

THE PREVALENCE AND VISIBILITY OF POLICE MISCONDUCT: A SURVEY OF CITIZENS AND POLICE OFFICERS

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Although police misconduct has generated much social concern in the United States in recent years, there is no clear consensus among citizens, researchers, community activists, and police administrators as to the extent of such conduct in the general police force. This study was undertaken to assess the prevalence and visibility of police misconduct by analyzing a survey of 988 citizens and 665 police officers conducted in Ohio. The study found the prevalence and visibility of police misconduct varied widely depending on the type of misconduct. There were also significant differences in how various subpopulations observed and experienced this misconduct.

Keywords: *police; misconduct; survey; prevalence; visibility*

Police misconduct has been a social issue in the United States for much of the 20th century. By the 1920s, for example, police brutality was widespread, corruption was deep-seated, and discriminatory practices were common (Kappeler, Sluder, & Alpert, 1998). Although police misconduct remained a problem throughout the 20th century, it became particularly salient in the 1960s (Eitzen & Timmer, 1985). At the height of the civil rights movement, the media widely reported racist police practices in the Black community and the brutal treatment of civil rights protesters. Such

We thank Mark Davis for various contributions he made to this study.

POLICE QUARTERLY Vol. 7 No. 2, June 2004 179–204

DOI: 10.1177/1098611102250705

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media reporting put a spotlight on the issue of police brutality and forced national attention on the issue of police misconduct.

Police misconduct became highly visible again in the 1990s, sparked by the 1991 Rodney King incident in Los Angeles. This incident was quite unusual in that an amateur cameraman had captured on videotape the entire episode of a group of White police officers severely and repeatedly beating a Black motorist. Given its unusual nature and concomitant journalistic value, the video image was widely and repeatedly broadcast on television nationwide. Watching this video image, many Americans, especially White Americans, witnessed an incident of apparent police brutality for the first time. As various opinion polls indicated, many Americans were shocked by the severity of the force applied and expressed sympathy for the victim. The 1991 beating of Rodney King in Los Angeles thus was a critical event in shaping Americans' attitudes toward police misconduct. This event transformed police misconduct from an abstract social issue into a more tangible and urgent concern.

In this state of heightened awareness and sensitivity to the issue of police misconduct, a series of serious misconduct charges were subsequently brought against the nation's other large police departments including, but not limited to, those in New York City; Philadelphia; New Orleans, Louisiana; Detroit, Michigan; and Pittsburgh, Pennsylvania. These charges ranged from murder, burglary, theft, and drug trafficking to drug use on duty, sale of confidential information, beating citizens, accepting bribes, and running prostitution rings (Lacayo, 1993; McIntyre, 1993; "Policing the Cops," 1996).

The decade closed with the nation's two largest police departments embroiled in another series of incidents and allegations of police misconduct. In Los Angeles, no fewer than 40 police officers were accused of misconduct, ranging from stealing drugs to shooting and framing an unarmed person. In New York City, the police department was consumed with two highly publicized incidents. In one incident, an unarmed African immigrant was shot and killed by four White police officers who fired 41 bullets at him. In the other incident, two New York City police officers were convicted of torturing and severely injuring a Haitian immigrant in their custody.¹

Given these highly publicized incidents, police misconduct has become one of the most vigorously debated social issues in recent years. Yet there is no clear consensus among citizens, researchers, community activists, and police administrators regarding the prevalence of such misconduct in the

general police force. This lack of consensus exists primarily because estimations vary widely depending on how police misconduct is measured.

On one hand, the general public tends to believe that police misconduct is fairly common. For example, a Gallup Poll taken after the Rodney King incident reported that 68% of the respondents believed that incidents like the King case happen "very frequently" or "somewhat frequently" in police departments across the country (Gallup Poll, 1991). When asked whether such incidents happened in their neighborhoods, 35% of the respondents replied affirmatively in March 1991, as did 38% of the respondents in 1999 (Gillespie, 1999).

Police administrators, on the other hand, tend to insist that such incidents are aberrations committed by a small number of "bad apples." In response to a recent police scandal involving the Los Angeles Police Department (LAPD), for example, LAPD Chief Bernard Parks was quick to remark, "I think we have a small number of officers that have chose[n] to in some instances tarnish their badge" (Associated Press, 1999). The strongest support for this view comes from the fact that only a small number of police officers have been convicted of misconduct. For example, in 1990, the Justice Department received 7,960 civil rights complaints nationwide, whereas they investigated 3,050 cases and prosecuted 35 police officers (Judiciary Committee, 1992). The low rate of prosecution is not unique to the Justice Department statistics. The Independent Commission on the Los Angeles Police Department (1991) examined the internal records in the department and found that of the 2,152 allegations of excessive force made by citizens between 1986 and 1990, only 42 were sustained. These figures suggest that the use of excessive force and other types of police misconduct are not as prevalent as many citizens believe.

Both of these views, however, are plagued by measurement inaccuracies. Opinion polls are problematic because they only reflect citizens' views and not their personal experiences of police misconduct. Justice statistics, on the other hand, typically underrepresent the occurrence of crime (Beirne & Messerschmidt, 1991). In this case, the problem is exacerbated by the fact that it is extremely difficult to prosecute officers for police misconduct for a variety of reasons. For example, accusers are often suspects of a crime and do not have sufficient credibility, there are often no eyewitnesses available, fellow police officers often do not want to testify against their own, and jurors are usually more sympathetic toward officers than suspects (Judiciary Committee, 1992).

