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Relationship Between Department of Justice Consent Decrees and Police Use of Force and Search and Seizure Incidents

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This is to certify that the doctoral dissertation by

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Walden University
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Abstract

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MBA, Bay Path University, 2017

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Abstract

Efforts to reform law enforcement practices related to use of force and search and seizure incidents have largely involved policy revisions and training enhancements. This study compares use of force and search and seizure incidents in the Baltimore City (BCPD) and the Chicago (CPD) Police Departments before and after the implementation of a Department of Justice (DOJ) Consent Decree. An Independent Samples *t*-test was used to analyze whether there was a statistically significant difference between pre and post use of force incidents and search and seizure incidents by the BCPD and the CPD. Secondary data regarding the BCPD use of force incidents (*N*=62) and search and seizure incidents (*N*=1,126) and the CPD use of force incidents (*N*=140) and search and seizure incidents (*N*=5,247) were collected from the Fatal Encounters website database, the Mapping Police Violence website database, the Maryland Governor's Office of Crime and Prevention website dashboard, and the city of Chicago's Civilian Office of Police Accountability (COPA) website dashboard. The study was informed by three theoretical frameworks: general strain theory, conflict theory, and critical race theory. The findings revealed distinct outcomes between the two police departments. The study also acknowledged limitations related to the accuracy of secondary data and differences in record-keeping practices between departments. This quantitative analysis offered gainful insights into the impact of DOJ consent decrees. The results offered compelling reasons for law enforcement agencies, policymakers, and stakeholders to address police misconduct, promote accountability, autonomy, and ultimately contribute to positive social change and improved community-police relations.

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Dedication

To my parents (the late) Floyd R. Lewis, Sr. and Mildred D. Gourdine Lewis. This dissertation is dedicated to you for providing a firm foundation rooting in God and justice.

"Just do right and love your neighbor as yourself."

Acknowledgments

The Walden Journey would not have been completed without my incredible committee. Thank you, Dr. Derrick Jones and Dr. Lois V. Woods, for enduring the many changes during this dissertation journey. I appreciate all the feedback, edits and re-edits, and most of all the support and encouragement to “keep pushing.”

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Chapter 1: Introduction to the Study

Law enforcement agencies' use of force and search and seizure incidents reflect officers' sworn commitment to protect and serve communities, adherence to federal and state laws and local ordinances, and proper execution of policing policies and procedures. Since 2010, the U.S. Department of Justice (DOJ) Civil Rights Division (CRD) has investigated multiple law enforcement agencies for violations of the Fourth Amendment, other federal civil rights acts, and local law enforcement policies and procedures. After finding these violations, several law enforcement agencies are currently under federal settlement agreements called consent decrees.

Consent decrees are binding agreements that list necessary police reform regulations, policy changes, and specific training areas for the target law enforcement agency to enact within an appointed timeframe. The law enforcement agency is monitored by a DOJ consent decree monitor, usually a law firm or other legal compliance agency. The timeframe to adhere to the consent decree may vary from jurisdiction to jurisdiction. Adherence may depend on willingness of law enforcement agencies to create environments which welcome acceptance and change. As more individuals use social media to show footage of police use of force and search and seizure incidents, Communities will witness those egregious acts. Viewing of this footage has caused tension between police departments and communities.

The Use of Force Continuum is a framework which five levels of force police officers may employ. Levels one, two and three of the continuum involve police officers using no force, calm and nonthreatening commands, and bodily force to gain control of

situations if needed. I focused on two higher levels of force in this study. Level four involves using less-lethal methods of force when they are deemed necessary such as pepper spray, baton, or taser. Level five is the lethal force method when deemed necessary such as firearms to prevent suspect actions from escalating. The DOJ Civil Rights Department conducted investigations of several law enforcement agencies since 2015 where use of force or search and seizure incidents were significantly high in urban areas and among Black men. Positive social change will result from this study via police reform and necessary training to improve quality of life for those who live in urban areas, as well as address implicit bias among police officers.

Chapter 1 begins with background information regarding racial profiling and police use of force, followed by a problem statement to demonstrate the need for research as well as a statement of the study's purpose to explain how it contributes to the current body of scholarly literature. I discuss the general strain theory, conflict theory, and critical race theory as they relate to police officers and policing in urban areas. I describe procedures to collect data, followed by operational definitions, assumptions, scope and delimitations, and limitations. Chapter 1 concludes with an explanation of the study's significance and intended impact on positive social change, along with a summary.

Background of Study

Racial profiling is related to reasonable suspicion and shooter bias, two issues within law enforcement. This is evident when police officers come across unarmed individuals and yet perceive them to be carrying weapons. A significant number of police officers exhibit shooter bias towards Black Americans (Harmon, 2022). This means if

they encounter an unarmed person, their bias leads them to a higher likelihood of shooting if that person is Black. This demonstrates the U.S. criminal justice system's disparities and prejudices.

Police officers are required to defend and report officer misconduct. However, Westmarland and Conway (2020) found that there was a blue code of silence in existence, depending on severity of the activity or behavior. In essence, police are still more likely to help each other than report misconduct. Because of racial profiling, police misconduct, and Fourth Amendment rights violations, the DOJ has issued consent decrees for law enforcement agencies. Another factor is when police officers fail to deescalate situations, and physical force beyond what is necessary to control a situation or protect oneself or others is used. However, deadly force should be the last resort (DOJ, 2022).

Levels four and five are protected by the Fourth Amendment of the U.S. Constitution and international human rights laws. Mordechai-Strongin (2023) stated the Fourth Amendment protects against unreasonable force when arresting someone, and an officer's use of force is judged by a reasonableness standard that considers severity of intrusion on individual rights.

Problem Statement

Police officers are trained to use the appropriate level of force to protect themselves and others based on their threat level. They are trained to follow a continuum regarding proper use of force (National Institute of Justice, 2020). De-escalation techniques are preferred, as they reduce force that is necessary to resolve situations.

Levels of the use of force continuum are officer presence, verbal commands and cooperative controls, soft control techniques, hard control techniques, intermediate weapons, and lethal/deadly force.

Even if an incident escalates to level four or five, police officers must be held accountable for their use of force and able to justify their actions. Law enforcement agencies have regularly scheduled training sessions on use of force. Police officers should be well-versed in their departments' policies and procedures. In addition, they should be engaged with communities they serve in order to build trust and understanding (DOJ, 2022).

Lewis (2022) stated understanding Fourth Amendment protections is essential to discussing reasonable suspicion based on suspect descriptions. The Fourth Amendment guarantees the right to be secure against unreasonable searches and seizures. Prior to 1968, probable cause was required to seize someone according to the Fourth Amendment. However, the Supreme Court recognized a different standard during *Terry v. Ohio*. This case introduced the concept of brief investigatory detentions based on a less strict standard than probable cause.

Rahman (2021) reported since the death of George Floyd, over 220 black people have been killed by police. Though use of force is a necessary tool to maintain law and order, its misuse can lead to severe injury or death. Because of use of force, search and seizure, and Fourth Amendment violations, several law enforcement agencies in the United States have settled with the U.S. DOJ by entering into consent decrees. Consent

decrees resolve civil cases brought by the DOJ and typically require transparency of policies and procedures that address violations (U.S. DOJ, 2017).

Consent decrees may include provisions such as changes to corporate policies, appointment of independent monitors to ensure compliance, and financial penalties. Consent decrees are legally binding and enforceable by courts. Violations of consent decrees can result in additional penalties or criminal prosecution (Jiao, 2021). While researchers have addressed searches and seizures, police use of force, and implicit bias training, there is little research regarding searches and seizures and police use of force before and after DOJ consent decrees have been settled with law enforcement agencies .

Purpose of the Study

Consent decrees are used to create sustainable trust and faith between communities and police (Douglass, 2017). The DOJ issues consent decrees to effectuate police reform by placing consent decree monitors to aid in transforming policies and practices and promote positive changes in law enforcement agencies and communities.

DOJ executive summaries outline systemic deficiencies and baseless inequalities involving stops, searches, and arrests of minorities. This study involved examining use of force and search and seizure incidents of police departments in two urban cities in Maryland and Illinois for violations involving civil rights, Fourth Amendment rights, and use of force policies and procedures.

I examined whether DOJ consent decrees impacted police use of force and search and seizure incidents. Data and statistics were collected from peer-reviewed journals, criminal justice databases such as the FBI Uniform Crime Report (UCR), and other

secondary data sources to analyze relationships between DOJ consent decrees and police use of force and search and seizure incidents.

The quantitative study method involves use of null and alternative hypotheses to understand relationships between variables. This study contributes to literature by investigating consent decrees' positive or negative impacts on searches and seizures and police use of force.

Haddad (2020) stated the percentage of Black people killed by police officers is overstated because the percentage of this population versus percentage of Black victims is disproportionate.. There is a gap in research regarding DOJ consent decrees and law enforcement agencies in suburban and rural areas. This phenomenon should be researched to examine causal impacts of use of force and searches and seizures in suburban and rural areas compared to urban areas.

Jackson (2018) stated implicit bias training is used to mitigate harms of racist policing.

Research Questions and Hypotheses

RQ1: Is there a statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree?

$H_0$1: There is no statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree.

H_a1: There is a statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree.

RQ2: Is there a statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree?

$H_0$2: There is no statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree.

H_a2: There is a statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree.

Theoretical Framework

The social problem of police use of force before and after consent decrees was critically examined using general strain theory (GST), Marx's conflict theory (CT), and critical race theory (CRT).Stress individuals experience because of adverse events correlate with criminal behavior. Environments impact police officer stress, which may lead to adverse emotional reactions and increase risks of police misconduct (Kurtz & Hughes, 2020).

The CT involves the role of power and inequality in society (Peters et al, 2016). It suggests conflict and competition are inherent in social relationships and social change occurs through resolving these conflicts (Peters et al, 2016). CRT is a framework that is used to examine how race and racism intersect with other forms of oppression and inequality (Morgan, 2022). CRT's primary emphasis is historical and social contexts in which racial disparities exist.

Nature of the Study

The study involved using the quantitative method and *t*-tests to compare use of force and search and seizure incidents before and after the DOJ consent decree was

established. Once a consent decree is in place, it may take several years to complete. Demands of DOJ agreement timelines may vary in terms of completion depending on the nature of the investigation, level of force, and biases officers have against people of color (Boxer et al., 2021). Allowing for 2 to 5 years before and 3 years after was adequate to gather meaningful data and decree monitor, as well as community involvement in terms of developing new policies and procedures regarding searches and seizures and police use of force.

The quantitative method was used by creating a Microsoft Excel spreadsheet for each city, then uploading spreadsheets to SPSS. Once uploaded, data were analyzed to understand correlations between consent decrees and police use of force and search and seizure incidents. The independent variable is date of consent decrees and the dependent variable was number of incidents. The control variable for this study was race in order to determine whether searches and seizure incidents are perpetrated on Black people more than White people. This led to a better understanding of people of color's lived experience.

In addition, unreasonable use of force practices by police officers are caused by various factors, including improper training, inadequate supervision, lack of accountability, police officer stress, and systemic racism. Goh (2020) stated to expound further on the impact of consent decrees on police use of force, it was necessary to qualitatively assess differences in terms of types of reforms law enforcement agencies undergo in response to DOJ interventions.

Definitions

DOJ Consent Decree: A U.S. DOJ consent decree is a legal agreement or settlement between the DOJ and a party, typically a government agency or organization, that outlines specific actions or reforms that must be taken to address alleged violations of federal law. It is often used to address issues related to civil rights and law enforcement practices.

Fourth Amendment: For this study, the Fourth Amendment protects against unreasonable searches and seizures. It is often cited and quoted as part of the U.S. Constitution that ensures individuals have the right to privacy and police and other law enforcement must obtain warrants based on probable cause before conducting searches. This amendment also requires any warrant must specifically describe places to be searched and items or persons to be seized.

Qualified Immunity: Legal doctrine that shields government officials, including law enforcement officers, from being held personally liable for actions in the course of their official duties, as long as their actions do not violate clearly-established constitutional rights of which reasonable person would have known. This doctrine has been established in order to strike a balance between holding government officials accountable for their actions and recognition of challenges they face when making decisions in high-pressure situations (Harmon, 2022).

Reasonable Suspicion: Police officer or law enforcement justification to approach and stop individuals for brief investigation or detention. It is based on specific and articulable facts that, when taken together, would lead a reasonable officer to suspect a

person has engaged in, is engaging in, or is about to engage in criminal activity (McLean et al., 2023).

Search and Seizure: Legal process of law enforcement officials searching for and confiscating evidence in order to use it in criminal proceedings.

Terry Stops: Brief detentions by law enforcement officers based on reasonable suspicion that a person may be involved in criminal activity (Bandes et al., 2019).

Assumptions

My assumptions were influenced by the nature of data and of statistical methods. I assumed enough data ere retrieved from peer-reviewed articles and secondary sources to obtain significant results. Further, I assumed all law enforcement agencies responded judicially and immediately to all recommendations by the DOJ in their respective consent decrees and willingly provided data to the FBI and DOJ CRD. I assumed data were truthful, accurate, and complete.

Scope and Delimitations

All participants were police officers who experienced bias when being questioned, detained, or arrested. I excluded populations who lived in suburban and rural areas. This was necessary for a fair assessment of who experienced bias without targeting a particular population.

In this study, I examined data and statistics to identify the likelihood of consent decrees affecting use of force and search and seizure incidents. My objective was to provide results that were beneficial to general criminal justice system populations, social justice advocates, and civil rights advocates regarding efficacy of consent decrees and

whether law enforcement agencies adhere to police reform initiatives through updated policies and procedures as outlined in consent decree settlements.

Limitations

Researchers face limitations when using secondary data involving issues related to data quality, availability, and reliability. FBI crime and law enforcement statistics are received on a volunteer basis. Therefore, there was a need for more sufficient data for specific years during t-test analysis.

Accuracy and validity of data was limited by human error.

Spicker (2018) noted technical and conceptual obstacles can arise when combining data from different periods. Delayed revisions of use of force policies led to minor modifications in data.

Significance

Police use of force and searches and seizures are issues that have touched several cities in the United States. Rahman (2021) reported in 2021, over 220 Black people were killed by police. Bunn (2022) reported in 2021, approximately 27% of individuals who were shot by police were Black.

Siegel (2020) examined persistent racial disparities in terms of police violence and suggested structural racism causes racial disparities across U.S. states and cities. Individual-level interventions are inadequate and confronting and remedying consequences of long histories of racial residential segregation and structural racism is necessary to address this issue adequately. Siegel (2020) stated race of police officers did not affect police use of force on minority suspects.

