require an open mind and a willingness to accept the obvious. The obvious is that we do have a problem in policing in America. But so often we hear rebuttal like "not all police are bad". When we hear statements like this it's meant to shut the conversation down. The truth is they are not all good either. The truth of the matter is we are not doing the police any favors when we allow them to commit crimes and get away with it. These illegal acts make their way on to YouTube, Facebook, and Instagram where they are in 24-hour rotation. These videos collect millions of views, which eat at

the epicenter of policing which is perceived authority. Perceived authority is not tangible it is something that has to be given. With each video upload of police violating the rights of a citizen, law enforcement themselves are destroying that one necessary tool. These videos not only work against police authority they also greatly hamper police recruitment. When police talk about low recruitment, we often hear them said that the pay is too low, the work is too dangerous, or we can not find qualified people. I disagree. I believe the number one reason why people have no interest in joining the police department is because local law enforcement is seen as a dishonorable profession. Now, that statement will upset some people. It upsets people because those people believe we should support law enforcement. When in reality we should support law and order over law enforcement because the two are not synonymous.

References

Alexander, B. K. (2016). Introduction: "Hands up! Don't shoot!": Policing race in

America. *Cultural Studies: Critical Methodologies, 16*(3), 239–244.

https://doi.org/10.1177/1532708616634768

Armstrong, M. J. (2016). Are we nearing the end of impunity for taking black lives?

Santa Clara Law Review, 56, 721.

https://digitalcommons.law.scu.edu/lawreview/vol56/iss4/2/

Aseltine, E. (2019). *Perpetual suspects: A critical race theory of Black and mixed-race*

experiences of policing. Palgrave MacMillan. https://doi.org/10.1007/978-3-319-

98240-3

Atherley, L. T., & Hickman, M. J. (2014). Controlling use of force: Identifying police use

of excessive force through analysis of administrative records. *Policing: A Journal*

of Policy and Practice, 8(2), 123–134. https://doi.org/10.1093/police/pau003

Aymer, S. R. (2016). "I can't breathe": A case study—Helping Black men cope with

race-related trauma stemming from police killing and brutality. *Journal of Human*

Behavior in the Social Environment, 26(3–4), 367–376.

https://doi.org/10.1080/10911359.2015.1132828

Babbie, E. R. (2016). *The basics of social research*. Cengage learning.

https://doi.org/10.4135/9781473999411

Barry, P. B. (2015). Capital punishment as a response to evil. *Criminal Law and*

Philosophy, 9(2), 245–264. https://doi.org/10.1007/s11572-013-9254-5

Bejan, V., Hickman, M., Parkin, W. S., & Pozo, V. F. (2018). Primed for death: Law

enforcement-citizen homicides, social media, and retaliatory violence. *PloS One,*
13(1), e0190571. https://doi.org/10.1371/journal.pone.0190571

Boyd, R. W., Lindo, E. G., Weeks, L. D., & McLemore, M. R. (2020). On racism: A new
standard for publishing on racial health inequities. *Health Affairs Forefront,* 10.
https://doi.org/10.1377/forefront.20200630.939347

Brown, R. A. (2019). Policing in American History. *Du Bois Review: Social Science*
Research on Race, 16(1), 189–195. https://doi.org/10.1017/S1742058X19000171

Butler, P. (2020). The system is working the way it is supposed to: the limits of criminal
justice reform. *Freedom Center Journal, 2019*(1), 6.

Burch, A. M. (2011). Arrest-related deaths, 2003-2009-Statistical tables. *Bureau of*
Justice Statistics. https://bjs.ojp.gov/library/publications/arrest-related-deaths-
2003-2009-statistical-tables

Bystrova, E. G., & Gottschalk, P. (2015). Social conflict theory and white-collar
criminals: Why does the ruling class punish their own? *Pakistan Journal of*
Criminology, 7(1), 1–15.

Callahan, D., Wilson, E., Birdsall, I., Estabrook-Fishinghawk, B., Carson, G., Ford, S.
Ouzts, K., & Yob, I. (2012). *Expanding our understanding of social change: A*
report from the Definition Task Force of the HLC Special Emphasis Project.
Walden University.

Campbell, B. A., Nix, J., & Maguire, E. R. (2017). Is the number of citizens fatally shot
by police increasing in the Post-Ferguson Era? *Crime & Delinquency, 64*(3), 398–
420.