Criminology research offers an additional set of findings in regard to police misconduct. Police misconduct has been an important topic in police studies, and a number of empirical studies have been conducted on this topic over the past 50 years (e.g., Bayley & Mendelsohn, 1969; Chevigny, 1969; Dorschner, 1989; Kappeler et al., 1998; Westley, 1953). Many of these studies were ethnographic field studies or case studies of particular police departments rather than studies of the general police force. Large urban police departments, such as those in New York City; Los Angeles; Miami, Florida; and so on, were often the focus of such studies. In these studies, if the prevalence of misconduct was measured, it was measured in many different ways, and the estimations varied. They depended on how the variable was measured and which particular department was being examined. Barker (1991b), for example, estimated that almost 40% of the officers in the "South City" Police Department had used excessive force on a prisoner. He obtained this estimate by asking the officers in the department to estimate the percentage of those in the department who had engaged in such conduct. Reiss (1976), on the other hand, placed observers in patrol cars in Chicago, Boston, and Washington, D.C., and estimated that about 3% of suspects encountered by the police were victimized by excessive force. Extrapolation of such findings to the general population of police officers, however, is not easy and does not allow for easy generalization.

Thus far, the most systematic and comprehensive study to assess the prevalence of police misconduct in the general police force was undertaken by the Bureau of Justice Statistics (Langan, Greenfeld, Smith, Durose, & Levin, 2001). In 1999, as a supplement to the National Crime Victimization Survey, the bureau conducted a survey that examined interactions between the police and the public. The sample included 80,543 respondents, of which 20.9% had one or more face-to-face contacts with a police officer in the 12 months prior to the survey. The survey included three different variables that could be used to measure the prevalence of police misconduct. The strictest measure involved the use of excessive force. The findings indicated that slightly less than 1% (0.96%) of those who had contact with police believed that the police used, or threatened to use, excessive force against them. Estimations dramatically increased when more relaxed measures of police misconduct were used. In one measure, respondents with police contact were asked whether police had behaved properly; 10% of those who had been stopped by police reported that the police had not behaved properly. In the other measure, respondents were asked whether they felt they had been stopped for a legitimate reason. Sixteen percent of

them did not feel that the reason they had been stopped was legitimate. For each of these measures, minority citizens were more likely than Whites to feel that the police had not behaved appropriately. African Americans, for example, were almost 2 to 3 times more likely to state that police officers behaved inappropriately.

In assessing the prevalence of police misconduct in the general police force, a victimization survey like the one conducted by Langan and his associates (2001) provided valuable information. As a measure of police misconduct, however, an estimation based on citizens' perceptions has a potentially serious drawback. Such a measure may reflect not only the police behavior but also the citizens' attitude toward the police. That is, citizens' perceptions can be formed not only by the way the police officer interacted with them but also by their attitudes toward the police prior to the interaction. It is reasonable to assume that citizens holding negative attitudes toward the police may be more likely to perceive police officers acting inappropriately than those who do not have such attitudes. Thus, estimations of police misconduct based solely on citizens' perceptions may contain a serious bias.

In this study, we attempted to shed further empirical light on the issue of police misconduct by using a survey of citizens, while keeping an eye on the aforementioned methodological weakness. To compensate for this weakness, we estimated the prevalence of police misconduct based not only on citizens' perceptions but also on police officers' perceptions. Although police officers' observations of police misconduct may not necessarily be more accurate than those made by citizens, we believe we can obtain more objective estimations by comparatively analyzing both police and citizen observations of police misconduct. In this study, we examined the prevalence of police misconduct in the general police force by analyzing how citizens and police officers in Ohio observed various forms of police misconduct.

METHOD

The citizen data analyzed in this study were obtained from a random sample of Ohio residents. Telephone interviews were conducted with 988 Ohio residents in the fall and winter of 1992 through random digit dialing.

The police data were collected in the winter and spring of 1993. The sample consisted of 665 Ohio police officers obtained by stratified cluster sampling. The cluster was a police department. The stratification was based on

department size: small (fewer than 11 officers), medium-small (11 to 49 officers), medium-large (50 to 99 officers), and large (100 or more officers). From the selected departments, officers were chosen randomly for the survey. The number of officers in each stratum of the sample was proportionate to their numbers in the total population of officers.

In the citizen survey, we asked two sets of questions to gauge the extent of police misconduct experienced and observed by citizens. The first set consisted of four questions that were directed to those respondents who had face-to-face contact with a police officer in the 12 months prior to the survey. We asked these respondents whether the officer had treated them with respect in the contact, and if not, we further asked them to indicate whether the officer had been verbally abusive, physically abusive, not courteous to them, and/or prejudiced toward them.

The second set of questions asked the respondents in the survey whether they had personally observed police officers engaging in any of the following types of misconduct in the 12 months prior to the survey: accepting free coffee or food, sleeping on duty, racial harassment, use of excessive force, gay harassment, sexual harassment of women, or using drugs or alcohol on duty.

In the police survey, which was anonymous and confidential, officers were asked to respond to a series of questions to determine whether they had personally observed any fellow officers in their department commit any of the 30 different types of police misconduct in the 12-month period prior to the survey. These 30 types of misconduct covered such minor offenses as accepting free coffee or food as well as more serious offenses such as use of excessive force, racial harassment, and perjury. For the complete listing of misconduct examined in this study, see Table 2.

