RACE AND REPRESENTATIVE BUREAUCRACY IN AMERICAN POLICING

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Introduction: Race and Representative Bureaucracy in American Policing

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

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

Keywords Bureaucracy · Police-community relations · Minority
populations · Representation · Michael Brown · Department
of Justice · Police brutality · Black Lives Matter · Criminal
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force · Passive representation · Proportional representation · Active
representation · Administrative outputs

1.1   Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.2   Summary of Remaining Chapters

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

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

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

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

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

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

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

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

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

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