Carbado, D. W. (2016). Predatory policing. *UMKC L. Rev., 85*, 545.

Carbado, D. W., & Rock, P. (2016). What exposes African Americans to police violence. *Harv. CR-CLL Rev.*, *51*, 159.

Chaney, C., & Robertson, R. V. (2015). Armed and dangerous? An examination of fatal shootings of unarmed black people by police. *Journal of Pan African Studies, 8*(4), 45–78.

Cheng, L., Li, Y., Li, W., Holm, E., & Zhai, Q. (2013). Understanding the violation of IS security policy in organizations: An integrated model based on social control and deterrence theory. *Computers & Security, 39*, 447–459. https://doi.org/10.1016/j.cose.2013.09.009

Costelloe, M. T., Chiricos, T., & Gertz, M. (2009). Punitive attitudes toward criminals: Exploring the relevance of crime salience and economic insecurity. *Punishment & Society, 11*(1), 25–49. https://doi.org/10.1177/1462474508098131

Cokley, K., & Awad, G. H. (2013). In defense of quantitative methods: Using the "master's tools" to promote social justice. *Journal for Social Action in Counseling & Psychology, 5*(2), 26–41. https://doi.org/10.33043/jsacp.5.2.26-41

Crofts, P. (2017). Killing to survive: The Walking Dead, police slayings and medieval malice. *Law, Culture and the Humanities, 17*(2), 200–223. https://doi.org/10.1177/1743872117692298

DeGue, S., Fowler, K. A., & Calkins, C. (2016). Deaths due to use of lethal force by law enforcement: findings from the National Violent Death Reporting System, 17 US States, 2009–2012. *American Journal of Preventive Medicine, 51*(5), S173–S187.

https://doi.org/10.1016/j.amepre.2016.08.027

Distefano, A., Rudestam, K., & Silverman, R. (2004). Scholar practitioner model.

Encyclopedia of Distributed Learning (pp. 393–397). Sage.

https://doi.org/10.4135/9781412950596.n134

Donner, C. M., Maskaly, J., Piquero, A. R., & Jennings, W. G. (2017). Quick on the

draw: Assessing the relationship between low self-control and officer-involved

police shootings. Police Quarterly, 20(2), 213-234.

https://doi.org/10.1177/1098611116688066

Delgado, R., & Stefancic, J. (2017). Critical race theory: An introduction. NYU Press.

https://doi.org/10.2307/j.ctt1ggjjn3

Durr, M. (2015). What is the difference between slave patrols and modern-day policing?

Institutional violence in a community of color. Critical Sociology, 41(6), 873-879.

https://doi.org/10.1177/0896920515594766

Edwards, F., Lee, H., & Esposito, M. (2019). Risk of being killed by police use of force

in the United States by age, race–ethnicity, and sex. Proceedings of the National

Academy of Sciences, 116(34), 16793-16798.

https://doi.org/10.1073/pnas.1821204116

FBI. GOV. Use of force policy (2016)

Fitria, W. (2019). Reading Interest and Reading Comprehension: A Correlational Study.

Journal Educative: Journal of Educational Studies, 4(1), 95-107.

https://doi.org/10.30983/educative.v4i1.1333

Flexon, J. L., D'Alessio, S. J., Stolzenberg, L., & Greenleaf, R. G. (2019). Interracial

encounters with the police: findings from the NCVS police-public contact survey.

Journal of ethnicity in criminal justice, 17(4), 299-320.

https://doi.org/10.1080/15377938.2019.1646688

Gamal, F. (2016). The racial politics of protection: A critical race examination of police

militarization. Calif. L. Rev., 104, 979.

Garrett, B., & Stoughton, S. (2017). A Tactical Fourth Amendment. Va. L. Rev., 103,

211.

Glen, S. (2015). Statistical Conclusion Validity - Statistics how to. statisticshowto.com.

https://www.statisticshowto.com/statistical-conclusion-validity/

Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A.

(2014). The essence of innocence: Consequences of dehumanizing Black children.

Journal of Personality and Social Psychology, 106(4), 526-545.

https://doi.org/10.1037/a0035663

Gilbert, K. L., & Ray, R. (2016). Why police kill black males with impunity: Applying

public health critical race praxis (PHCRP) to address the determinants of policing

behaviors and "justifiable" homicides in the USA. Journal of urban health, 93(1),

122-140. https://doi.org/10.1007/s11524-015-0005-x

Graham v. Connor, 490 U.S. 386, 109 S. Ct. 1865, 104 L. Ed. 2d 443 (1989).