In the following section, we estimated the prevalence of various types of misconduct by analyzing citizens' experiences and observations of police misconduct, as well as police officers' observations of misconduct. The observation variables were further analyzed in relation to respondent characteristics. In analyzing citizen data, we examined whether citizens' race (which was divided into three categories: White, Black, and other), gender (categorized as man and woman), perceived level of neighborhood safety (safe: including very safe, safe, and somewhat safe; and unsafe: including very unsafe, unsafe, and somewhat unsafe), income (dichotomized into two categories: \$25,000 or less and more than \$25,000), and age (categorized into two age groups: younger than 35 and 35 or older) affected their likelihood of observing police misconduct.² For

the police data, the following officer characteristics, all dichotomized into two categories, were included in the analysis: age (younger than 35 and 35 or older), department size (fewer than 50 and 50 or more officers), rank (supervisor and nonsupervisor), perceived level of criminal activity in the beat or area the officer was assigned (little or moderate criminal activity and much criminal activity), race (White and non-White), and gender (man and woman). To examine the effect of these variables on the observation variables, we performed a logistic regression analysis, using the observation variables as the dependent variables and the citizen and officer characteristics as the independent variables.

RESULTS

CITIZENS' EXPERIENCES OF POLICE MISCONDUCT

Of the 988 respondents, approximately 38% reported that they had face-to-face contact with a police officer in the 12 months prior to the survey. The most frequent mode of contact was traffic related. More than half (55%) of those who had contact with police did so because of their involvement in a motor vehicle stop, traffic violation, or accident. The second most frequently mentioned reason for contact with police was reporting a crime or neighborhood problem. A little less than one in five (18.5%) contacted police to deal with such problems as neighborhood noise, drug dealers, theft, break-in, domestic violence, fire, and so on. Approximately 8% of the respondents contacted police to obtain information, directions, or assistance, and nearly 6% of all the respondents with a contact with police said that the contact had occurred due to their criminal violation.

The survey asked those who had contact with a police officer if they had been treated with respect. Table 1 shows that about 16% of the respondents who had contact with police did not feel that they had been treated respectfully. In the table, this percentage is further broken down by respondents' race. The category *non-White* includes respondents who identified themselves as Black, as well as those who identified themselves as Hispanic or members of other minority groups.³ The category *Black* includes only those who identified themselves as Black. The table shows that non-White respondents, particularly Black respondents, were more likely than White respondents to report disrespectful treatment by police. In this particular sample, Black respondents were nearly twice as likely to report disrespectful treatment as White respondents.

Of those respondents who reported disrespectful treatment, we asked further if any of the following applied to them: The police officer was not courteous, verbally abusive, physically abusive, or prejudiced. By far, the most frequently cited reason for perceived disrespect was discourtesy. Approximately 13% of those who had contact with police said that they had been treated discourteously. Among those who felt that they had not received respectful treatment, nearly 80% felt so because they perceived the police officer had not been courteous enough.

The percentages of those reporting more serious types of mistreatment were much smaller. Verbally abusive treatment was reported by nearly 7% of all the respondents who had contact with the police and by approximately 42%⁴ of those who reported disrespectful treatment in their contact with the police. Slightly less than 3% of all the respondents who had contact with police, and 17% of those who reported disrespectful treatment, felt that the police officer had been prejudiced in the way he or she treated them. Physical abuse in contact with police was reported, but the least frequently. Less than 1% (0.81%) of all those who had contact with police and 5% of those who had contact with police and claimed to have received disrespectful treatment said that they had been physically abused.

Minority respondents, particularly Black respondents, were more likely to report discourteous treatment than White respondents, and the racial disparity widened as the perceived misconduct became more serious. Black respondents, for example, were 2 times as likely to report verbal abuse by police, almost 5 times more likely to report police prejudice, and 9 times more likely to report physical abuse by police than were White respondents.

CITIZENS' OBSERVATIONS OF POLICE MISCONDUCT

In the citizen survey, we asked respondents whether they had personally observed a police officer engaging in any of the following seven types of misconduct in the 12 months prior to the survey: (a) accepting free coffee or food from a restaurant, (b) sleeping while on patrol, (c) harassing minority citizens, (d) using excessive force, (e) verbally abusing gay or lesbian citizens, (f) harassing women citizens, or (g) using drugs or alcohol on duty.

Table 2 shows that by far the most frequently observed misconduct by citizens was that of a police officer accepting free coffee or food from a restaurant. Nearly one out of five citizens reported observing such police behavior in the 12-month period prior to the survey. The second most observed misconduct was use of excessive force. Fourteen percent of the

TABLE 1. Police Misconduct Experienced by Citizens Who Had Contact With Police

| <i>Police Misconduct</i> | <i>All Persons Who Had Police Contact</i> | <i>Whites</i> | <i>Non-Whites</i> | <i>Blacks</i> |
|------------------------------|---|---------------|-------------------|---------------|
| Not respectful treatment (%) | 15.94 | 14.87 | 22.22 | 27.27 |
| Not courteous (%) | 12.66 | 12.30 | 14.81 | 21.21 |
| Verbally abusive (%) | 6.75 | 6.01 | 11.11 | 15.15 |
| Prejudiced (%) | 2.70 | 1.90 | 7.41 | 9.09 |
| Physically abusive (%) | 0.81 | 0.32 | 3.70 | 3.03 |
| <i>N</i> | 372 | 318 | 54 | 33 |

respondents observed such police action. Respondents observed racial harassment almost as frequently as excessive force. Eleven percent of the respondents said that they had observed such misconduct during the 12-month period. Sleeping on the job was observed by 8% of the respondents. In contrast, sexual or gay harassment by officers was observed much less frequently. Less than 3% of the respondents reported observing such police behavior. The least frequently observed misconduct was use of drugs or alcohol on duty. Two percent of the respondents reported observing such behavior.