The DOJ has several police departments for operating under consent decrees. This research was significant in terms of examining efficacy of DOJ consent decrees and the impact of police use of force and search and seizure incidents, as well as community trust in police. Results of this research are beneficial in terms of addressing the impact of DOJ consent decrees on police departments and the relationship between police officers' use of force and search and seizure incidents.

Summary

Chapter 1 began with an introduction regarding police officer commitment to protect and serve their communities within the bounds of federal and state laws as well as law enforcement agencies that have been reviewed by the DOJ CRD for violations of civil rights and local policies involving use of force and search and seizure incidents. Several police departments and other law enforcement agencies that were found to be in violation have entered into consent decrees with the DOJ. Consent decrees are legally binding agreements that mandate policy changes, areas of training, and oversight by monitors. I addressed the problem which was while officers are trained regarding the use of force continuum, issues arise when force escalates unnecessarily or civil rights are violated. Consent decrees are necessary to effectuate reform, but their impact requires further study.

The gap in research regarding consent decree effectiveness was also addressed. I explained the study's theoretical frameworks. These theories were used to examine social and communal factors that influence police officer behaviors and misconduct.

I addressed assumptions, scope and delimitations, limitations, and the significance of the study and implications for positive social change for police and communities. Chapter 2 includes secondary data regarding the settings under study, active DOJ consent decrees as well as information about search strategies, theoretical frameworks, and statistical data. I provide a thorough understanding of intricate relationships between law enforcement and communities they serve. By meticulously analyzing use of force and search and seizure incidents, I explore critical issues that shape urban landscapes, ultimately informing a deeper comprehension of challenges that underlie complex social phenomena.

Chapter 2: Literature Review

Use of force and search and seizure incidents when arresting or detaining individuals continue to be a widespread issue in the United States. These incidents appear to impact urban areas more than suburban or rural locales. People who live in urban areas are subjected to more stop-and-frisk traffic incidents, unlawful searches and seizures, and level four or five force when being detained, and tend to have less trust in law enforcement (Hausman & Kronick, 2023; Kreienkamp et al., 2021). Disparate treatment of urban civilians is prevalent in many cities in the United States.

The Baltimore, Maryland, police department has been under a federal consent decree since 2017. The police department of the City of Chicago, Illinois has been under a federal consent decree since 2019. The DOJ CRD investigated these cities for Fourth Amendment violations, overuse of level four and five use of force, and systemic profiling during stop-and-frisk traffic violations.

Chapter 2 begins with an analysis of police use of force and the Fourth Amendment, followed by an explanation of strategies to search for data and literature. Next, I describe how the GST, CT, and CRT supported this study for understanding police officers' early recruitment development and how their behavior regarding searches and seizures, stop and frisk incidents, and level four or five use of force incidents related to implementation of consent decrees and oversight committees.

Chapter 2 includes information about existing literature regarding intricate relationships between police use of force, Fourth Amendment violations, and stop and frisk practices. Furthermore, I examine the effectiveness of DOJ consent decrees and

their impacts on meaningful reform. The chapter includes a concise summary of key findings. I aimed to rebuild trust between law enforcement and urban communities, ultimately lead to more just and equitable societies.

Literature Search Strategy

I conducted research through the Walden Library. I used the following databases: DOAJ, Dissertations and Theses at Walden University, Gale Academic OneFile, ProQuest, PsycInfo, and SAGE Journals. Key search terms were: *police use of force*, *search and seizure*, *consent decree*, *qualified immunity*, *Fourth Amendment*, *Baltimore (MD)*, *Chicago (IL)*, *stop-and-frisk*, *general strain theory*, *conflict theory*, and *critical race theory*. *S*econdary data were retrieved from Statista, Mapping Police Violence, use of force dashboard, the Baltimore City Police Department, Chicago Police Department, Bureau of Justice Statistics, FBI, CNN, Newsweek, criminology and quantitative research textbooks, and the U.S. DOJ Manual.

I also used Microsoft Bing and Google to expand research. Sources were published between 2012 and 2025. Since Baltimore, MD was under a consent decree in 2017, research from 2012 were considered in order to acquire robust data for analysis. I also considered sources that were published before 2012 related to the theoretical framework, background and nature of Fourth Amendment violations, and case law on reasonable suspicion.

Theoretical Foundation

General Strain Theory

Urban policing in the United States has a long history with issues such as unlawful searches and seizures, unreasonable stop-and-frisk incidents, and use of excessive force during arrests or detainments. The GST involves the concepts of objective and subjective strain, emphasizing the impact of emotions and perceptions on criminal behaviors. Paoline and Gau (2023) revealed perceived danger, suspicion of citizens, and cynicism toward the public increased police occupational stress, while support from supervisors mitigated stress. Black and Latinx officers reported significantly less stress than their White counterparts.

Bishopp et al. (2020) identified two primary sources of stress for police officers: organizational stress stemming from shift work, supervision, and policies and procedures and environmental stress due to exposure to traumatic incidents on the job. There are links between stress and negative emotions like anger, depression, and burnout. However, more research is needed on direct relationships between stressors and emotions as well as differences across police agencies.

Organizational stress is consistently and significantly related to higher reported anger, depression, and burnout. Environmental stress only predicts anger. Some differences are found across agencies in terms of age, race, and job assignment.

The GST involves differentiating between objective and subjective strain. T Not all strains are perceived equally, with subjective strains being stronger predictors of criminal behavior. In addition, different emotions have varying impacts on criminality,

with anger being more likely to lead to violent crime and envy more likely to lead to property crimes (González-Tapia, 2023).

Race and dynamic factors influence stress levels. Mitigating stress could help address negative individual and public health consequences. More research is still needed.

Overall, findings support using the GST to understand police officers' negative emotional responses to stress. It is important to consider organizational differences across police agencies because police officers are not homogeneous. Reducing organizational stressors may help reduce negative emotions and potentially police misconduct.

Conflict Theory

CT posits that society is characterized by perpetual conflict due to competition for limited resources, with power and wealth being the driving forces behind social order. Rooted in the work of Karl Marx, CT emphasizes the perpetual competition for limited resources as the fundamental source of societal conflict (Himawan et al., 2021). According to this theory, social order is maintained through domination and power rather than through consensus and conformity. Those with wealth and power seek to preserve their advantages by suppressing the poor and powerless, reflecting CT's premise that individuals and groups endeavor to maximize their wealth and power.

CT sheds light on the complex relationship between societal classes and use of force and searches and seizures by the police. In this context, the police act as those who are in control, often using force to suppress any potential uprising or resistance from the working class. The police's use of force is thus not a mere reflection of isolated incidents

but rather a manifestation of the inherent power struggle between the dominant and oppressed classes. CT brings attention to the systemic issues that underlie police brutality and the need for structural changes that address the root causes of this pervasive problem.

CT provides a valuable lens to view the DOJ's consent decrees with police departments because the theory highlights the disparities in the point of view between law enforcement and marginalized groups, such as Blacks and, for this study, the unequal distribution of power and resources between the police and urban communities (Kochel, 2019). As an example, Kochel (2019) further explains that the residents in a small city in Missouri see incidents like the shooting of Mike Brown in 2014 as part of historical, racial injustice embedded in bias. D'Souza, (et al, 2019) found that the Ferguson police officers were often unable to articulate legal justification for stopping its citizens. The officers would use force for non-compliance. Therefore, by applying CT, DOJ consent decrees can be seen as attempts by the DOJ to address the power imbalance and systemic injustices in law enforcement. These decrees aim to hold police departments accountable for their illicit and discriminatory practices, ultimately challenging the oppressive structures perpetuated by police department leadership. Using CT, I was able to understand the significance of consent decrees and their potential to reshape power dynamics within police departments.

Critical Race Theory

CRT adds depth to CT. It illuminates the cultural and institutional dimensions of racism, highlighting how the law and legal institutions perpetuate inequalities between white and nonwhite people. CRT challenges the status quo by asserting that race is a

socially constructed category used to oppress people of color and that the law and legal institutions in the United States inherently perpetuate racial inequalities (Boxer et al., 2021). CRT is a framework that seeks to examine and challenge how race and racism permeate institutions and systems in society. When it comes to understanding the police use of force in urban areas, CRT provides valuable insights. By spotlighting the interconnectedness of race, power, and social dynamics, this approach enables us to critically examine the disproportionate targeting and violent encounters experienced by racial and ethnic minorities at the hands of law enforcement (Delgado and Stefancic, 2019). CRT sheds light on the historical, societal, and structural factors that contribute to these disparities, such as racial profiling and implicit biases. By utilizing CRT, I could bring attention to the unjust and discriminatory practices within our criminal justice system and work towards implementing meaningful changes that address and rectify these longstanding issues.

CRT underscores the idea that white racism is not solely about negative attitudes toward other racial groups but is also embedded in a body of laws and legal practices that systematically oppress people of color, particularly Blacks. For example, in 2017, Attorney General Lisa Madigan filed a lawsuit against the City of Chicago Illinois. The purpose of the lawsuit was to acquire a consent decree that focused on the reform of the Chicago Police Department. Attorney Madigan filed the lawsuit because the DOJ's investigation found a disturbing pattern of civil rights violations and unconstitutional use of level four and level five force by Chicago police officers. The lack of supervision and

failure to discipline police officers for misconduct exemplifies the disregard of laws and legal practices by police officers (Office of the Illinois Attorney General, 2017).

By examining the intersections of race, power, and law, CRT supports the DOJconsent decrees aim to remedy these issues represent an important step toward holding police departments accountable for their actions. They seek to dismantle racial biases and discriminatory practices within law enforcement, promoting fair and just policing in urban communities. Under the guidance of CRT, it may be said that consent decrees serve as mechanisms to address the root causes of racial disparities in policing, ultimately fostering a more equitable and inclusive society.

Rationale for Using the GST, CT, and CRT

GST, CT, and CRT were used as theoretical frameworks to understand the issues of police violation of the Fourth Amendment by analyzing the frequency of use of force and search and seizure incidents before and after a consent decree. GST suggests that individuals may engage in deviant behavior, such as police misconduct, as a response to strain and negative emotions experienced in their lives (Bishopp et al., 2019 and 2020). GST emphasizes the role of individual experiences and stressors in shaping behavior.

CT originator Marx, as described by the Encyclopedic Dictionary of Archaeology (2021), focuses on the power dynamics and social inequalities within society. It suggests that the police, as agents of the state, may violate Fourth Amendment rights and use of force to maintain social control and protect the interests of the dominant groups. CT also suggests, in the scope of this study, that the DOJ CRD Consent Decrees are legally

binding settlement agreements that mean to maintain control over police departments and protect the rights of communities that have been impacted by police misconduct.

As studied by Delgado and Stefancic (2017), CRT examines the intersections of race, power, and law. It highlights how systemic racism and racial biases can influence the actions and decisions of law enforcement officers. This theory helps to shed light on the racial disparities and discriminatory practices that may contribute to the violation of Fourth Amendment rights and the disproportionate use of force against marginalized communities. CRT scholars argue that systemic racism is deeply embedded in institutions, policies, and practices, including those within law enforcement agencies. In urban areas, where racial disparities in policing and criminal justice outcomes are often most pronounced, CRT provides a framework for understanding how historical and contemporary forms of racism perpetuate injustice and inequality.

The history of urban policing in the United States has been marked by its contentious nature, dating back to the Second Reconstruction period and the involvement of the Klan (Castle, 2021). Instances of unlawful searches and seizures, unwarranted stop-and-frisk incidents, and the use of excessive force during arrests or detentions have been prevalent in urban policing, highlighting the need for a comprehensive examination of the factors contributing to these troubling patterns. By analyzing the ways in which race and racism shape policing practices and policies, CRT offers insights into how law enforcement can perpetuate or challenge racial inequalities in urban communities. CRT emphasizes the importance of recognizing the historical context of racism and how it continues to manifest in present-day policing strategies and procedures.

The theoretical framework's critical analysis of how the law perpetuates racial disparities is crucial for understanding and addressing systemic racism and inequality in the United States. The theoretical framework provided valuable insights into the complex dynamics underlying police misconduct and the violation of Fourth Amendment rights. Researchers and policymakers can better understand and address these issues by considering the individual experiences, power dynamics, and racial biases at play. The theoretical framework also provided a unique perspective on the complexities of urban policing and the social, economic, and racial dynamics at play in the United States.

In conclusion, GST, CT, and CRT offer valuable perspectives for comprehending the complexities of criminal behavior, social conflict, and racial inequality. By incorporating the insights from these theories into criminological research and policymaking, it is possible to develop more effective strategies for preventing crime, reducing social conflict, and addressing racial disparities and injustices within society.

Literature Review Related to Key Variables

Use of Force: Policy and Procedures

The Commonwealth of Massachusetts Municipal Police Training Committee prepares and updates the standard Use of Force Policy used by agencies across the Commonwealth (see Appendix A).

The police officer's response must be objectively reasonable, considering the officer's perception of the risk or threat presented and the officer's perception of the subject's action(s). Also, an officer is encouraged to use de-escalation techniques whenever possible before resorting to the need for force. However, as I observed through

decades, specifically within the past seven (7) years, an officer's perception of the risk, the threat, or the subject in question may turn fatal. Through the news and social media, I saw that a police officer's internalized definition of "reasonable suspicion" may turn deadly for the arrestee and, more specifically, people of color.

The International Association of Chiefs of Police (IACP) "National Consensus Discussion Paper on Use of Force and Consensus Policy" (2020), a policy utilized by many law enforcement agencies across the country, discusses, among other things, the importance of police officers to "value and preserve human life" (p. 2). Nevertheless, officer-involved incidents of excessive force are rampant in urban areas and toward people of color. Even though the Use of Force Model has de-escalation techniques, such techniques are rarely used in situations involving people of color. In Tom Jackman's (2020, May 27) article in the Washington Post regarding several police chiefs' reactions to the death of George Floyd, he references the IACP's update to the use of force policy to include using de-escalation first, then resorting "to higher levels of force consistent with his training whenever possible and appropriate. De-escalation should be an officer's first act before resorting to force "to attempt to squash the situation without a firearm."

U.S. Fourth Amendment and Terry v. Ohio

The Fourth Amendment of the United States Constitution protects individuals from unreasonable searches and seizures. Over the past several years, there has been ongoing debate and discussion regarding the interpretation and application of this Amendment. Mordechai-Strongin (2023) opines that, though the historical context of the Fourth Amendment was to protect individuals from unreasonable searches and seizures,

and that the framers of the Constitution intended for the Fourth Amendment to provide strong protection against government intrusion, the author states that the rights have eroded over time. They emphasize the importance of understanding the original meaning of the Amendment in order to interpret its scope and limitations correctly. Furthermore, Kim and Chapman (2022) assert that the judiciary plays a crucial role in defining the boundaries of the Fourth Amendment and determining what constitutes a reasonable search or seizure. They emphasize the importance of judicial decisions in shaping the broadness of the Fourth Amendment.