Grant, E. P. (2017). Conflict Theory. The Encyclopedia of Juvenile Delinquency and

Justice, 1-4. https://doi.org/10.1002/9781118524275.ejdj0156

Hartman v. Moore, 547 U.S. 250 (2006)

Hasbrouck, B. (2020). Abolishing Racist Policing With the Thirteenth Amendment.

UCLA L. Rev. Discourse, 68, 200.GOOD

Hehman, E., Flake, J. K., & Calanchini, J. (2017). Disproportionate use of lethal force in

policing is associated with regional racial biases of residents. Social

Psychological and Personality Science, 9(4), 393-401.

https://doi.org/10.1177/1948550617711229

Hempfield, A., Seminar, M. S., & Scott, M. J. (2021). Colorism and the killing of

unarmed African Americans by police. *Journal of Emerging Investigators*,

4, 1-4.

Hine, K. A., Porter, L. E., Westera, N. J., Alpert, G. P., & Allen, A. (2018). Exploring

police use of force decision-making processes and impairments using a

naturalistic decision-making approach. Criminal justice and Behavior, 45(11),

1782-1801. https://doi.org/10.1177/0093854818789726

Ibe, T. (2020). In Slavery and In Freedom: The Chains That Link Policing, Black

Criminalization, and White Empowerment. Student Works.

Kaba, M. (2020). Yes, we mean literally abolish the police. Abolition Library Commons.

Kilgo, D. K. (2021). Police Violence and Protests: Digital Media Maintenance of Racism,

Protest Repression, and the Status Quo. Journal of Broadcasting & Electronic

Media, 65(1), 157-176.

Hemel, D., & Porat, A. (2019). Free Speech and Cheap Talk. Journal of Legal Analysis,

11, 46- 103. https://doi.org/10.1093/jla/laz004

Holmes, M. D., Painter, M. A., & Smith, B. W. (2019). Race, place, and police-caused

homicide in US municipalities. Justice Quarterly, 36(5), 751-786.

https://doi.org/10.1080/07418825.2018.1427782

James, L., James, S. M., & Vila, B. J. (2020). The reverse racism effect: are cops more

hesitant to shoot Black than White suspects? CORRIGENDUM. Criminology and

public policy, 19(1), 361-361. https://doi.org/10.1111/1745-9133.12483

James, L., James, S. M., & Vila, B. J. (2016). The reverse racism effect: Are cops more

    hesitant to shoot black than white suspects? Criminology & Public Policy, 15(2),

    457-479. https://doi.org/10.1111/1745-9133.12483

Johnson, R. R. (2016). Dispelling the myths surrounding police use of lethal force.

    Raleigh, NC: Dolan Consulting Group.

Joseph-Salisbury, R. (2021). Teacher perspectives on the presence of police officers in

    English secondary schools: A Critical Race Theory analysis. Race Ethnicity and

    Education, 1-18. https://doi.org/10.1080/13613324.2021.1890563

Kochel, T. R. (2017). Explaining racial differences in Ferguson's impact on local

    residents' trust and perceived legitimacy: Policy implications for police. Criminal

    Justice Policy Review, 1-32. doi:10.1177/0887403416684923

Kochel, T. R. (2015). Assessing the initial impact of the Michael Brown shooting and

    police and public responses to it on St. Louis County residents' views about

    police. Department of Criminal Justice reports. Southern Illinois University

    Carbondale SIUC, 3-20.

Lee, A. S., Weitzer, R., & Martínez, D. E. (2017). Recent police killings in the United

    States: A three-city comparison. Police Quarterly, 21(2), 196-222

    https://doi.org/10.1177/1098611117744508

Lee, C. (2016). Race, policing, and lethal force: remedying shooter bias with martial arts

    training. Law & Contemp. Probs., 79, 145.

Lepore, J. (2020). The Invention of the Police. The New Yorker, 13.