CITIZENS' CHARACTERISTICS AND THEIR OBSERVATIONS OF POLICE MISCONDUCT

Table 3 presents the coefficients for the logistic regression of observation of police misconduct on citizens' sociodemographic characteristics. Gay harassment, sexual harassment, and alcohol or drug use on duty are not presented in the table because the number of respondents who claimed to have seen such misconduct was too small to conduct further subgroup analyses.

Among the types of misconduct examined in Table 3, racial harassment was the most strongly affected by the respondent's sociodemographic characteristics. All of the citizen characteristics but one were significant in determining who was most likely to observe racial harassment by police. Not surprisingly, the respondent's race was the strongest factor. Another strong determinant was the characteristic of the respondent's neighborhood. Those who lived in a neighborhood that they considered unsafe observed racial harassment by police much more frequently than those who lived in a neighborhood they considered safe. The respondent's age and gender also affected the probability of observing racial harassment. Those

TABLE 2. Misconduct Observed by Citizens and Police Officers in the Past 12 Months

| <i>In the past 12 months, have you observed a police officer . . . ?</i> | | <i>Police Officers</i> | <i>Citizens</i> |
|---|-----|------------------------|-----------------|
| Accept free coffee or food from a restaurant | Yes | 509 (76.5%) | 192 (19.4%) |
| | No | 156 (23.5%) | 796 (80.6%) |
| Speeding when there was no emergency | Yes | 454 (68.5%) | — |
| | No | 209 (31.5%) | — |
| Display a badge to avoid a traffic citation while off duty | Yes | 238 (36.1%) | — |
| | No | 421 (63.9%) | — |
| Asleep when he or she was supposed to be on patrol | Yes | 204 (31.1%) | 79 (8.0%) |
| | No | 452 (68.9%) | 909 (92.0%) |
| Harass a citizen most likely because of the citizen's race | Yes | 112 (17.0%) | 109 (11.0%) |
| | No | 546 (83.0%) | 879 (89.0%) |
| Use more force against a citizen or suspect than necessary | Yes | 101 (15.3%) | 139 (14.0%) |
| | No | 558 (84.7%) | 849 (86.0%) |
| Deliberately choose not to respond to an assigned call | Yes | 92 (13.9%) | — |
| | No | 568 (86.1%) | — |
| Illegally search a suspect for the purpose of removing drugs from the street | Yes | 91 (13.8%) | — |
| | No | 567 (86.2%) | — |
| Illegally stop and frisk a known offender just to harass the person | Yes | 82 (12.5%) | — |
| | No | 576 (87.5%) | — |
| Avoid a patrol area because he or she considered it too dangerous | Yes | 63 (9.5%) | — |
| | No | 597 (90.5%) | — |
| Harass a citizen who was thought to be gay or lesbian | Yes | 52 (7.9%) | 24 (2.4%) |
| | No | 608 (92.1%) | 964 (97.6%) |
| Sexually harass a woman citizen | Yes | 49 (7.4%) | 29 (2.9%) |
| | No | 611 (92.6%) | 959 (97.1%) |
| Fail to report an incident of excessive force by a fellow officer | Yes | 49 (7.4%) | — |
| | No | 611 (92.6%) | — |
| Illegally attempt to coerce a confession from a suspect | Yes | 42 (6.4%) | — |
| | No | 618 (93.6%) | — |
| Drive under the influence of alcohol while on duty | Yes | 39 (5.9%) | — |
| | No | 619 (94.1%) | — |
| Falsify the facts attendant to the arrest on an arrest report | Yes | 31 (4.7%) | — |
| | No | 626 (95.3%) | — |
| Give false court testimony in a traffic case | Yes | 25 (3.8%) | — |
| | No | 633 (96.2%) | — |
| Cover up an incident of excessive force by a fellow officer | Yes | 20 (3.0%) | — |
| | No | 639 (97.0%) | — |
| Give false court testimony in a criminal case | Yes | 18 (2.7%) | — |
| | No | 641 (97.3%) | — |

(continued)

TABLE 2 (continued)

| <i>In the past 12 months, have you observed a police officer . . . ?</i> | | <i>Police Officers</i> | <i>Citizens</i> |
|--|-----|------------------------|-----------------|
| Abuse or under influence of drugs prescribed for his use while on duty | Yes | 14 (2.1%) | — |
| | No | 646 (97.9%) | — |
| Knowingly violate surveillance laws to obtain evidence | Yes | 12 (1.8%) | — |
| | No | 648 (98.2%) | — |
| Fail to arrest a friend or relative suspected of committing a felony | Yes | 9 (1.3%) | — |
| | No | 651 (98.7%) | — |
| Purchase merchandise known to be stolen for personal use or gain | Yes | 5 (0.8%) | — |
| | No | 654 (99.2%) | — |
| Drop a suspect off in a bad part of town to put that person at risk | Yes | 3 (0.5%) | — |
| | No | 656 (99.5%) | — |
| Use illegal drugs while off duty | Yes | 3 (0.5%) | — |
| | No | 657 (99.5%) | — |
| Illegally use drugs while working undercover | Yes | 2 (0.3%) | — |
| | No | 658 (99.7%) | — |
| Plant a weapon on a suspect | Yes | 1 (0.2%) | — |
| | No | 659 (99.8%) | — |
| Commit a felony while participating in an undercover investigation | Yes | 1 (0.2%) | — |
| | No | 657 (99.8%) | — |
| Use illegal drugs on duty [Citizen: use drugs or alcohol] | Yes | 1 (0.2%) | 20 (2.0%) |
| | No | 658 (99.8%) | 968 (98.0%) |
| Accept payments to overlook illegal activities | Yes | 0 (0.0%) | — |
| | No | 659 (100.0%) | — |

who were younger than age 35 observed racial harassment more frequently than those who were age 35 or older. Also, men observed this type of misconduct more frequently than women. Once these characteristics were controlled, the respondent's income level did not affect the probability of observing racial harassment by police.