Lewis (2022) discusses issues surrounding Terry stops and reasonable suspicion as it relates to the Fourth Amendment. The author focuses on how vague suspect descriptions can lead to infringing on civil liberties during Terry stops. The article also examines the negative impacts of Terry stops, such as disparate policing and stops of racial minorities. Terry stops (also known as "stop and frisk") refer to investigatory stops and brief detentions of individuals authorized by the Supreme Court in *Terry v. Ohio* in 1968. In Terry, the Court adopted a reasonable suspicion standard for these stops, allowing officers to briefly detain individuals if they reasonably suspect that criminal activity may occur. This reasonable suspicion standard requires less than probable cause but must be based on specific and articulable facts (Lewis, 2022).

While the Terry case was a limited decision allowing for stops and frisks, the reasonable suspicion standard has since been expanded and applied to various police activities. During Terry stops, police would sometimes pat down the outer clothing of stopped individuals to check for weapons if they have reasonable suspicion to believe the

person is armed. If incriminating evidence is discovered during a frisk, it can be used in criminal proceedings even if the officer lacked probable cause for an arrest before the frisk (Lewis, 2022).

Lewis (2022) concludes that the Terry decision created this new standard to balance individuals' Fourth Amendment rights against unwarranted police intrusions with the need for officers to respond rapidly to potentially dangerous situations based on reasonable suspicion rather than requiring probable cause. The reasonable suspicion standard is broadly construed and gives significant deference to the judgment and experience of law enforcement officers.

Reasonable Suspicion, Graham v. Connor, and Tennessee v. Garner

Triola (2023) follows the development of use of force jurisprudence in the United States from pivotal cases like *Graham v. Connor* and *Tennessee v. Garner*. The author investigates how the perception of "reasonableness" has evolved, particularly as it relates to legal mechanisms like *qualified immunity* that allow state agents to use excessive force with impunity.

The review of excessive force in the *Graham v. Connor* (1989) case is an essential point of departure from prior use of force jurisprudence because it imparts an "objective reasonableness standard" as opposed to a "substantive due process standard" (Justia et al. Court, n.d.). Objectively, the motivation or intent of a police officer is not considered. The mindset is considered (i.e., "he looked suspicious"). Triola (2023) supports this in that the author opines that a use of force case should depend on objective

circumstances only "…without the benefit of 20/20 hindsight" (*Graham v. Connor*, 1989).

Triola (2023) summarizes the Garner incident with an emphasis on the Court's finding that the use of deadly force against a fleeing, unarmed suspect to be unconstitutional *unless* they pose a threat of serious injury. The concurring opinion emphasized dissensus at state and local levels on this issue and cited studies showing such force does not improve public safety or have a deterrent effect. Triola's (2023) study reveals that contemporary Supreme Court use of force jurisprudence almost exclusively draws upon certain aspects of the *Graham* (1989 and *Garner* (1985) cases.

These cases are influential because they impart an "objective standard" based on the circumstances from the perspective of a reasonable officer without considering intent or motivation. Further, the legal arguments and context of these cases have impacted subsequent case rulings, allowing for extended protections to police officers through *qualified immunity*, which demands that plaintiffs demonstrate not only a violation but that the right was "clearly established." This has led courts to disavow certain aspects of the "objective reasonableness" criteria from *Graham v. Connor* when raised by plaintiffs (Justia et al. Court, n.d.).

Qualified Immunity, Urban Policing, and Social Media

Qualified Immunity

Triola (2023) stated reasonability is inherent in an intensive fact-based inquiry institutionalized through qualified immunity. Second, there is a logical evasion of legal reasonability with the responsiveness of penal administrators. Contemporary cases

reiterate parts of Graham and Garner's logic while disavowing others when raised by plaintiffs. The objective and subjective intertwine - qualified immunity demands speculation into officer subjectivity despite ostensibly disavowing it, rendering acts done with malicious intent still "reasonable." Rights themselves decay through their iterative elaboration required to overcome qualified immunity.

Further, Triola's (2023) and Mordechai-Strongin's (2023) assessment that the combination of state practice and legal rationality ideals underlies notions of policing becoming synonymous with the law itself supports the blurred line between objective and subjective standards and interpretations of the Fourth Amendment. As law enforcement violence appears to be a structural phenomenon simultaneously sanctioned and renounced, requiring compulsive repetition, emergent definitions of "reasonableness" are in accordance with observations of costless violence beyond logical articulation.

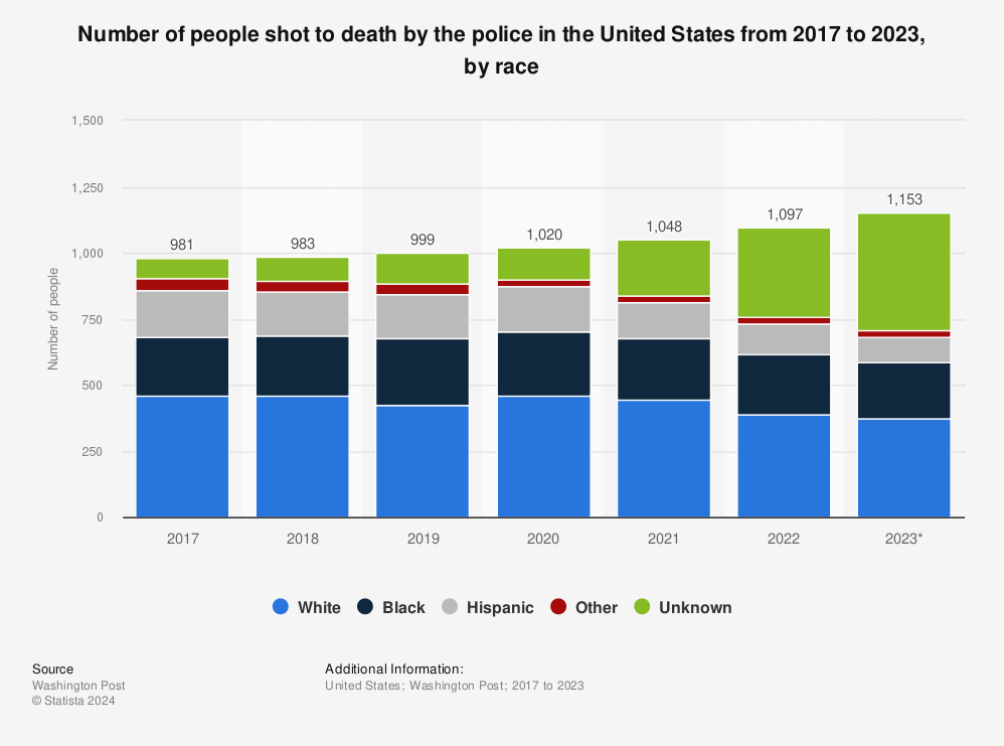
Urban Policing

Edwards (2019) estimated risk varies across different social groups based on age, race, ethnicity, and sex. Data regarding police-involved deaths show that Black men and women, American Indian/Alaska Native men and women, and Latino men face a higher lifetime risk of being killed by police than their white peers (Edwards, 2019). The highest lifetime risk is for Black men, who face about a 1 in 1,000 chance of being killed by police over their lifetime based on 2013-2018 data used by Edwards (2019) that was compiled by "Fatal Encounters, a journal-led effort to estimate lifetime and age-specific risks of being killed by police."

The *Fatal Force* section of The Washington Post online (2023, December) lists that, since 2015, over 9,000 fatal police shootings occurred. The report continues that although half of the people shot and killed by police are White, Blacks are shot at a disproportionate rate. The rate is disproportionate because, according to the United States Census Bureau (www.census.gov), Whites (not Hispanic or Latino) make up approximately 60% of the US population, and Blacks make up approximately 14% of the US population. According to Statista (retrieved January 2024), the Washington Post's report in December 2023 is graphically represented below, synthesizing the data collected that show people shot to death by police in the United States.

Figure 1

United States: 2017 to 2023 by Race



In February of 2021, Donnell Rochester, an 18-year-old black man from Baltimore, Maryland, was pulled over by Baltimore City Police for an open arrest warrant. Mr. Rochester attempted to flee on foot but reentered his vehicle and attempted to drive away. As he was driving, he accelerated toward Officer Connor Murray. Police officers started shooting at Mr. Rochester's vehicle, hitting him. Body Camera footage shows Mr. Rochester asking for help; however, he was still handcuffed and bleeding for approximately nine minutes before a stretcher arrived on the scene. Donnell died later that day at a local hospital (CNN Wire, 2022, April 1).

In October 2021, Michael Craig, a 61-year-old black man from Chicago, Illinois, called 9-1-1 to report a domestic matter. Mr. Craig said his wife "…had a knife on [his] throat." Officer Alberto Covarrubias went upstairs and found Mr. and Mrs. Craig struggling in the hallway. Mrs. Craig fell on the floor, and the officer fired at Mr. Craig, who was unarmed, as Mr. Craig attempted to sit up. The incident, captured on body-worn camera footage, cost Chicago taxpayers $8.75 Million to compensate Mr. Craig's children (Spielman, 2023).

Donnell Rochester's death by police shooting in Baltimore, Maryland, and Michael Craig's death by police shooting in Chicago, Illinois, are two examples of police shootings in urban areas and how police act with impunity when confronting Black men during routine traffic stops, calls for assistance during domestic issue, and distinguishing weapons from harmless object (Harmon, 2022).

Social Media

Duran and Shroulote's (2021) article discuss the racialized patterns of police violence and the significance of research in addressing this issue. It focuses on the increased attention on fatal police killings since the killing of Michael Brown in Ferguson, Missouri, in 2014. The article emphasizes the importance of academic researchers, especially those from marginalized backgrounds, in contributing to solutions. It also mentions the role of the media in providing national understanding due to the absence of a national data source on police-involved killings."

Walker (2022) did a study that explores the impact of social media, cell phones, and citizen journalists on the coverage of police shootings by television news journalists. The study includes ten in-depth interviews with journalists and identifies themes such as changes in speed and accessibility, accuracy, and a challenge to police authority. The study discusses the practical and theoretical implications of these technological advancements on future coverage of this topic. Technological advances like social media have significantly increased news consumption of police shootings. Incidents seem to happen "over and over" concerning how quickly information is shared across different media platforms (p.8). The author found that residents from marginalized communities use social media platforms like TikTok and Facebook to raise awareness about police shootings and bring more attention to cases, influencing what journalists see as newsworthy (p. 13).

Walker (2022) continues to explain that social media challenges traditional news structures and narratives by allowing witness accounts and videos from community

members to be directly uploaded to mainstream media platforms. This shifts some power from journalists to citizens in terms of gatekeeping what stories are covered. Because of changes in the speed and accessibility of information through social media, traditional journalistic practices have been disrupted, putting pressure on TV news journalists to report more quickly on emerging details from alternative sources as stories spread virally online.

Duran and Shroulote (2021) add that the killing of Michael Brown, an unarmed black man, by a white police officer in Ferguson, Missouri, in 2014, is presented as a critical event that led to increased research and data collection on fatal police killings of civilians in the United States. Before this incident, only a few individuals studied this issue. However, in the aftermath, various media organizations and academic researchers began contributing more to the discussion and providing data, with the Washington Post and Guardian establishing that at least 900-1100 deaths occurred annually at the hands of police, primarily due to firearms.

DOJ CRD Investigations and Consent Decrees

The 1994 Violent Crime Control and Law Enforcement Act contains a provision (§14,141) empowering the DOJ to investigate and seek injunctions against police departments whose policies and practices violate federal law(s) or have the effect of depriving persons of their constitutionally protected rights (Jiao, 2020). The DOJ's CRD oversees the process, which begins with a preliminary inquiry in response to complaints from individuals, public officials, or advocacy groups. Many of the initial investigations, which are conducted confidentially, result in no further action. Several of these initial

investigations have yielded evidence prompting wide-ranging formal investigations. The DOJ performs a site visit, reviews documents, and conducts interviews with police leaders, union representatives, city officials, and community members.

Consent decrees usually require the implementation of an updated or newer use-of-force procedure, early-warning systems, and a civilian-lead complaint and discipline review board, and seek to increase supervision of police officers, reduce racial and gender bias, and unlawful stops and searches. Jaoi (2020) shares that consent decrees initially emerged as a significant tool in addressing issues related to police use of force. However, consent decrees continue to emerge as settlement agreements that address all the problems of police reform and violations of citizen's Fourth Amendment rights. The author relates several studies that have explored the impact of consent decrees on police behavior and have led to a significant reduction in the use of excessive force by police officers.

Goh (2020) empirically evaluates the effects of DOJ intervention in municipal police departments on police killings. The author examines whether consent decrees, DOJ investigations, and other forms of federal intervention are effective in reducing deaths caused by police use of force. Measuring the police killings was a challenge. Using official sources like the FBI's Supplementary Homicide Report (SHR) and CDC's National Vital Statistics System provide inconsistent and undercounted estimates. Crowdsourced databases like Fatal Encounters attempt to provide more comprehensive counts by collecting incident-level data through FOIA requests, crowdsourcing, and

cross-checking with media reports. However, earlier years of data in these sources are likely more incomplete.

Both Jiao (2020) and Goh (2020) address the types of DOJ intervention. The four types of interventions reviewed were investigations, issuance of technical assistance letters, consent decrees, and court-appointed monitors. Investigations are opened in response to alleged patterns of misconduct. Technical assistance letters provide non-enforceable policy recommendations. Consent decrees are negotiated settlements enforced by courts. Monitors oversee consent decree implementation.

Goh (2020) proposes that DOJ investigations and court-appointed monitors are associated with statistically significant reductions in police killings of approximately 26.5%. Further, while consent decrees alone did not significantly impact killings, technical assistance letters were counterproductively associated with roughly an 80% increase in killings. Robustness checks found similar patterns of significance, though reduced samples weakened some results. Event studies found limited evidence of pre-treatment trends (p. 922).

According to the United States Census Bureau (www.census.gov) as of April 2020, the population of Baltimore City, Maryland, was 585,708, with 61.2% of the population being Black or African American. Freddie Gray was tasered so severely by several City of Baltimore's police officers that his legs did not move. When he was placed in a police van, he was not strapped in. When officers driving the van arrived at the hospital to remove Mr. Gray from their van, Mr. Gray was paralyzed and unconscious.