Logan, T., & Temin, P. (2020). Inclusive American Economic History: Containing

    Slaves, Freedmen, Jim Crow Laws, and the Great Migration. Institute for New

    Economic Thinking Working Paper Series, (110).

    https://doi.org/10.36687/inetwp110

Lu, X. (2017). The Los Angeles Police Department and the 1992 LA Riots: A Mythical

    Organization Coping with Known Unknowns. In Managing Uncertainty in Crisis

    (pp. 147-181). Springer, Singapore. https://doi.org/10.1007/978-981-10-3990-4_7

Ma, D. S., Correll, J., Wittenbrink, B., Bar-Anan, Y., Sriram, N., & Nosek, B. A. (2013).

    When fatigue turns deadly: The association between fatigue and racial bias in the

    decision to shoot. Basic and Applied Social Psychology, 35(6), 515-524.

    https://doi.org/10.1080/01973533.2013.840630

Magalla, A. (2018). Conflict Theory in Relation to Cyber Crime Act NO. 14 of 2015.

    Available at SSRN 3292130. https://doi.org/10.2139/ssrn.3292130

Marker, J. (2012). Teaching 4th amendment-based use-of-force. AELE Monthly LJ, 7,

    501-502.

Maskaly, J., & Donner, C. M. (2015). A theoretical integration of social learning theory

    with terror management theory: Towards an explanation of police shootings of

    unarmed suspects. American Journal of Criminal Justice, 40(2), 205-224.

    https://doi.org/10.1007/s12103-015-9293-7

McCurdy v. Montgomery County, 240 F.3d 512, 520 (6th Cir. 2001)

McDowell, L. (2007). Respect, deference, respectability and place: What is the problem

    with/for working class boys? Geoforum, 38(2), 276-286.

    https://doi.org/10.1016/j.geoforum.2006.09.006

Moore, S. E., Robinson, M. A., Clayton, D. M., Adedoyin, A. C., Boamah, D. A., Kyere, E., & Harmon, D. K. (2018). A critical race perspective of police shooting of unarmed black males in the United States: Implications for social work. Urban Social Work, 2(1), 33-47. https://doi.org/10.1891/2474-8684.2.1.33

Nagin, D. S. (2013). Deterrence in the twenty-first century. Crime and Justice, 42(1), 199-263. https://doi.org/10.1086/670398

Newberry, J. L. (2017). Racial Profiling and the NYPD: The Who, What, When, and Why of Stop and Frisk. Springer. https://doi.org/10.1007/978-3-319-58091-3

Nieves v. Bartlett, 138 S. Ct. 2709 (U.S. 2018).

Passavant, P. A. (2015). I can't breathe: Heeding the call of justice. Law, Culture and the Humanities, 11(3), 330-339. https://doi.org/10.1177/1743872115581759

Raaijmakers, E. A., Loughran, T. A., de Keijser, J. W., Nieuwbeerta, P., & Dirkzwager, A. J. (2017). Exploring the relationship between subjectively experienced severity of imprisonment and recidivism: A neglected element in testing deterrence theory. Journal of Research in Crime and Delinquency, 54(1), 3-28. https://doi.org/10.1177/0022427816660588

Ralph, L. (2019). The logic of the slave patrol: the fantasy of black predatory violence and the use of force by the police. Palgrave Communications, 5(1), 1-10. https://doi.org/10.1057/s41599-019-0333-7

Reiman, J., & Leighton, P. (2004). The rich get richer and the poor get prison: Ideology, class and criminal justice (7th Ed.). Boston: Allyn & Bacon.

Robinson, M. A. (2017). From the Slave Codes to Mike Brown: the brutal history of African Americans and law enforcement. USApp-American Politics and Policy

Blog.

Robinson, M. A. (2017). Black bodies on the ground: Policing disparities in the African

American community—An analysis of newsprint from January 1, 2015, through

December 31, 2015. Journal of Black Studies, 48(6), 551-571.

https://doi.org/10.1177/0021934717702134

Robinson, N., & Nimmi, O. (2015). The shocking finding from the DOJ's Ferguson

Report that nobody has noticed. The Huffington Post.

Robertson, R. V., & Chaney, C. D. (2020). BLACK ON BLUE. Critical Race Theory in

the Academy, 141.

Rosenfeld, R. (2015). Ferguson and police use of deadly force. Mo. L. Rev., 80, 1077.