Table 4 shows more concretely how these background characteristics affected the probability of observing racial harassment.⁵ The probability changed widely, ranging from a low of .025 among White women, age 35 or older, who lived in a neighborhood they considered safe, to a high of .809 among Black men, younger than age 35, living in a neighborhood they considered unsafe. In the former group, hardly anyone observed a police officer harassing a racial minority group member, but in the latter group, more than

TABLE 3. Coefficients for Logistic Regression of Citizen Observation Variables on Respondent Characteristics

| Variable | Misconduct | | | |
|--|-----------------|-------------------|-----------------|----------------|
| | Excessive Force | Racial Harassment | Free Meal | Sleeping |
| Respondent's race [White] | | | | |
| Black | 1.19*** (0.26) | 1.86*** (0.27) | -0.24 (0.30) | 0.66* (0.33) |
| Other minority | 0.20 (0.39) | 0.81* (0.39) | 0.64* (0.29) | 0.53 (0.43) |
| Respondent's gender [woman] | | | | |
| Man | 0.39* (0.19) | 0.75*** (0.23) | 0.38* (0.17) | 0.35 (0.24) |
| Neighborhood [safe] | | | | |
| Unsafe | 1.02*** (0.30) | 1.33*** (0.32) | 0.39 (0.30) | 1.16*** (0.34) |
| Respondent's Income [more than \$25,000] | | | | |
| \$25,000 or less | -0.17 (0.21) | -0.18 (0.25) | -0.13 (0.18) | -0.04 (0.26) |
| Respondent's age [35 or older] | | | | |
| Younger than 35 | 1.05*** (0.20) | 1.17*** (0.23) | 0.41* (0.16) | 0.17 (0.24) |
| Constant | -2.75*** (0.20) | -3.56** (0.26) | -1.80*** (0.15) | -2.93 (0.23) |

Note: Standard errors are in the parentheses; criterion categories appear in square brackets.

* $p < .05$. ** $p < .01$. *** $p < .001$.

four out of five had observed such incidents personally in the 12 months prior to the survey. Other groups defined by race, age, gender, and the degree of neighborhood safety had probabilities somewhere between these two extremes.

The same set of variables that was significant in racial harassment was operative in the observation of excessive force. The effects of these variables were, however, slightly smaller in excessive force cases than in racial harassment cases, and the effect of race was confined to Black citizens only. Nevertheless, Table 4 shows that the probability of observing police use of excessive force varied considerably among different sociodemographic groups. The group least exposed to this type of misconduct was older, non-Black women living in a neighborhood that they considered safe. Less than 6% of them said that they had personally observed police use excessive force in the 12-month period prior to the survey. The group most exposed to the police use of excessive force was young Black men living in a neighborhood that they perceived as unsafe. Among them, nearly 7 out of 10 said that they had seen police using excessive force in the previous 12-month period.

As Table 2 shows, the most commonly observed type of police misconduct was police acceptance of a free coffee or meal. On average, nearly one

TABLE 4. Probability of Citizens' Observing Police Misconduct: Subgroup Comparisons

| <i>Type of Misconduct: Subgroup Defined By</i> | <i>Probability of Observing Misconduct</i> |
|--|--|
| Racial harassment: | |
| White, woman, safe, old | .025 |
| White, woman, safe, young | .074 |
| White, woman, unsafe, old | .083 |
| White, woman, unsafe, young | .219 |
| White, man, safe, old | .054 |
| White, man, safe, young | .151 |
| White, man, unsafe, old | .168 |
| White, man, unsafe, young | .383 |
| Black, woman, safe, old | .149 |
| Black, woman, safe, young | .352 |
| Black, woman, unsafe, old | .379 |
| Black, woman, unsafe, young | .655 |
| Black, man, safe, old | .281 |
| Black, man, safe, young | .547 |
| Black, man, unsafe, old | .578 |
| Black, man, unsafe, young | .809 |
| Other, woman, safe, old | .057 |
| Other, woman, safe, young | .157 |
| Other, woman, unsafe, old | .175 |
| Other, woman, unsafe, young | .396 |
| Other, man, safe, old | .118 |
| Other, man, safe, young | .293 |
| Other, man, unsafe, old | .320 |
| Other, man, unsafe, young | .593 |
| Excessive force: | |
| White & other, woman, safe, old | .057 |
| White & other, woman, safe, young | .145 |
| White & other, woman, safe, old | .134 |
| White & other, woman, unsafe, young | .303 |
| White & other, man, safe, old | .086 |
| White & other, man, safe, young | .209 |
| White & other, man, unsafe, old | .194 |
| White & other, man, unsafe, young | .404 |
| Black, woman, safe, old | .166 |
| Black, woman, safe, young | .359 |
| Black, woman, unsafe, old | .337 |
| Black, woman, unsafe, young | .589 |
| Black, man, safe, old | .237 |
| Black, man, safe, young | .466 |
| Black, man, unsafe, old | .443 |
| Black, man, unsafe, young | .691 |
| Free coffee or meal: | |
| White & Black, woman, old | .138 |
| White & Black, woman, young | .195 |

(continued)

TABLE 4 (continued)

| <i>Type of Misconduct: Subgroup Defined By</i> | <i>Probability of Observing Misconduct</i> |
|--|--|
| Free coffee or meal: | |
| White & Black, man, old | .192 |
| White & Black, man, young | .264 |
| Other, woman, old | .235 |
| Other, woman, young | .318 |
| Other, man, old | .313 |
| Other, man, young | .408 |
| Sleeping: | |
| White & other, safe | .065 |
| White & other, unsafe | .179 |
| Black, safe | .115 |
| Black, unsafe | .288 |

out of five respondents reported that they had observed such police conduct in the 12-month period prior to the survey. Table 3 shows that three demographic factors—the respondents' race, gender, and age—affected the probability of their observing this type of misconduct. Table 4 shows more concretely how these variables operated. The group least likely to observe such misconduct was older White or Black women. Among them, the probability of observing police acceptance of a free coffee or meal was .138. The group most likely to observe such police behavior was young non-Black minority men. Among them, the probability of observing was .408.