The DOJ investigated the Baltimore City Police Department and found reasonable cause to believe that the Baltimore City Police Department engaged in a pattern or practice of conduct that violated the US Constitution or federal laws. Specifically, the DOJ found that the department made unconstitutional stops, searches, and arrests. Police officers made many pedestrians stops without reasonable suspicion and conducted searches beyond the permissible scope. Police officers also made arrests without probable cause and misdemeanor arrests without proper notice (US DOJCRD).

Investigators found that the Baltimore City Police Department officers routinely conducted unconstitutional or unjustified stops, searches, and arrests. The officers also engaged in dubious "street-clearing" operations and repeated use of unwarranted stops and intrusive physical searches. The DOJ found that Baltimore City Police Officers' unlawful stop, search, and arrest practices were due to vital departmental policies that incentivized aggressive tactics and glaring deficiencies in training and oversight. Department trainers provided officers with erroneous information regarding current legal standards.

The investigation also uncovered racial disparities in policing and the mishandling of citizens' complaints. Citizens' complaints in Baltimore were often mishandled, downgraded, and rarely sustained. Investigators also found evidence that officers frequently subjected Blacks or African Americans to verbal abuse (D'Souza, 2019). Baltimore City Police Department officers were found to enforce strategies that produced severe and unjustified racial disparities, and policing was concentrated in predominantly Black or African American neighborhoods. Blacks or African Americans were stopped,

searched, and arrested at much higher rates than their population percentage. They were also subject to multiple stops within short periods of time.

Just as significantly disproportionate was the Baltimore City Police Department's use of force, relying on overly aggressive tactics that escalated tensions unnecessarily. They also used aggressive force against individuals with mental health issues or in crisis, as well as juveniles and people who present little threat. Force is also used on restrained individuals and those fleeing non-violent offenses. The DOJ investigation involved interviews with current and former city leaders, police officers, community members, advocacy groups, and document reviews. Ultimately, the Baltimore City Police Department needed more meaningful accountability, effective community policing, adequate policy guidance, and training (US DOJ-CRD). The DOJ and the city of Baltimore, Maryland, jointly filed an agreement to resolve the lawsuit. The April 2017 court-enforceable consent decree's goal was to remedy the unconstitutional law enforcement conduct that the DOJ found during its civil pattern-or-practice investigation into the City of Baltimore City Police Department. As of 2024, the Baltimore City Police Department is at the assessment phase of their consent decree.

According to the United States Census Bureau as of April 2020, the population of Chicago, Illinois, was 2,746,388, with 28.8% of the population being Black or African American. In 2014, 17-year-old Laquan McDonald was shot and killed by a police officer. Sanchez & Jimenez (2019, October 10) of CNN reported that Officer Jason Van Dyke fired 16 shots from a 9-mm Smith & Wesson handgun in 15 seconds, even after Mr. McDonald was already crumpled on the ground. Five years later, an investigative

report later revealed an elaborate cover-up by up to sixteen police officers. Officer Jason Van Dyke, was sentenced to six years and nine months in prison.

In December 2015, the DOJ thoroughly investigated the Chicago Police Department. The investigation was conducted by the DOJ's Civil Rights Division and the US Attorney's Office for the Northern District of Illinois under the Violent Crime Control and Law Enforcement Act of 1994. The DOJ's investigation team interviewed over 340 Chicago Police Department members and unions and held community meetings with over 1,000 community members and more than 90 community organizations. The DOJ also reviewed thousands of police department documents, including policies, procedures, training materials, investigative and disciplinary files, and internal and external reports.

The investigation found that the Chicago Police Department officers have engaged in a pattern or practice of using force, including deadly force, that is unreasonable and in violation of the Fourth Amendment. This includes shooting at fleeing suspects who presented no immediate threat, shooting at vehicles without justification, using less-lethal force like tasers against people who pose no danger, using force to retaliate and punish individuals, and using aggressive force tactics against juveniles.

Contributing factors included failing to effectively de-escalate situations, employing dangerous tactics, and failing to document and review officers' use of force accurately. Concerning accountability, the investigation found that the city was unable to investigate the majority of required cases. When the department did investigate,

questioning aimed to favor officers, and investigators did not confront officers with inconsistent evidence. Witness statements were not always appropriately secured, and discipline was haphazard and did not deter misconduct.

According to the U.S. DOJ CRD, other systemic deficiencies included inadequate training and supervision, insufficient officer wellness programs, non-transparent data collection, an unfair promotions system, and failure to address racially discriminatory conduct. Excessive force disproportionately impacted communities of color.

D'Souza (2019) surmised that the Chicago Police Department also had issues with use-of-force reporting forms. The forms' format discouraged officers from elaborating on incidents and allowed them to simply check boxes without providing a narrative. This made it difficult to investigate individual officers and identify patterns of misuse of force (p. 473). D'Souza (2019) also deduced that the Chicago Police Department had routine encounters that escalated, leading to severe injury or death, and that officers failed to de-escalate situations and often acted in ways that encouraged injurious outcomes. The DOJ and the city of Chicago, Illinois, jointly filed an agreement to resolve the lawsuit. The January 2019 court-enforceable consent decree's goal was to remedy the unconstitutional law enforcement conduct that the DOJ found during its civil pattern-or-practice investigation into the City of Chicago Police Department (see DOJ report Chicago IL).

Summary

The death of George Floyd in May of 2020 led to renewed calls for nationwide police reform. The DOJ continues to perform field investigations on police departments

because some police officers continue to violate individuals' Fourth Amendment rights, specifically in urban areas (Dottolo, 2008, p. 358). The broadness of the Fourth Amendment is a complex and evolving topic, and by considering historical context, technological advancements, and judicial interpretations, researchers can comprehensively understand its scope and limitations. Empirical research, exploration of emerging technologies, and comparative studies are needed to address knowledge gaps. By filling these gaps, future research can contribute to a more nuanced understanding of the Fourth Amendment and its implications in contemporary societies.

Courts could enhance reasonableness by abandoning the objective/subjective distinction and giving police hunches more regard, especially for minor intrusions investigating severe crimes (Braaten & Vaughn, 2021). The concept of objective reasonableness cannot be separated from its role in terms of permitting violence (Braaten & Vaughn, 2021).. The problem of excessive violence is ultimately a problem of reasonableness.

I discussed policy implications and calls for improved data collection to understand better and address police use of force and searches and seizures involving disproportionate numbers of Black people. Consent decrees positively impact police behaviors and hiring practices when consent decree monitors are in place (Jiao, 2021). However, the relationship between consent decrees and police use of force and searches and seizures incidents remain inconclusive. Consent decrees improve data collection and record keeping but do not change spatial concentration of field investigations or disparities in terms of minority contact and outcomes with police (Boxer et al., 2021).

These require long-term cultural changes. Future research should address knowledge gaps to enhance further understanding of consent decree effectiveness in police departments.

While consent decrees may not be effective alone, DOJ interventions and court-appointed monitors to oversee reform processes show promise n terms of reducing police killings (Goh, 2020; Jiao, 2021). Technical assistance letters may backfire, and more research is needed. Further research should also explore mechanisms through which consent decrees influence police departments. Understanding specific processes and strategies during implementation of consent decrees can lead to valuable insights regarding their effectiveness .

More research is needed on experiences and perspectives of community members who are affected by consent decrees. Additional studies should incorporate qualitative methods to address community members and their perceptions of the impact of consent decrees on police behavior, hiring practices, and community policing in urban areas. Future studies should also employ qualitative or mixed methods approaches to gain more insights about how DOJ consent decrees influence police officer behavior. Chapter 3 includes information about the quantitative method, *t*-test analysis, and methodology for the study.

Chapter 3: Research Method

The issue of policing practices and incidents in the United States has garnered significant attention, particularly following high-profile cases in cities like Baltimore, MD and Chicago, IL. To address concerns regarding systemic issues within police departments, the U.S. DOJ has used consent decrees as a tool for implementing reforms and monitoring compliance with constitutional policing practices. This quantitative study involved exploring the relationship between implementation of DOJ consent decrees and police department use of force and search and seizure incidents. By analyzing data on use of force, searches and seizures, complaints against officers, and civilian injuries, I aimed to provide valuable insights regarding effectiveness of consent decrees in terms of improving policing practices and reducing negative incidents.

At the time of this analysis, the DOJ was enforcing 19 agreements, and 14 police departments were under consent decrees. This research was limited to Baltimore, MD and Chicago, IL, because they were investigated by the DOJ and found improper searches and seizures, inappropriate use of force, and overall violation of citizens' Fourth Amendment rights. These cities were also selected because they had high-profile incidents involving police use of force that continue to be circulated on social media. Victims of these violations were disproportionately Black (Triola, 2023). I used the quantitative methodology to test objective data and measure relational variables.

The research began with a review of the Fourth Amendment of the U.S. Constitution, the International Association of Chiefs of Police's (IACP) definition of levels of police use of force, and definition of police use of force according to the DOJ

Civil Rights Division. The research continued with reviews of police use of force policies, searches and seizures where reasonable suspicion was questionable, and what was considered reasonable suspicion by police officers and court systems. Data from secondary sources involving use of force and search and seizure incidents were analyzed using a *t*-test.

The independent samples *t*-test is used to compare means of two independent groups where observations are independent. In this study, I compared of use of force and search and seizure incidents before and after consent decrees to determine if interventions made a significant impact on police officers and citizens they swore to protect. When analyzing police policy data from secondary sources for an independent samples *t*-test analysis, researchers should ensure data are reliable, accurate, and relevant to research questions. This involves carefully examining data sources, understanding how data are collected, and assessing credibility of data (Kochel, 2019). I employed an independent samples *t*-test to investigate significant differences in terms of police use of force and search and seizure incidents in Baltimore, MD and Chicago, IL between the 5-year and 2-year periods preceding consent decrees as well as the 3-year period following enforcement of decrees. Examining incidents during this period led to insights regarding consent decrees' effects on potential policy changes and community policing initiatives.

Research Design and Rationale

An independent samples *t*-test analysis is used in cause-and-effect research for analyzing data before and after some form of intervention. I wanted to know how DOJ consent decrees impacted police use of force and search and seizure incidents. Incidents

were compared before and after DOJ consent decrees were established. The *t*-test analysis was an appropriate statistical technique to employ.

By examining data before and after consent decree implementation, I intended to evaluate whether there were statistically significant changes in terms of occurrences of these incidents after DOJ intervention. I also considered potential biases in secondary data sources and addressed any limitations that affected validity of analysis. It was essential to thoroughly clean and preprocess data to ensure their quality and accuracy before conducting any statistical analyses. Moreover, I clearly documented data cleaning and preprocessing steps to ensure transparency and reproducibility of research.

When using secondary data for *t*-tests, researchers address missing data points and consider imputation techniques to handle missing data appropriately. If there were missing points in data (date, race, gender, etc.), I denoted this as either unspecified or 0. Imputation methods included mean imputations where applicable. Multiple imputations helped mitigate the impact of missing data on analysis results. Attention to detail, careful validation of data sources, thorough data preprocessing, and consideration of potential biases and limitations were necessary. By following best practices for data analysis and ensuring reliability and validity of data, I effectively used secondary data to draw meaningful conclusions and insights from studies.

Population

I worked with authentic data extracted from Fatal Encounters, Mapping Police Violence, and from public information on department websites. People were not

interviewed for this study. I concentrated on use of force and search and seizure data from the BCPD and CPD before and after implementation of DOJ consent decrees.

Data Collection

Data collection in quantitative research using a *t*-test analysis involves gathering and recording data, removing any missing or duplicate values, and ensuring consistency in terms of formatting and coding. I focused on data from a specific period. This was necessary to examine changes in variables over time. Information regarding was also obtained from the BJS. I logged confirmed use of force and search and seizure incidents by police officers before and after implementation of respective consent decrees.

I chose incidents between 2012 and 2022. The database was created using a multi-step process. I began by gathering data from the non-profit Fatal Encounters website, a non-government body that traces police killings reported by social media outlets and news media, and Mapping Police Violence, another non-government agency that tracks police related use of level 4 or level 5 force incidents that have resulted in death. The Bureau of Justice Statistics website and The Cities police department websites were used as additional resources to retrieve statistics from The Cities regarding searches and seizures.

I downloaded the spreadsheet as a .CSV from Fatal Encounters. The data set contains a unique ID, name, gender (including transgender where specified), location of the incident, the weapon used, and whether the subject was fleeing or not fleeing or had a weapon or no weapon. The Mapping Police Violence also provided similar information; however, to obtain specific information to add to the data set, I was directed by the

Mapping Police Violence website to join “airtable dot com” to download their spreadsheet and PDF files to add additional information related to The Cities in my database. Further research into the website did yield a database .CSV that I was able to download and joined that data with data from Fatal Encounters to create a standalone spreadsheet. Afterward, duplicate data was removed in order to clean the data.

Data Analysis Plan

Once the data had been gathered and created into spreadsheets, the data was analyzed to identify and measure shifts in the frequency of the incidents before and following the decree’s enforcement. In quantitative research methods, the data analysis plan plays a crucial role in ensuring the validity and reliability of the study findings (Simpson, 2015; Lee et al., 2021). It involved outlining the specific statistical techniques and procedures that will be employed to analyze the collected data. This step was essential for ensuring that the research questions are effectively addressed and that the results are accurately interpreted.

In the technical realm, the *t*-test analysis involved coding and categorizing the variables. This allowed for the statistical method that accounted for the data’s temporal nature and external factors’ potential influence to be executed and analyzed using the IBM SPSS software. The use of IBM SPSS software for data analysis has gained popularity in various fields (Sener et al., 2021). The software provides a comprehensive platform for conducting advanced statistical analyses, making it a valuable tool for researchers aiming to derive meaningful insights from their quantitative data. SPSS was used to test each hypothesis.

The following research questions and hypotheses served to examine the variables and explain the alignment of these variables with the problem statement and purpose of this study:

RQ1: Is there a statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree?

$H_0$1: There is no statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree.

H_a1: There is a statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree.

RQ2: Is there a statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree?

$H_0$2: There is no statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree.