Salimbene, N. (2019). The genesis of formal police agency creation in US cities. Police

Practice and Research, 1-12. https://doi.org/10.1080/15614263.2019.1700118

Shaw, T. M., & United States. (2015). The Ferguson report: Department of Justice

investigation of the Ferguson Police Department.

https://doi.org/10.5860/choice.193325

Schwartz, G. L., & Jahn, J. L. (2020). Mapping fatal police violence across US

metropolitan areas: Overall rates and racial/ethnic inequities, 2013-2017. PloS

one, 15(6), e0229686. https://doi.org/10.1371/journal.pone.0229686

Sedek, N. F. B. M. (2018). Marxist Conflict Theory as a Theory of Crime.

Sherman, L. W. (2018). Reducing fatal police shootings as system crashes: Research,

theory, and practice. https://doi.org/10.1146/annurev-criminol-032317-092409

Shinn, T. (2016). Who Fired that Shot, at Once the Truth Declare: The Objective

Reasonableness Test and the Role of the Use of Force Continuum in Assessing

Use of Force Incidents.

Siegel, M. (2020). Racial disparities in fatal police shootings: An empirical analysis

informed by critical race theory. BUL Rev., 100, 1069.

https://doi.org/10.1080/2330443x.2019.1704330

Smith, B. W., & Holmes, M. D. (2014). Police use of excessive force in minority

communities: A test of the minority threat, place, and community accountability

hypotheses. Social Problems, 61(1), 83-104. https://doi.org/10.1525/sp.2013.12056

Spruill, L. H. (2016). Slave patrols,'packs of Negro dogs' and policing black

communities. Phylon, 53(1), 42-66.

Spohn, C. (2018). Crime and the social control of blacks: Offender/victim race and the

sentencing of violent offenders. In Inequality, crime, and social control (pp. 249-

268). Routledge. https://doi.org/10.4324/9780429499814-15

Staller, M. S., Christiansen, P., Zaiser, B., Korner, S., & Cole, J. C. (2017). Do they

Aggress Earlier? Investigating the Effects of Ego Depletion on Police Officers'

Use of Force Behavior. Journal of Police Criminal Psychology, 1-13.

https://doi.org/10.1007/s11896-017-9249-6

Stinson, P. M. (2015). Police shootings: A new problem or business as usual? Uprooting

Criminology Blog.

Stone, R., & Socia, K. M. (2017). Boy with toy or black male with gun: An analysis of

online news articles covering the shooting of Tamir Rice. Race and Justice, 1-29.

https://doi.org/10.1177/2153368716689594

Taylor, C. (2021). Fight the Power: African Americans and the Long History of Police

Brutality in New York City. NYU

Press. https://doi.org/10.18574/nyu/9781479851591.001.0001

Tennenbaum, A. N. (1994). The influence of the Garner decision on police use of deadly

force. J. Crim. L. & Criminology, 85, 241. https://doi.org/10.2307/1144118

Tennessee v. Garner, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985).

Terrill, W. (2016). Deadly force: To shoot or not to shoot. Criminology & Public Policy,

15(2), 491-496. https://doi.org/10.1111/1745-9133.12193

United States Department of Justice. Office of Justice Programs. Bureau of Justice

Statistics. Police-Public Contact Survey, 2015. Inter-university Consortium for

Political and Social Research [distributor], 2018-04-11.

https://doi.org/10.3886/ICPSR36653.v1

U.S. Department of Justice. (2015). Department of Justice report regarding the criminal

investigation into the shooting death of Michael Brown by Ferguson, Missouri

Police Officer Darren Wilson.

U.S. Department of Justice Office of Justice Programs Arrest-Related Deaths, 2003-2009

Watson, R. (2015). Quantitative research. Nursing Standard,

29(31). https://doi.org/10.7748/ns.29.31.44.e8681

Walker, K. (2020). The Institutional Role of Campus Policing for Black Undergraduate

Students: A Critical Race Phenomenological Study.

Williams, H. E., Bowman, S. W., & Jung, J. T. (2016). The limitations of government

databases for analyzing fatal officer-involved shootings in the United States.

Criminal Justice Policy Review, 1-22. 0887403416650927.

https://doi.org/10.1177/0887403416650927

Zhang, L. (2017). Retaliatory Arrests and the First Amendment: The Chilling Effects of

Hartman v. Moore on the Freedom of Speech in the Age of Civilian Vigilance.

UCLA L. Rev., 64, 1328.