It was less common for the respondents to personally observe police officers sleeping on duty. Eight percent of the respondents reported that they had observed such behavior in the 12-month period prior to the survey. The probability of observing this misconduct varied by two respondent characteristics: race and perceived neighborhood safety. Black respondents observed sleeping officers more frequently than non-Black respondents, and those respondents living in a neighborhood they felt was unsafe observed such officers more frequently than those in a neighborhood perceived to be safe. The probability of observing a sleeping officer was the lowest (.065) among non-Black respondents who lived in a safe neighborhood and the highest (.288) among Black respondents living in an unsafe neighborhood.

POLICE OFFICERS' OBSERVATIONS OF MISCONDUCT

Table 2 shows that compared with citizen observations, police observations were uniformly more frequent. In all but one category, the percentages

of police officers reporting observations of misconduct were much higher than those of citizens. One anomaly was police use of drugs. This anomaly occurred because the police and citizen surveys asked this question differently. Police officers were asked only about police use of illegal drugs on duty, but citizens were asked about police use of illegal drugs and alcohol on duty.

The most commonly observed misconduct by police officers was the acceptance of free coffee or food. More than three quarters (76.5%) of the officers reported that they observed this type of conduct in the 12-month period prior to the survey. Speeding when there was no emergency was also common and was observed by nearly 70% of the officers in the 12-month period. These two were by far the most commonly observed forms of misconduct by police officers.

Far less frequently observed than the previous, but nevertheless relatively frequently observed, were the following two types of misconduct: displaying a badge to avoid a traffic citation while off duty and sleeping on duty. More than one third of the respondents reported that they witnessed an officer displaying a badge, and more than 30% said that they had observed an officer asleep when he or she was supposed to be on patrol.

Compared with these relatively minor offenses, more serious types of misconduct were reported much less frequently. Nonetheless, the following were observed in the 12-month period prior to the survey by more than 10% of the police officers: racial harassment (17%), excessive force (15%), nonresponse to an assigned call (14%), illegal search of a suspect (14%), and illegal stopping and frisking (13%). Some other serious acts of misconduct witnessed by the officers included avoiding a patrol area (10%), illegally coercing a confession (6%), drunk driving on duty (6%), falsifying an arrest report (5%), and false court testimony in a traffic case (4%).

POLICE OBSERVATIONS AND OFFICER CHARACTERISTICS

Table 5 presents the coefficients for the logistic regression of observation of police misconduct on officers' personal and professional characteristics. The characteristics included in this analysis were the following dichotomous variables: the officer's age (younger than 35 vs. 35 or older), rank (supervisory⁶ vs. nonsupervisory), race (White vs. non-White), gender (man vs. woman), the size of the officer's department (fewer than 50 officers vs. 50 or more officers), and the perceived amount of criminal activity

in the area to which the officer was assigned (much criminal activity vs. little or moderate criminal activity).

Among the nine types of misconduct presented in Table 5,⁷ three can be considered as representing overly aggressive policing. These are use of excessive force in apprehending a suspect, harassing a citizen because of his or her race, and illegally searching a suspect for the purpose of removing drugs from the street. Table 5 shows that the common background factor operative in determining the probability of observing such misconduct was the perceived level of criminal activity in the assigned beat. Those who perceived their assigned area as being full of criminal activity more frequently observed their fellow officers engage in the use of excessive force, racial harassment, and illegal search than those who did not. Clearly, the officer's sense of insecurity is a contributing factor to the occurrence of these types of police misconduct. The officer's race was an important factor in observing excessive force and racial harassment. Minority officers observed such misconduct more often than White officers. The rank (supervisor vs. nonsupervisor) of the officer was also a significant factor in observing racial harassment. Supervisors were less likely to observe racial harassment than the rank and file officers.

Table 6 presents the probabilities of observing these three types of misconduct in relation to the respondents' background characteristics. The table shows that the probabilities varied most in the observation of racial harassment. Among nonsupervisory minority officers assigned to an area full of criminal activity, the probability of observing this type of misconduct was .471. In comparison, among White supervisors assigned to an area that was perceived to have little or moderate criminal activity, the probability was only .109.

The probability of observation varied in excessive force cases as well. The officers least likely to observe the use of excessive force were White officers assigned to an area with little or moderate criminal activity. Among them, the probability of observing such misconduct was .131. The group most likely to observe excessive force was minority officers assigned to an area with much criminal activity. Among them, the probability of observing this type of misconduct was .421.