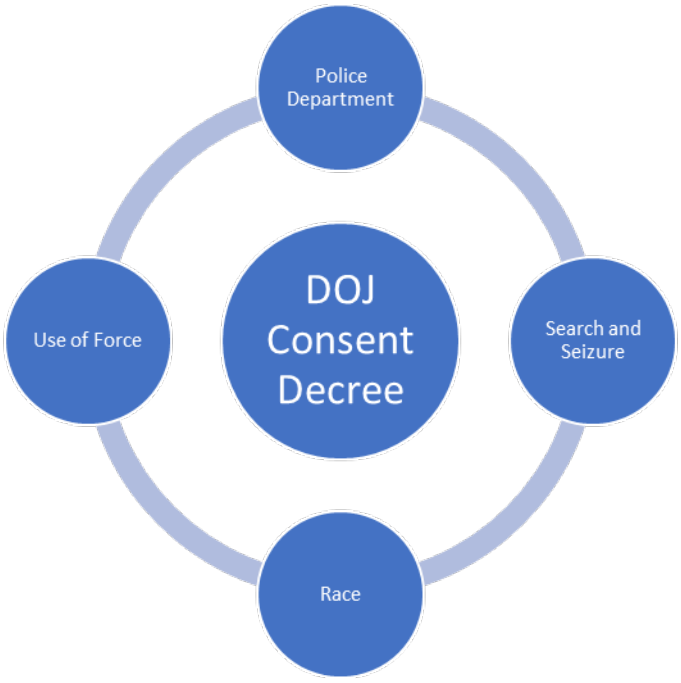
H_a2: There is a statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree.

This study illustrated the relationship between police officers' use of force and search and seizure incidents, the citizens affected, and the DOJ's consent decree. To accomplish this, I employed the *t*-test analysis. The rationale for using *t*-test analysis was to compare the means of two independent groups. In this case, the *t*-test was conducted using IBM SPSS to determine if the DOJ Consent Decree made an impact on the number of use of force and search and seizure incidents by testing the number incidents in

comparison to race (group) for each police department. This technique is well-supported in the literature.

Figure 2

Relational Variables



Threats to Validity

In quantitative research methods, operationalization refers to the process of defining and measuring abstract constructs in a way that allows for empirical testing and analysis (Saunders et al., 2017). The testing involves translating theoretical concepts into measurable variables or indicators, which can be observed and quantified within a research study. Instrumentation, on the other hand, pertains to the tools and techniques used to collect data in quantitative research. For this study, secondary data was converted to numerical values in order to perform the analysis. Pre-consent decree date was coded

as “0” and the post-consent decree date was coded as “1.” Race was coded as “1” for Black, “2” for White” and “3” for Other. A Use of Force Data Set and a Search and Seizure Data Set was imported from Microsoft Excel into SPSS and saved to the application. Once saved, the data was analyzed and descriptive prepared.

Threats to validity in quantitative research methods using the *t*-test analysis can arise from various sources, including history, maturation, and instrumentation. In the *t*-test analysis, the potential for historical events or external factors to influence the outcome over time can introduce threats to internal validity. These threats can compromise the ability to establish a contributory relationship between the independent and dependent variables, thereby impacting the overall validity of the research findings (Maxfield & Babbie, 2018). In the context of this analysis, one threat to the validity is selection bias. Selection bias occurs when the sample selected for the study is not representative of the population of interest. One example is the use of force and search and seizure incident data was only reported for the public or through the media, and as such may not accurately represent all occurrences.

Generally, the choice of appropriate instrumentation is crucial for ensuring the reliability and validity of the data collected and for accurately capturing the variables of interest within a study. I used the appropriate operational definitions and measurement scales. However, with the study of the effectiveness of a consent decree’s impact in a police department use of force and search and seizure incidents, the risk of compromising construct validity was mitigated because secondary data is being collected. The secondary data regarding use of force and search and seizure is based on public

information and where the incident involved excessive or was unlawful in nature, the data collected is representative of a police officer's stress, position, and subjective reasonable suspicion accusations. With the absence of an experimental design, threats of hypotheses guessing ensured the integrity of the study.

Ethical Procedures

Ethical procedures in quantitative research methods, particularly in the context of t-test analysis, are crucial for ensuring participants' protection and the research process's integrity (Reinhardt, 2023). Sritrakul (2023) shares his opinion of ethical procedures by informing researchers who will use the t-test analysis, to follow ethical guidelines because following the guidelines ensure the responsible and respectful treatment of participants (if any), accurate data collection and analysis, and transparent reporting of findings. This includes obtaining informed consent from participants and protecting their privacy and confidentiality. However, informed consent and confidentiality are unnecessary since this study utilized federal, state, and non-government public secondary data. This study also considered some secondary data that has been subjected to state and federal controls and regulations. Data did not include any identifying information on participants that posed a risk of harm.

The policies and procedures set by Walden University's Internal Review Board (IRB) board were be adhered to, as well as the American Psychology Association's (APA) code of ethics where applicable. The research for this study leveraged existing secondary data comprised of information from the Baltimore, MD, and Chicago, IL police departments, the International Association of Chiefs of Police (IACP), data from

the Bureau of Justice Statistics, and the United States DOJ, Civil Rights Division. The data did not contain any sensitive information that could identify or put individuals at risk. I was committed to upholding ethical standards and as such, the data collection did not commence until official approval from the IRB has been received.

Summary

The purpose of this study was to examine the impact of U.S. DOJ consent decrees on police use of force and search and seizure incidents. I also examined race and gender by comparison. Research questions guided the secondary data collection method and *t*-test analysis. This test was nonexperimental, which reduced the likelihood of ethical concerns.

This quantitative study will contribute to ongoing debates about police reform efforts in the United States by offering empirical evidence on effectiveness of consent decrees as a mechanism for promoting efficacious and humane levels of use of force, searches and seizures, and reducing incidents of misconduct. Through a rigorous analysis of data and nuanced examination of contextual factors, I sought to advance knowledge about how institutions can work towards fostering trust, accountability, and equity in terms of interactions with communities they serve. Chapter 4 includes an investigation of data statistics.

Chapter 4: Results

Quantitative analysis of the effects of DOJ consent decrees on police use of force and searches and seizures took place using a *t*-test analysis. I concentrated on Baltimore, MD and Chicago, IL police departments. Dependent variables were use of force and search and seizure incidents. In order to interpret data, a *t*-test analysis was used, which is a type of analysis to address correlations between variables, predictions, and complex data models.

According to Morrow and Shjarback (2019), *t*-test analyses are used to detect intensity and direction of relationships, predict trends and behaviors, and understand how independent variables affect dependent variables.. I used SPSS to analyze data. Research questions for this study were:

RQ1: Is there a statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree?

$H_0$1: There is no statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree.

H_a1: There is a statistically significant difference between pre and post use of force incidents by police departments under the DOJ consent decree.

RQ2: Is there a statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree?

$H_0$2: There is no statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree.

H_a2: There is a statistically significant difference between pre and post search and seizure incidents by police departments under the DOJ consent decree.

In this chapter, I address approaches to collect data and data from data analysis. Data were collected from the Fatal Encounters website, Mapping US Police Violence website, and public information. Data were subsequently inputted into Microsoft Excel spreadsheets and classified. Spreadsheets were exported to SPSS for statistical analysis of sample data.

Data Collection

Scarcity of information on officer-involved use of force incidents is largely attributed to opacity and variability of disciplinary processes, due to police unions. However, despite these limitations, existing data sources can still provide valuable insights about policing trends over time.

The FBI's National Incident-Based Reporting System, which was launched in 1988, remains the most enduring effort to collect and report crime and law enforcement data, including officer use of force statistics. Although progress has been made to increase agency participation, the transition to the NIBRS from outdated reporting systems has proven challenging for the BCPD, resulting in gaps involving data availability and accessibility for public scrutiny and analysis.

Data involving police use of force incidents and searches and seizure incidents before and after consent decrees were collected for a *t*-test analysis. Data were collected to report effects of DOJ consent decrees had on policies and procedures. Consent decrees were issued because DOJ investigations concluded level four and level five levels of

force, questionable warrants, searches and seizures, and overall violation of Fourth Amendment were issues ongoing at these police departments. An initial proposal was submitted to the IRB at Walden University. The IRB approved the use of this secondary data for research and analysis of this study.

The BCPD signed a consent decree with the U.S. DOJ in April 2017. Use of force incident data were collected from the Fatal Encounters spreadsheet for 5 years before the consent decree and 3 years after. This allowed for more samples to be examined. Search and seizure data for the BCPD were from the Maryland Governor's Office of Crime and Prevention, Baltimore City Police Department dashboard for 2 years before and 3 years after the consent decree; however, the dashboard did not contain search and seizure incidents for 2015, as that data has not yet been provided (see Appendix B).

The CPD signed a consent decree with the U.S. DOJ in January 2019. Use of force data for the CPD were from the Fatal Encounters and Mapping Police Violence spreadsheets for 5 years before the consent decree and 3 years after to allow for a more robust sample to be examined. Search and seizure data for the CPD were from the city of Chicago's Civilian Office of Police Accountability (COPA) for 2 years before the consent decree, and 3 years after. Data included individual complaints about police officers violating Fourth Amendment rights or performing unlawful or unwarranted searches and seizures. Once use of force and the search and seizure incidents data were exported from the Microsoft Excel spreadsheets to SPSS, I examined annual information regarding use of force and search and seizure incidents. Data were imported to SPSS application from Microsoft Excel (see Table 1).

Table 1

Use of Force Incidents: BCPD and CPD

Baltimore City, MD Police Department: DOJ Consent Decree 4/7/2017

Pre/Post	Use of Force	Black	White	Other	Male	Female	"X"
2012	11	9	0	2	10	1	0
2013	14	11	3	0	11	3	0
2014	6	4	0	2	5	1	0
2015	4	3	1	0	4	0	0
2016	8	8	0	0	7	1	0
2017	5	4	0	1	5	0	0
2018	2	2	0	0	2	0	0
2019	5	4	0	1	5	0	0
2020	7	4	0	3	6	1	0

Chicago, IL Police Department: DOJ Consent Decree 3/1/2019

Pre/Post	Use of Force	Black	White	Other	Male	Female	"X"
2014	32	21	2	9	28	4	0
2015	15	12	0	3	12	3	0
2016	17	13	1	3	17	0	0
2017	16	10	1	5	14	198	0
2018	13	10	1	2	10	3	3
2019	17	11	0	5	14	3	3
2020	19	9	0	10	16	3	2
2021	11	6	1	4	9	1	0
2022	2	2	0	0	2	0	1

Table 2

Search and Seizure Incidents: BCPD and CPD

Baltimore City, MD Police Department: DOJ Consent Decree 4/7/2017

Pre/Post	Search and Seizures	Black	White	Other	Male	Female	"X"
2015	0	0	0	0	0	0	0
2016	65	52	11	2	53	12	0
2017	12	9	2	1	9	3	0
2018	231	211	16	4	197	34	0
2019	297	260	31	6	251	46	0
2020	521	477	30	14	440	81	0

Chicago, IL Police Department: DOJ Consent Decree 3/1/2019

Pre/Post	Search and Seizures	Black	White	Other	Male	Female	"X"
2017	958	1748	44	4	759	198	1
2018	1072	689	67	3	760	310	2
2019	1247	807	42	64	873	303	71
2020	913	571	47	47	631	235	47
2021	523	355	29	16	375	130	18
2022	534	358	20	11	382	139	13

Results

A *t*-test analysis was used because I wanted to show the relationship between pre-consent decree and post-consent decree implementation, and use of force and search and seizure incidents, annually. This allowed me to assess the change in the trend pre-consent decree and post-consent decree. In addition, race was used as the grouping variable, and coded to scale measurement. Overall, while the objective of the study is to examine the relationship between consent decrees and police use of force and search and seizure incidents, race was considered a viable factor. A *t*-test analysis is a statistical technique that is commonly used to analyze the relationship between variables. In the context of *t*-test, the purpose to compare the relationship of two groups at different time points to determine if there is a significant difference between them (Ardiyanto, Svonni, &

Wasike, 2023). This is particularly useful in examining changes over time and identifying any potential effects or trends within the data.

Baltimore, MD Use of Force Incidents

The dataset created from Fatal Encounters database showed that the BCPD had a total of 62 62 observed use of force incidents for the period 2012-2020. The output of the Independent Samples *t*-test showed the t(2.072), df (degrees of freedom), is 44.000. The degrees of freedom represent the number of independent observations in the data minus the number of parameters being estimated. In this case, the df value suggests that there are 44 independent observations in the data. The p-value determines the significance of the results. Here, the one-sided p-value is .022 and the two-Sided p-value is .044. The p-value less than the significance level of .05 indicates that the null hypothesis can be rejected. Since both p-values are less than .05, I could reject the null hypothesis.

The Mean Difference value of 0.089 represents the difference between the means of the two groups. This value indicates that the mean of one group is 0.089 units higher than the mean of the other group. The Std. Error of Difference value of 0.043 represents the standard error of the difference between the means. This value indicates the amount of variability in the difference between the means. The Lower Confidence Interval of the Difference value of 0.002 and the Upper Confidence Interval of the Difference value of 0.175 provide a range within which the true difference between the means is likely to lie. This interval suggests that the true difference between the means is likely to be between 0.002 and 0.175 units.

Table 3

Descriptive Statistics: BCPD Use of Force Incidents

Group Statistics

	Date of Incident	N	Mean	Std. Deviation	Std. Error Mean
Race	Pre Consent Decree	45	1.09	.288	.043
	Post Consent Decree	17	1.00	.000	.000

Table 4

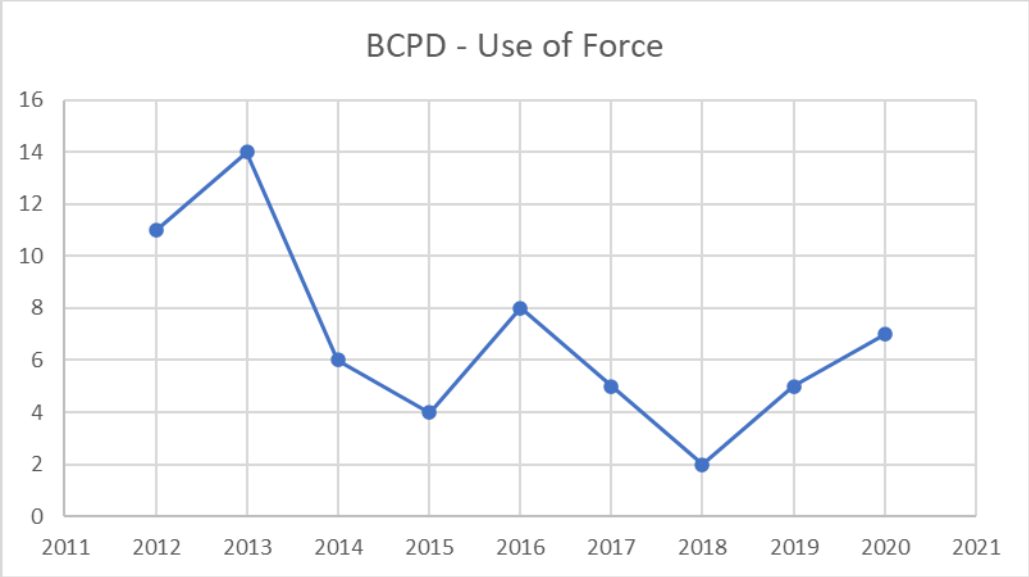
Statistics: BCPD Use of Force Incidents

Independent Samples Test

			Race	
			Equal variances assumed	Equal variances not assumed
Levene's Test for Equality of Variances	F		7.883	
	Sig.		.007	
t-test for Equality of Means	t		1.267	2.072
	df		60	44.000
	Significance	One-Sided p	.105	.022
		Two-Sided p	.210	.044
	Mean Difference		.089	.089
	Std. Error Difference		.070	.043
	95% Confidence Interval of the Difference	Lower	-.051	.002
		Upper	.229	.175

Figure 3

BCPD Use of Force Chart



Baltimore, MD Search and Seizure Incidents

The data from the Race-Based Traffic Stop Dashboard from Maryland's Government Office of Crime Prevention and Procedure was extracted and organized into a dataset. This dataset showed that BCPD had a total of 1,126 search (and seizures where applicable) for the period 2015-2020. The output of the Independent Samples *t*-test showed the t(-4.907). A negative t-value suggests the sample mean is less than the population mean. The df are approximately 75 (74.619), which is a reasonable sample size. Both one-sided and two-sided p-values equal .001, indicating that the observed difference between the means is statistically significant. The p-value less than the significance level of .05 indicates that the null hypothesis can be rejected. Since both p-values are less than .05, I could reject the null hypothesis.

The mean difference, -297, represents the difference between the means of the two groups. A negative mean difference implies that the mean of one group is significantly lower than the mean of the other group. The standard error of the difference, .061, is a measure of the variability of the mean difference. The confidence intervals, which range from -418 to -.176, provide a range of values within which the true population mean difference is likely to lie. The lower and upper bounds of the confidence interval indicate that the true mean difference is likely to be between -418 and -.176, emphasizing the significance of the observed difference.

Table 5

Descriptive Statistics: BCPD Search and Seizure Incidents

Group Statistics

	Pre- Post Consent Decree	N	Mean	Std. Deviation	Std. Error Mean
Race	Pre Consent Decree	54	1.06	.408	.056
	Post Consent Decree	1072	1.35	.788	.024

Table 6

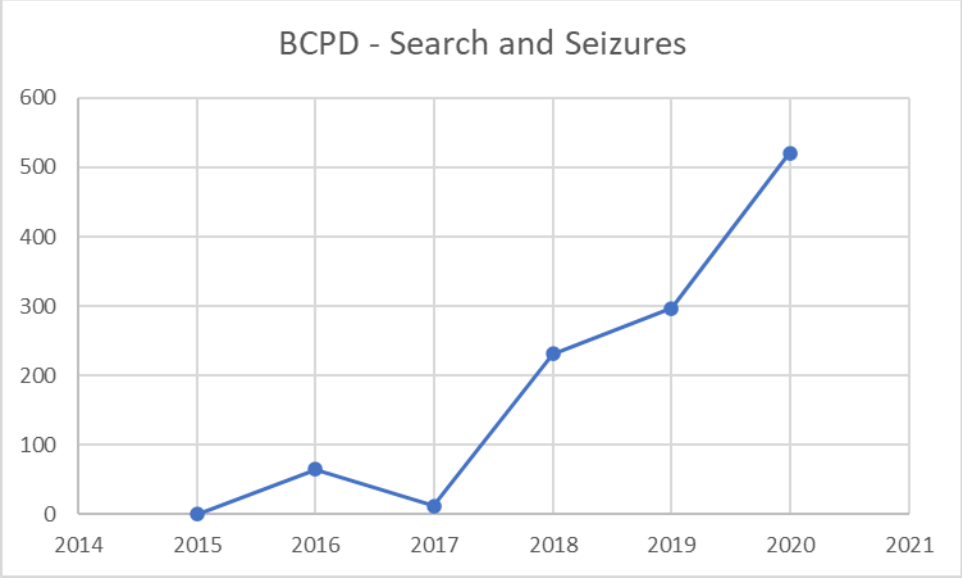
Statistics: BCPD Search and Seizure Incidents

Independent Samples Test

			Race	
			Equal variances assumed	Equal variances not assumed
Levene's Test for Equality of Variances	F		32.899	
	Sig.		<.001	
t-test for Equality of Means	t		-2.751	-4.907
	df		1124	74.619
	Significance	One-Sided p	.003	<.001
		Two-Sided p	.006	.000
	Mean Difference		-.297	-.297
	Std. Error Difference		.108	.061
	95% Confidence Interval of the Difference	Lower	-.509	-.418
		Upper	-.085	-.176

Figure 4

BCPD Searches and Seizures Chart



Chicago, IL Use of Force Incidents

The dataset for CPD's use of force incidents was created from merging portion of the Fatal Encounters database and the Mapping Police Violence database. After merged, duplicates were removed. This dataset showed that CPD had a total of 141 use of force incidents for the period 2014-2022. The output of the Independent Samples *t*-test showed the t(-2.616) which does suggests the sample mean is less than the population mean. The df are approximately 68 (67.599) showing a reasonable sample size for variance and significance. The one-sided p-value is .005 and the two-sided p-value equals .011. As both are less than the conventional significance level of 05, the null hypothesis can be rejected.

The mean difference is -.576, which indicates that the mean of one group is lower than the other group by 0.576 units. The standard error of the difference is .220, which represents the variability of the mean difference. The confidence intervals of the difference provide a range within which the true mean difference is likely to lie. In this case, the lower confidence interval of the difference is -1.015, and the upper confidence interval of the difference is -.136, which suggests that the true mean difference is likely to be between -1.015 and -.136 units.

Table 7

Descriptive Statistics: CPD Use of Force Incidents

Group Statistics

	Pre-Post Consent Decree	N	Mean	Std. Deviation	Std. Error Mean
Race	Pre Consent Decree	96	1.58	1.002	.102
	Post Consent Decree	44	2.16	1.293	.195

Table 8

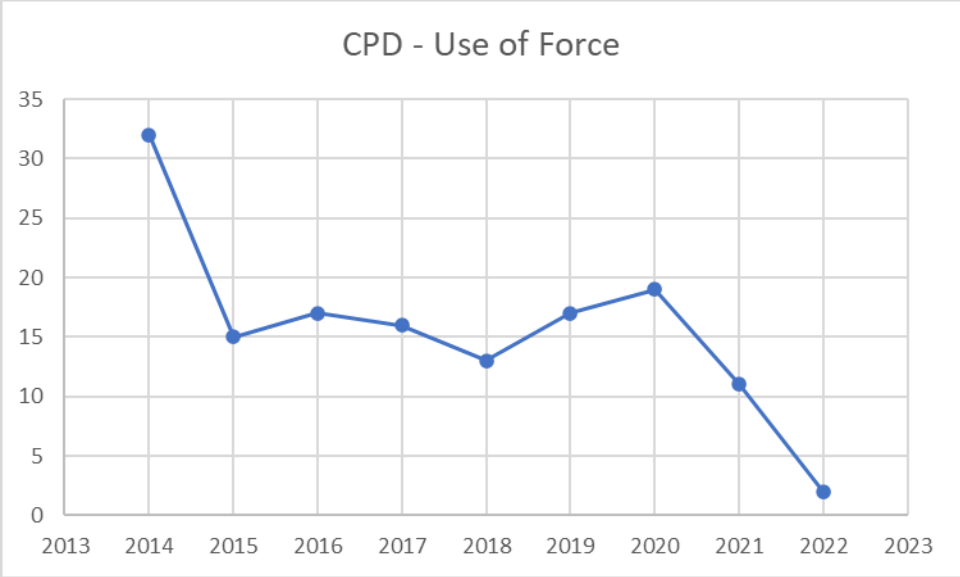
Statistics: CPD Use of Force

Independent Samples Test

			Race	
			Equal variances assumed	Equal variances not assumed
Levene's Test for Equality of Variances	F		17.554	
	Sig.		<.001	
t-test for Equality of Means	t		-2.873	-2.616
	df		138	67.599
	Significance	One-Sided p	.002	.005
		Two-Sided p	.005	.011
	Mean Difference		-.576	-.576
	Std. Error Difference		.200	.220
	95% Confidence Interval of the Difference	Lower	-.972	-1.015
		Upper	-.179	-.136

Figure 5

CPD Use of Force Chart



Chicago, IL Search and Seizure Incidents

The data from the Civilian Office of Police Accountability (and predecessor agency) the City of Chicago's Data Portal was mined and prepared into a dataset. This dataset showed that CPD had a total of 5,202 search and seizure incidents for the period 2017-2022. The output of the Independent Samples *t*-test showed the t(2.707), which does suggests the sample mean is less than the population mean. The df is approximately 4708 (4708.159) showing a larger sample. The one-sided p-value is .003 and the two-sided p-value is .007. Again, here I may reject the null hypothesis, since both are less than the conventional significance level of 05.

The mean difference is .024, which represents the difference between the means of the two groups. The standard error of difference is .009, which indicates the variability of the mean difference. The confidence intervals provide a range of values within which

the true population mean difference is likely to lie. The lower confidence interval of the difference is .007, and the upper confidence interval is .041. This means that I am 95% confident that the true population mean difference lies between .007 and .041.

Table 9

Descriptive Statistics: CPD Search and Seizure Incidents

Group Statistics

	COMPLAINT_DATE	N	Mean	Std. Deviation	Std. Error Mean
Race	Pre Consent Decree	2302	1.13	.331	.007
	Post Consent Decree	2945	1.10	.302	.006

Table 10

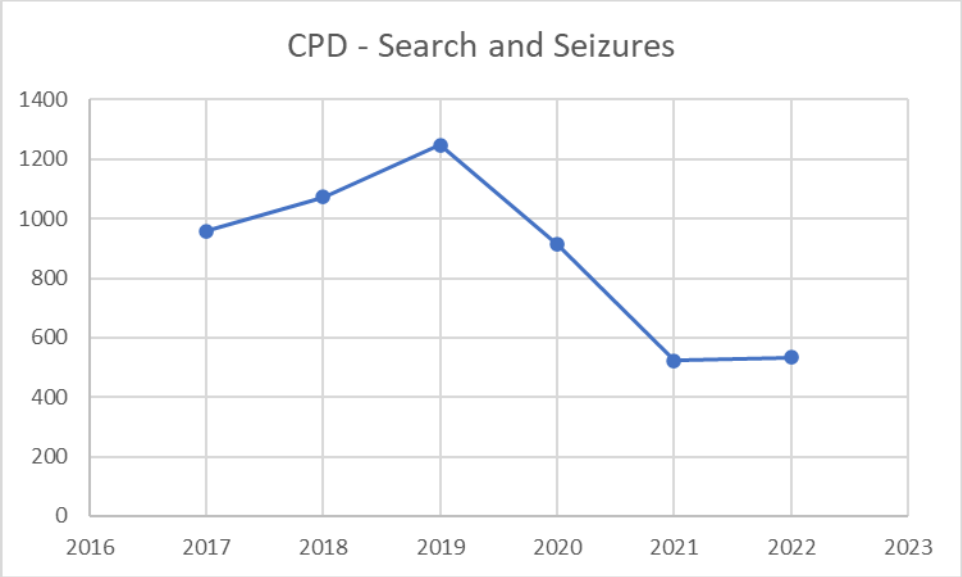
Statistics: CPD Search and Seizure Incidents

Independent Samples Test

			RACE_OF_COMPLAINANT	
			Equal variances assumed	Equal variances not assumed
Levene's Test for Equality of Variances	F		29.900	
	Sig.		<.001	
t-test for Equality of Means	t		2.738	2.707
	df		5245	4708.159
	Significance	One-Sided p	.003	.003
		Two-Sided p	.006	.007
	Mean Difference		.024	.024
	Std. Error Difference		.009	.009
	95% Confidence Interval of the Difference	Lower	.007	.007
		Upper	.041	.041

Figure 6

CPD Searches and Seizures Chart



Each of the t-tests, based on the output, allowed us to conclude that I could reject the null hypothesis for both research questions. The findings of this study have important implications for law enforcement agencies and policymakers. The outcome suggest that the implementation of consent decrees can be an effective means of reducing police misconduct, specifically in terms of search and seizures. This is consistent with previous research that has found consent decrees to be effective in promoting police reform and reducing police violence (Goh, Jaio)

Summary

I aimed to investigate the impact of DOJ consent decrees on police use of force and search and seizures before and after implementation of consent decrees. I used an independent samples *t*-test analysis to describe predictive effects of DOJ consent decrees on these incidents and how these incidents related to race. Results pointed towards the

DOJ consent decrees impact. However, rates were higher among Black people compared to Whites or other minorities. Date of decrees was a significant predictor of outcomes..

The independent samples *t*-test via SPSS led to strong evidence to reject null hypotheses. T-value, degrees of freedom, p-values, mean difference, standard error of differences, and confidence intervals demonstrated statistically significant differences between Chicago and Baltimore. This finding has important implications for researchers, policymakers, and practitioners, as it suggests t observed differences are not due to chance.

Chapter 4 included an overview of the study, data collection, results, and a summary. In Chapter 5, I overview outcomes, scope, limitations of research, implications for social change, and recommendations for further studies.

Chapter 5: Discussion, Conclusions, and Recommendations

Police-involved shootings and use of force and search and seizure incidents continue to lead to widespread concerns among law enforcement agencies, policymakers, and the general public. The frequency of these incidents has raised questions about the efficacy of current policing practices, role of systemic racism, and need for evidence-based reforms. The purpose of this study was to analyze the impact of DOJ consent decrees on police use of force and search and seizures incidents. Prior to implementation of consent decrees with law enforcement agencies, many Black people were subjects of wrongful arrests, illegitimate investigation, and violations of Fourth Amendment rights (Mordechai-Strongin, 2023; Triola, 2023;). Several underlying factors that contributed to these incidents, including poor officer training, ineffective departmental policies, and lack of diverse community demographics.