The illegal search of a suspect was observed also more frequently in areas that were perceived to have much criminal activity than in areas that were perceived to have little or moderate criminal activity. The probability of observing an illegal search was .246 among officers assigned to an area

TABLE 5. Coefficients for Logistic Regression of Police Observation Variables on Respondent Characteristics

| Variable | Misconduct | | | | | | | | | |
|-----------------------------|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|---------------------|-----------------|------------------|--|
| | Racial Harassment | Excessive Force | Illegal Search | Avoid Patrol | Do Not Respond | Sleep on Duty | Free Food or Coffee | Speeding | Flashing a Badge | |
| Officer's age [35 or older] | | | | | | | | | | |
| Younger than 35 | -0.21 (0.25) | 0.45 (0.24) | 0.34 (0.25) | 0.69* (0.30) | 0.64* (0.25) | 0.59** (0.19) | 0.35 (0.24) | 0.33 (0.21) | 0.71*** (0.19) | |
| Department size | | | | | | | | | | |
| Fewer than 50 | 0.36 (0.26) | 0.44 (0.27) | 0.31 (0.29) | 0.47 (0.34) | 0.39 (0.27) | 0.84*** (0.21) | 0.38 (0.23) | 0.70*** (0.21) | 0.49* (0.20) | |
| Officer's rank | | | | | | | | | | |
| [Insupervisor] | -0.57* (0.27) | -0.40 (0.28) | -0.58 (0.30) | -0.36 (0.35) | -0.52 (0.30) | -0.55* (0.21) | -0.74*** (0.22) | -0.42* (0.20) | -0.65** (0.21) | |
| Supervisor | | | | | | | | | | |
| Criminal activity in the | | | | | | | | | | |
| beat [little or moderate] | | | | | | | | | | |
| Much | 0.58* (0.28) | 0.73* (0.29) | 1.08*** (0.29) | 1.20*** (0.35) | 0.11 (0.33) | 0.38 (0.25) | 0.18 (0.26) | -0.04 (0.23) | 0.22 (0.39) | |
| Officer's race [White] | | | | | | | | | | |
| Non-White | 1.19*** (0.36) | 1.11** (0.37) | -0.11 (0.48) | 0.64 (0.46) | 0.02 (0.47) | 0.34 (0.36) | -0.05 (0.41) | -0.73* (0.35) | -0.66 (0.39) | |
| Officer's gender [man] | | | | | | | | | | |
| Woman | 0.26 (0.51) | 0.11 (0.54) | -0.21 (0.64) | -0.35 (0.77) | -0.26 (0.64) | 0.01 (0.46) | -0.17 (0.49) | -0.71 (0.44) | -0.64 (0.50) | |
| Constant | -1.80*** (0.24) | -2.25*** (0.27) | -2.19*** (0.27) | -3.00*** (0.34) | -2.13*** (0.21) | -1.38*** (0.21) | -1.20*** (0.21) | -0.60*** (0.18) | -0.83 (0.19) | |

Note: Standard errors are in the parentheses; criterion categories appear in square brackets.

* $p < .05$. ** $p < .01$. *** $p < .001$.

with much criminal activity and .114 among officers assigned to an area with little or moderate criminal activity.

The next three types of misconduct presented in Table 5 can be considered as representing overly passive and nonresponsive policing. These include the following: avoiding a patrol area because the officer considered it too dangerous, not responding to an assigned call deliberately, and sleeping while the officer was supposed to be on patrol. The officer's age was an important determinant of whether he or she had observed any of these three types of misconduct. The younger officers were more likely to have observed such misconduct than the older officers. Not surprisingly, police officers in an area with much criminal activity more frequently observed their fellow officers avoid a dangerous patrol area than those in an area with little or moderate criminal activity. In determining who was most likely to observe sleeping officers, two additional factors—the officer's rank and the size of his or her department—were significant. Nonsupervisory officers were more likely to observe fellow officers sleeping on duty than were supervisory officers, and those officers in smaller departments were more likely to observe sleeping officers than those in larger departments.

Table 6 shows more concretely how these background factors operated to determine the probabilities of observing these types of misconduct. The probability varied most among different subgroups in observing an officer asleep. Among young nonsupervisory officers in a smaller department, more than 50% observed sleeping officers, whereas only 15% of older supervisory officers in a larger department had witnessed this phenomenon. Officers observed the other two types of misconduct much less frequently, and they observed them quite differently, depending on their age and area of assignment. The misconduct of avoiding a dangerous patrol area was least likely to be observed by older officers assigned to an area with little or moderate criminal activity. Among this group, the probability of observing such misconduct was .056. The group most likely to observe this type of misconduct was younger officers assigned to an area with much criminal activity. Among them, the probability of observation was .271. As for nonresponse to an assigned call, the probability of observing such misconduct ranged from .106 among older officers to .215 among younger officers.

The last three types of misconduct may be characterized as borderline misconduct, which may be perceived to invoke little risk of sanction. Accepting free coffee or food from a restaurant is the prototypical example of this type of misconduct. Indeed, according to Walker (1983), in many cities the receipt of free meals and other small gratuities is not considered

TABLE 6. Probability of Police Officers' Observing Police Misconduct: Subgroup Comparisons