The quantitative research method was chosen to analyze use of force and search and seizure incidents via gathering of demographic data. This also enabled control of peripheral variables in order to address isolate relationships between specific factors and outcomes of interest. The independent samples *t*-test analysis facilitated comparison of pre- and postconsent decree data, and whether consent decrees had positive or negative impacts. Findings of the study indicated consent decrees did have an impact on number of incidents involving police use of force and searches and seizures. For the BCPD, data showed an increase in use of force and search and seizure incidents after the consent decree order. This may have been due to lack of preconsent decree data and records keeping. CPD data from Fatal Encounters, Mapping Police Violence, and COPA showed

use of force and search and seizure incidents decreasing after the consent decree. This may be attributed to application of consent decree monitor directives and policies after implementation.

Chapter 5 includes a comprehensive synopsis of objectives and my rationale. I address key discoveries related to research questions and a concise summary of findings. Furthermore, I interpret findings, limitations of the study, implications for social change, and recommendations for future research.

Interpretation of the Findings

The study involved use of force and searches and seizure incidents from the Baltimore, MD and Chicago, IL police departments. These cities were chosen because they had use of force incidents that involved police officers and Black male subjects that resulted in fatalities. Chicago and Baltimore have entered into consent decrees with the DOJ CRD.

By interpreting t-values, degrees of freedom, p-values, mean differences, standard errors of differences, and confidence intervals, I addressed the significance of findings and practical recommendations for further research. Findings of this study have important implications for policymakers and law enforcement agencies in terms of improving policing practices and reducing use of force. Implementation of consent decrees should be considered a key strategy for reducing police violence and improving community-police relations.

The study revealed in Baltimore and Chicago, the number of Blacks involved in use of force and search and seizure incidents was higher than Whites and other minorities

combined; however this did not impact results in terms of whether consent decrees decreased or increased these incidents. Jiao (2020) found though consent decrees can be effective for police reform leading to significant improvements in terms of operations and misconduct, effectiveness hinges on sustained oversight, community involvement, and institutionalization of internal reforms (p. 802).

The overall objective of this analysis was to determine the impact of DOJ consent decrees on Baltimore and Chicago police departments. Findings highlight the need for continued implementation and enforcement of consent decrees to promote police accountability and transparency and protect citizens' rights. However, how police reform is executed and the length of time it takes for consent decree monitors to aid in policy changes depends on the actions of individual police departments and local jurisdictions. Future researchers should explore complex relationships between consent decrees, use of force, search and seizure incidents, race, and gender to inform evidence-based policies and practices.

Limitations of the Study

Police departments and local jurisdictions have diverse approaches to policy, ordinances, and procedures. The DOJ CRD tailors their approaches to address discrepancies of each police department. Quantitative analysis was limited to Chicago and Baltimore City Police departments. Therefore, what was applicable to this research may or may not apply to all cities under federal consent decrees.

This quantitative study involved using a nonexperimental *t*-test analysis. For true experiments, there must be random assignment of participants. Also, there was an issue

because one city responded to a FOIA, and one did not. As a result, data were researched mined from public websites and police department websites. Gathering information in this manner may have limited the full scope of the study. Police departments update their policies and consent decree monitors review them for approval. This process usually takes at least 4 years. This limitation may have skewed interpretation of findings considering the time it takes for consent decree monitors to organize policies and execute procedures.

Search and seizure incidents did involve vehicles that were pulled over for traffic stops. In terms of use of force level, several use of force fatalities were labeled as suicides or pursuits and dismissed. For these reasons, I proposed properly labeling level of force in such incidents. In addition, several internet links to social media sites that referenced use of force incidents were broken. Finally, with regard to Chicago and Baltimore, data were updated and sometimes removed from transparency dashboards as information about incidents was updated. Public data are updated on a regular basis.

Recommendations

Reform stipulated by these consent decrees often entails the creation of community policing units, internal and external accountability structures, and better officer training which focuses on de-escalation and cultural sensitivity (Jiao, 2021). The consent decree in Baltimore mandated that the Baltimore City Police Department employ such strategies that focus on the nature of the relationship between the officers and the residents, that of engagement and positive contact to build community trust. The same as

in Chicago, where the city developed a plan that did not just stop at accountability, but aimed at bringing the community into the development of police strategy and oversight.

One of the lessons learned from the consent decrees is that the community must be involved in the reform process. When people in a community take an active role in discussions and policy they seem to feel more ownership and accountability for what goes on, which in turn gives some legitimacy to the police. The police departments and community organizations need to work together (D'Souza et al, 2019). Togetherness will only come from fostering these relationships to form a more responsive and just policing structure. Also, the assessment of these reforms underscores the importance of periodic assessment to determine effectiveness and to alter approaches as the needs of the community change.

Implications

Positive Social Change

As can be seen in The Cities, it is more than following the guidelines of the consent decrees that ensures success, but a true willingness to adopt a culture of cooperation and mutual respect. This change of the paradigm requires a continual investment in relational activities, body-worn cameras and other forms of transparency. Additionally, consistent records keeping and sound data collection are necessary tools used to track policing behaviors (Goh, 2020). Unquestionably, the objective is to establish a police department-community relationship that will last the test of time, and in turn, safer, livelier communities. The Cities must continue to listen to the exclamations of their citizens and engage in responsive government if they ever hope to transform their

police forces into the great partners that they can and should be in the continuing struggle for social justice and safety, so that the police are not oppressors, but protectors of their communities (Goh, 2020; Boxer et al, 2021).

Theoretical Implications

Conflict Theory for this study suggests that, when it comes to police in an urban community and the community, the dichotomy between the two is a struggle for the police officer to maintain an environment of self-preservation, while the community is seeking to survive (Castle, 2020, p.231). This conflict creates a community of inequality and cultural domination. Conflict theory does argue that as the community becomes increasingly aware of this imbalance of power, the community unites to challenge the police (Castle, 2020, p. 227). This study revealed that, through DOJ investigations, police officers of The Cities continued to perpetuate use of level four or level five force, and unlawful searches and seizures on Black people, or people from predominately urban communities, as a way of maintaining power.

While police officers do encounter a variety of stressors in their line of work (e.g. violence, “blue wall of silence,” public scrutiny) general strain theory explains that such stressors may be a form of strain that led to heightened emotional responses such as anger or frustration. The police officers in The Cities were expected to ideally serve as guardians of the community, but when confronted with these strains, their coping mechanisms and behaviors reflect their emotional state, that at times resulted in the fatality of the civilian (Bishopp et a;. 2020).

General strain theorists conversely believe that both police officers and minority communities are under significant strain, as their responses to the strain are shaped by their social experiences and context. The strained interactions between police officers and the communities they serve has resulted in feelings of mistrust, hostility, and violence (Kurtz & Hughes, 2020). Robert Agnew's general strain theory provides the framework for understanding the root causes of deviance and crime, which can be applied to the context of police-minority community relations. Police officers are often seen as the embodiment of institutionalized racism and oppression (Bishopp et al, 2020). In The Cities, police officers are perceived as a threat to their safety, dignity, and well-being. This leads to community mistrust. The perception is reinforced by historical and ongoing experiences of racial discrimination, police brutality, and lack of accountability within the criminal justice system (qualified immunity). Additionally, the role of police officers as enforcers of the law creates a sense of strain, as they are often tasked with enforcing laws and policies that disproportionately affect the minorities in The Cities (Braaten & Vaughn, 2023; Triola, 2023).

Critical race theory was used to analyze the complex and often fraught relationships between The Cities police departments and the communities they serve. As Richard Delgado and Derrick Bell have extensively discussed, critical race theory provides a nuanced understanding of how racism operates within the criminal justice system, perpetuating racial disparities and injustices. They argued that traditional notions of objectivity and neutrality in law enforcement are inherently flawed. These traditional notions fail to account for the racial biases and stereotypes that inform police interactions

with minority communities. In this study, the police officers in The Cities were consistently shown to stop, search, and arrest more Black individuals than other races. The DOJ implemented these consent decrees because, not only is racial profiling unconstitutional, but it continues to perpetuate a cycle of mistrust and hostility between The Cities police departments and the communities they are supposed to serve.

The interesting thing here is that Boxer, et al (2021) contend that the criminal justice system is built upon a foundation of racial hierarchy, with white privilege and supremacy embedded in its very fabric, and that Black are disproportionately vulnerable to fatal police encounters, facing a higher risk of death at the hands of law enforcement than any other demographic group. As the final piece of theoretical framework, critical race theory highlights the ways in which The Cities' police officers are often socialized to view minority communities as inherently dangerous and criminal (Boxer, et al 2020; Lewis, 2022).

Conclusion

The ongoing examination of police-community relations through the lens of the DOJ consent decrees reveals the complex interplay between law enforcement agencies and the communities they serve. From the police department of Baltimore, MD to the police department of Chicago, IL, the consent decrees have become not just mechanisms for change in police attitude and policing practices, but avenues assisting these law enforcement agencies in restoring trust, accountability, and openness between the police and the people they serve. These orders call for clear, concrete steps to be taken to correct

the systemic problems of police brutality, racial profiling, and unequal policing practices that unfairly target minority neighborhoods.

The accuracy of police use of deadly force data varies widely across media organizations, leading to inconsistent reporting and a lack of transparency. The Washington Post's database is a reliable source of information on fatalities resulting from police shootings (Smith et al., 2023), while The Guardian's data collection efforts were limited to 2015 and 2016. Reuters, on the other hand, focuses specifically on deaths caused by police taser use (Lee & Lyoul, 2017). Furthermore, open-source databases, such as Mapping Police Violence and Fatal Encounters, present disparate counts of police-related deaths. Mapping Police Violence's data aligns closely with media organizations, as it accounts for all deaths occurring during law enforcement activities (Harris et al., 2023). Fatal Encounters, however, reports higher numbers, as it defines police-related deaths as any instance where an officer was present, including situations where the officer was not directly involved. The discrepancies in data collection and reporting have significant implications for public perception and law enforcement decision-making (Lawrence & McLaurin, 2022, July 22).

Without reliable and accessible data, both the public and law enforcement agencies are hindered in their ability to make informed decisions about policies, leadership, funding, and daily operations that impact community safety and police-community relations. Moreover, more detailed and rigorous analysis is impeded by the lack of comprehensive data, highlighting the need for improved approaches to defining, collecting, managing, and analyzing police use of force data at the agency level

nationwide. By making it a priority to have access to current, accurate data-driven sources, law enforcement agencies may most likely improve their response to community needs and continue to build trust where they serve.

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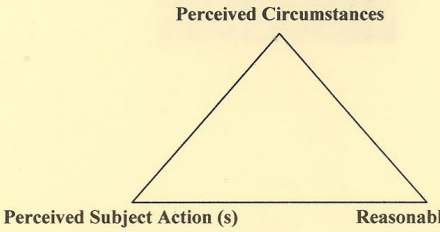
Appendix A: Use of Force Continuum

MPTC USE OF FORCE REFERENCE GUIDE



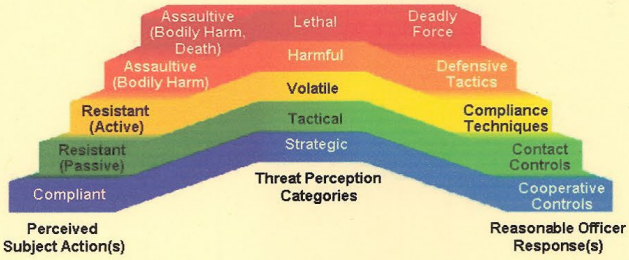
The **Totality Triangle ©** depicts the three elements which must be considered in determining whether an application of force was objectively reasonable.

Perceived Circumstances - the officer's perspective of the severity of any crime, the existence of an immediate safety threat to the officer or others, and the degree of compliance / non-compliance from the subject; culminating in its identification on the Use of Force Model.

Perceived Subject Action (s) - the subject action (s) as perceived by the reasonable officer that designate the subject at one or more of the Use of Force Model's compliant / non-compliant categories.

Reasonable Officer Response (s) - the "balanced" response (s) appropriate for the reasonable officer's selection from the Use of Force Model's identified response categories, in order to maintain or gain subject compliance and control.

MPTC
Use of Force Model



Threat Perception Color Code - the tactically applied and color adapted correlation of the Threat Perception Categories on the Use of Force Model.

Control Superiority Principle © - the understanding and visualization method utilized to reinforce the inherent principle of officer force superiority over the subject's degree of compliance / non-compliance.

Assessment / Selection Arrows - the mechanism utilized to indicate the dynamic nature of an officer's decision-making process of Tactical Transition © during the enforcement encounter.

Strategic - the broad "mindset" of the officer, represented by the blue baseline on the Threat Perception Color Code©. The contemporary officer must maintain this functional foundation, centered upon strategies designed to enhance the status of safety.

Tactical - the second level on the Use of Force Model, depicted by the color green. Here the officer perceives an increase in threat potential within the confrontational environment and tactical procedures are designated and deployed.

Volatile - the third level on the Use of Force Model utilizing the color yellow to indicate an activated level of alertness and threat potential. Here the officer is confronted with the presence or potential of critical dynamics, including threat intensity and severity within the enforcement encounter. ·

Harmful - at this level on the Use of Force Model the color orange denotes an accelerated perception of threat directed upon the officer or others. In this regard the officer must deploy initial defensive force in the effort toward eventual subject compliance and control.

Lethal - the highest level on the Use of Force Model correlates to the most intense color in the Threat Perception Color Code©, red. Although this potentially lethal degree of threat is most infrequent, it remains most crucial for the continuation of officer safety and security.

Perceived Subject Action *(s)* Categories

Compliant - represents the vast majority of officer/citizen confrontations in the form of cooperation and control. Such cooperation is generally established and maintained via cultural acceptance, verbalization skills, etc.

Resistant *(Passive)* - the preliminary level of citizen non-compliance. Here, the citizen, although non-compliant, offers no physical or mechanical energy enhancement toward the resistant effort.

Resistant *(Active)* - the subject's non-compliance is increased in scope and intensity. The subject's non-compliance now includes energy enhanced physical or mechanical defiance.

Assaultive *(Bodily Harm)* - the officer's attempt to gain lawful compliance has culminated in a perceived or actual attack on the officer or others. The officer makes the reasonable assessment that such actions by the subject would <u>not</u> result in the officer or other's death or serious bodily harm.

Assaultive *(Serious Bodily Harm/Death)* - the officer's s attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the officer or or others. The officer makes the reasonable assessment that such actions by the subject <u>could</u> result in serious bodily harm or death to the officer or others.

Officer Response (s) Categories

Cooperative Controls - include contemporary controls developed to preserve officer safety and security, including communication skills, restraint applications, etc.

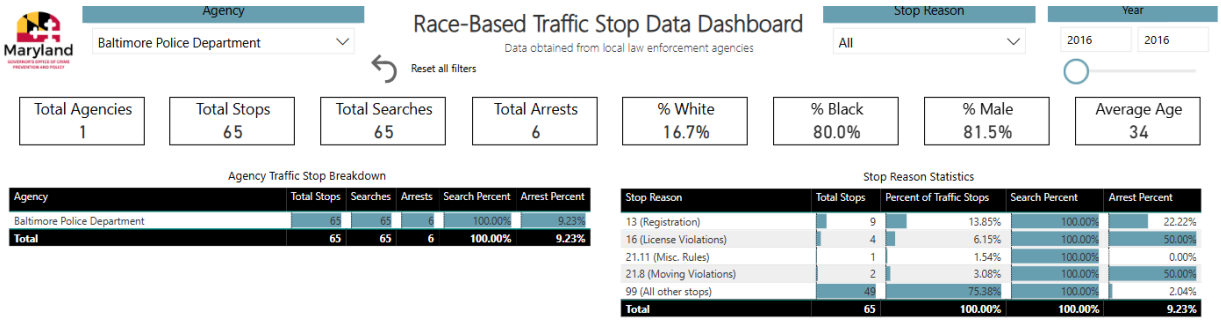
Contact Controls - includes resistant countermeasures designed to guide or direct the non-compliant subject. These "hands on" tactics would consist of the elbow/wrist grasp, Hand Rotation Position ©, etc.

Compliance Techniques - includes resistant countermeasures designed to counter the subject's enhanced degree of resistance. These tactics could consist of the Hand Rotation Technique ©, chemical irritants, etc.

Defensive Tactics - .includes assaultive countermeasures designed to cease the subject's non-lethal assault on the officer or others, regain control, and assure continued compliance. These tactics could include baton strikes, kicking techniques, etc.

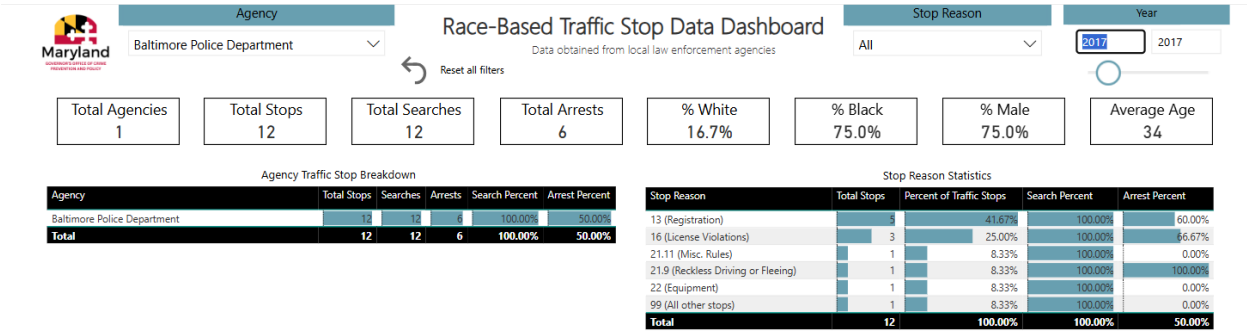
Deadly Force - includes assaultive countermeasures designed to cease an assault that is lethal or could cause great bodily harm to the officer or others. These tactics could include the use of a firearm, lethal strikes, etc.

Appendix B: BCPD Search and Seizure Data



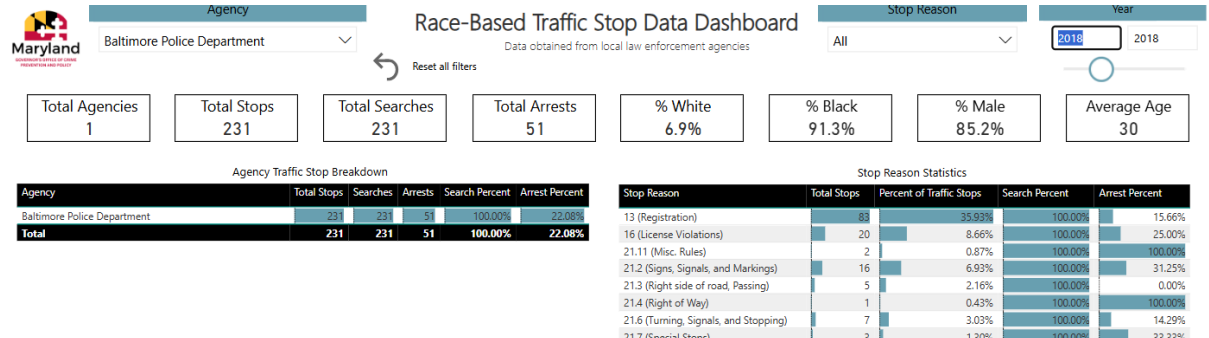
Agency	Total Stops	Searches	Arrests	Search Percent	Arrest Percent
Baltimore Police Department	65	65	6	100.00%	9.23%
Total	**65**	**65**	**6**	**100.00%**	**9.23%**

Stop Reason	Total Stops	Percent of Traffic Stops	Search Percent	Arrest Percent
13 (Registration)	9	13.85%	100.00%	22.22%
16 (License Violations)	4	6.15%	100.00%	50.00%
21.11 (Misc. Rules)	1	1.54%	100.00%	0.00%
21.8 (Moving Violations)	2	3.08%	100.00%	50.00%
99 (All other stops)	49	75.38%	100.00%	2.04%
Total	**65**	**100.00%**	**100.00%**	**9.23%**



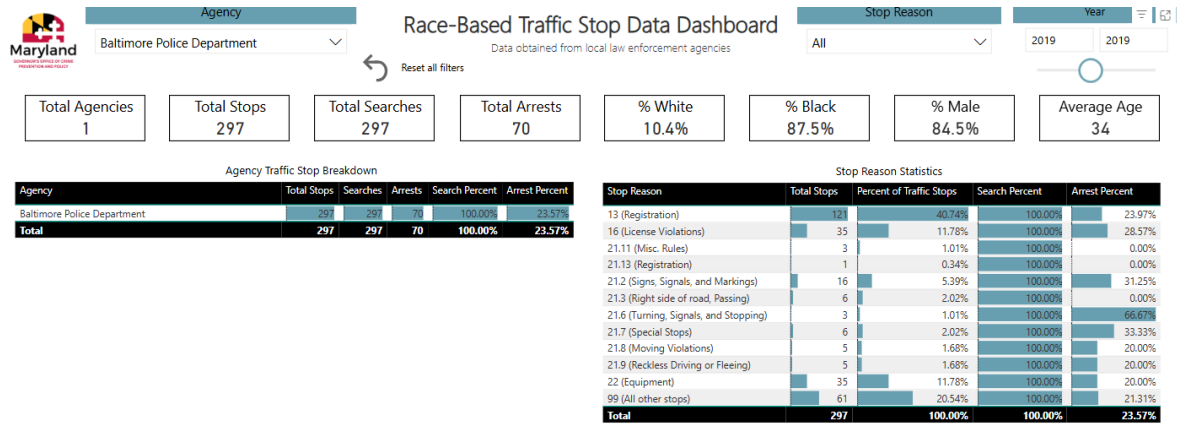
Agency	Total Stops	Searches	Arrests	Search Percent	Arrest Percent
Baltimore Police Department	12	12	6	100.00%	50.00%
Total	**12**	**12**	**6**	**100.00%**	**50.00%**

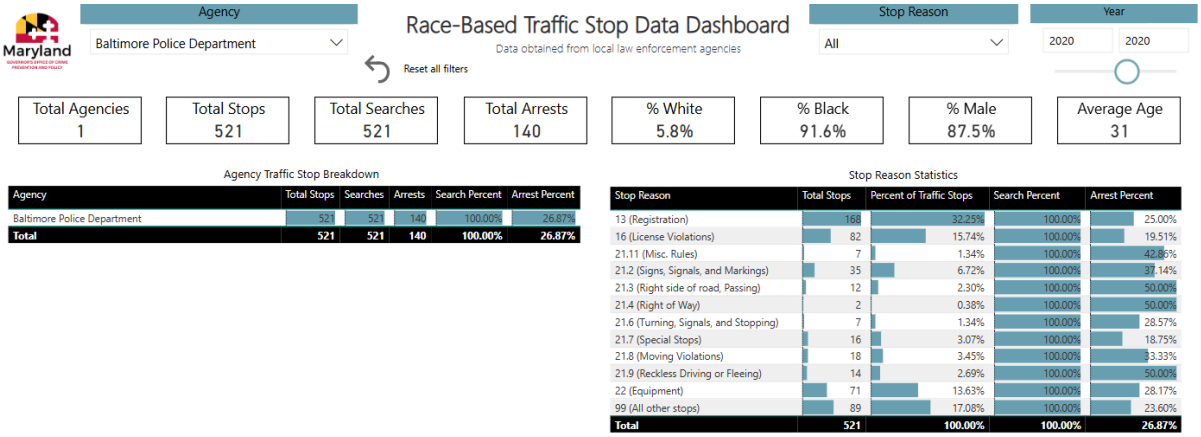
Stop Reason	Total Stops	Percent of Traffic Stops	Search Percent	Arrest Percent
13 (Registration)	5	41.67%	100.00%	60.00%
16 (License Violations)	3	25.00%	100.00%	66.67%
21.11 (Misc. Rules)	1	8.33%	100.00%	0.00%
21.9 (Reckless Driving or Fleeing)	1	8.33%	100.00%	100.00%
22 (Equipment)	1	8.33%	100.00%	0.00%
99 (All other stops)	1	8.33%	100.00%	0.00%
Total	**12**	**100.00%**	**100.00%**	**50.00%**



Agency	Total Stops	Searches	Arrests	Search Percent	Arrest Percent
Baltimore Police Department	231	231	51	100.00%	22.08%
Total	**231**	**231**	**51**	**100.00%**	**22.08%**

Stop Reason	Total Stops	Percent of Traffic Stops	Search Percent	Arrest Percent
13 (Registration)	83	35.93%	100.00%	15.66%
16 (License Violations)	20	8.66%	100.00%	25.00%
21.11 (Misc. Rules)	2	0.87%	100.00%	100.00%
21.2 (Signs, Signals, and Markings)	16	6.93%	100.00%	31.25%
21.3 (Right side of road, Passing)	5	2.16%	100.00%	0.00%
21.4 (Right of Way)	1	0.43%	100.00%	100.00%
21.6 (Turning, Signals, and Stopping)	7	3.03%	100.00%	14.29%
21.7 (Special Stops)	3	1.30%	100.00%	33.33%
21.8 (Moving Violations)	7	3.03%	100.00%	57.14%
21.9 (Reckless Driving or Fleeing)	5	2.16%	100.00%	40.00%
22 (Equipment)	37	16.02%	100.00%	13.51%
99 (All other stops)	45	19.48%	100.00%	26.67%
Total	**231**	**100.00%**	**100.00%**	**22.08%**


Agency
Baltimore Police Department
Race-Based Traffic Stop Data Dashboard
Data obtained from local law enforcement agencies
Reset all filters
Stop Reason
All
Year
2019
2019
Total Agencies 1
Total Stops 297
Total Searches 297
Total Arrests 70
% White 10.4%
% Black 87.5%
% Male 84.5%
Average Age 34
Agency Traffic Stop Breakdown
Agency | Total Stops | Searches | Arrests | Search Percent | Arrest Percent
Baltimore Police Department | 297 | 297 | 70 | 100.00% | 23.57%
Total | 297 | 297 | 70 | 100.00% | 23.57%
Stop Reason Statistics
Stop Reason | Total Stops | Percent of Traffic Stops | Search Percent | Arrest Percent
13 (Registration) | 121 | 40.74% | 100.00% | 23.97%
16 (License Violations) | 35 | 11.78% | 100.00% | 28.57%
21.11 (Misc. Rules) | 3 | 1.01% | 100.00% | 0.00%
21.13 (Registration) | 1 | 0.34% | 100.00% | 0.00%
21.2 (Signs, Signals, and Markings) | 16 | 5.39% | 100.00% | 31.25%
21.3 (Right side of road, Passing) | 6 | 2.02% | 100.00% | 0.00%
21.6 (Turning, Signals, and Stopping) | 3 | 1.01% | 100.00% | 66.67%
21.7 (Special Stops) | 6 | 2.02% | 100.00% | 33.33%
21.8 (Moving Violations) | 5 | 1.68% | 100.00% | 20.00%
21.9 (Reckless Driving or Fleeing) | 5 | 1.68% | 100.00% | 20.00%
22 (Equipment) | 35 | 11.78% | 100.00% | 20.00%
99 (All other stops) | 61 | 20.54% | 100.00% | 21.31%
Total | 297 | 100.00% | 100.00% | 23.57%


Agency
Baltimore Police Department
Race-Based Traffic Stop Data Dashboard
Data obtained from local law enforcement agencies
Reset all filters
Stop Reason
All
Year
2020
2020
Total Agencies 1
Total Stops 521
Total Searches 521
Total Arrests 140
% White 5.8%
% Black 91.6%
% Male 87.5%
Average Age 31
Agency Traffic Stop Breakdown
Agency | Total Stops | Searches | Arrests | Search Percent | Arrest Percent
Baltimore Police Department | 521 | 521 | 140 | 100.00% | 26.87%
Total | 521 | 521 | 140 | 100.00% | 26.87%
Stop Reason Statistics
Stop Reason | Total Stops | Percent of Traffic Stops | Search Percent | Arrest Percent
13 (Registration) | 168 | 32.25% | 100.00% | 25.00%
16 (License Violations) | 82 | 15.74% | 100.00% | 19.51%
21.11 (Misc. Rules) | 7 | 1.34% | 100.00% | 42.86%
21.2 (Signs, Signals, and Markings) | 35 | 6.72% | 100.00% | 37.14%
21.3 (Right side of road, Passing) | 12 | 2.30% | 100.00% | 50.00%
21.4 (Right of Way) | 2 | 0.38% | 100.00% | 50.00%
21.6 (Turning, Signals, and Stopping) | 7 | 1.34% | 100.00% | 28.57%
21.7 (Special Stops) | 16 | 3.07% | 100.00% | 18.75%
21.8 (Moving Violations) | 18 | 3.45% | 100.00% | 33.33%
21.9 (Reckless Driving or Fleeing) | 14 | 2.69% | 100.00% | 50.00%
22 (Equipment) | 71 | 13.63% | 100.00% | 28.17%
99 (All other stops) | 89 | 17.08% | 100.00% | 23.60%
Total | 521 | 100.00% | 100.00% | 26.87%