| <i>Type of Misconduct: Subgroup Defined By</i> | <i>Probability</i> |
|--|--------------------|
| Racial harassment: | |
| Nonsupervisor, little crime, White | .160 |
| Nonsupervisor, little crime, minority | .374 |
| Nonsupervisor, much crime, White | .222 |
| Nonsupervisor, much crime, minority | .471 |
| Supervisor, little crime, White | .109 |
| Supervisor, little crime, minority | .278 |
| Supervisor, much crime, White | .155 |
| Supervisor, much crime, minority | .365 |
| Excessive force: | |
| Little crime, White | .131 |
| Little crime, minority | .309 |
| Much crime, White | .198 |
| Much crime, minority | .421 |
| Searching a suspect illegally: | |
| Little crime | .114 |
| Much crime | .246 |
| Sleeping on duty: | |
| Old, large department, nonsupervisor | .233 |
| Old, large department, supervisor | .144 |
| Old, small department, nonsupervisor | .374 |
| Old, small department, supervisor | .248 |
| Young, large department, nonsupervisor | .351 |
| Young, large department, supervisor | .230 |
| Young, small department, nonsupervisor | .515 |
| Young, small department, supervisor | .370 |
| Avoiding a dangerous patrol area: | |
| Old, little crime | .056 |
| Old, much crime | .140 |
| Young, little crime | .120 |
| Young, much crime | .271 |
| Not responding to an assigned call: | |
| Old | .106 |
| Young | .215 |
| Free coffee or food: | |
| Nonsupervisor | .815 |
| Supervisor | .674 |
| Speeding: | |
| Large department, nonsupervisor, White | .654 |
| Large department, nonsupervisor, minority | .499 |
| Large department, supervisor, White | .511 |
| Large department, supervisor, minority | .355 |
| Small department, nonsupervisor, White | .813 |
| Small department, nonsupervisor, minority | .696 |
| Small department, supervisor, White | .706 |
| Small department, supervisor, minority | .558 |

(continued)

TABLE 6 (continued)

| <i>Type of Misconduct: Subgroup Defined By</i> | <i>Probability</i> |
|--|--------------------|
| Flashing a badge: | |
| Old, large department, nonsupervisor | .293 |
| Old, large department, supervisor | .190 |
| Old, small department, nonsupervisor | .396 |
| Old, small department, supervisor | .271 |
| Young, large department, nonsupervisor | .467 |
| Young, large department, supervisor | .332 |
| Young, small department, nonsupervisor | .581 |
| Young, small department, supervisor | .440 |

misconduct at all. The other two types—speeding when there is no emergency and displaying a badge to avoid a traffic citation while off duty—might be considered as variants of such misconduct. Accordingly, compared with other types of misconduct, these were by far the most often observed by police officers in our survey.

The officer's rank, measured as either supervisory or nonsupervisory, had an effect on observing these minor types of misconduct—accepting free meals, speeding, and flashing a badge. Nonsupervisory officers were more likely to observe these types of misconduct than supervisory officers. The department size was an important factor in two types of misconduct: speeding and flashing a badge. Officers in smaller departments were more likely to observe such misconduct than officers in larger departments. In addition to the officer's rank and the size of the officer's department, two more officer characteristics—race and age—were significant. The officer's race had a significant effect on the probability of observing a speeding officer, and the officer's age had a similar effect on the probability of flashing a badge. White officers were more likely to observe speeding, and younger officers were more likely to observe improper flashing of a badge.

Table 6 shows that the probability of observing a police officer accepting free coffee or food was very high and did not vary much among the different subgroups. The probability of observing such misconduct was .815 for nonsupervisory officers and .674 for supervisory officers. The other two types of misconduct were observed quite differently by the officer subgroups. The probability of observing speeding was .813 among nonsupervisory White officers in smaller departments but only .355 among supervisory minority officers in larger departments. As for flashing of a badge, the probability of observing such misconduct was only .190 among

older supervisory officers in larger departments, but it was .581 among young nonsupervisory officers in smaller departments.

DISCUSSION AND CONCLUSION

In this study, we attempted to assess the prevalence of police misconduct by estimating the proportion of citizens exposed to police misconduct as a victim, and the proportions of citizens and police officers exposed to police misconduct as a personal witness.

We found that the degree of prevalence varied widely depending on the type of misconduct. Our analysis of police observation data suggested that police officers commonly accept free coffee or food or speed unnecessarily. Nearly 70% of the police officers surveyed in this study acknowledged personally observing someone in their department engaged in such conduct. In many officers' minds, these incidents are probably defined as acceptable conduct and constitute what Barker (1991a) called "approved deviance" (p. 52). The third and fourth most frequently observed forms of misconduct by police officers, displaying a badge to avoid a traffic citation while off duty and sleeping while on duty, probably fall into this category as well. Nearly one third of the officers surveyed reported personally witnessing such conduct.

Compared with these minor types of misconduct, more serious and clearly unacceptable forms of conduct were much less frequently witnessed by police officers. The most frequently witnessed misconduct in this category was racial harassment. Seventeen percent of the officers acknowledged that they had personally witnessed someone in their department harass a citizen because of his or her race. The least frequently observed police misconduct was accepting payments to overlook illegal activities. No one in our police sample reported observing such misconduct.

Given these findings, however, we are not sure exactly what proportion of police officers engages in various types of misconduct. One reason for this uncertainty is that the topic of police misconduct is quite sensitive, and the officers might not have been completely candid in revealing their experiences. Another reason is that a small number of deviant officers can be observed by a large number of officers. Therefore, the fact that 76% of officers observed someone in their department accept free coffee or food does not necessarily mean that 76% of officers in their department behave that way. We needed additional information to clarify this issue. In our study, the data obtained from citizens regarding their observations and experiences of

police misconduct provided such information. Comparisons of police observations, citizen observations, and citizen experiences indicated that the figures derived from police observation data are uniformly larger than those in the citizen data and most likely represent the upper limit estimates of various forms of police misconduct.

Two specific types of misconduct enabled us to examine this issue further. The prevalence of both racial harassment and excessive force was measured in three different ways: by asking citizens if they had observed them, by asking them if they had experienced them, and by asking police officers if they had observed them. In our survey, 11% of the citizens said that they had observed racial harassment. Among those who had contact with police, 7.4% of non-White citizens (including Black citizens) and 9.1% of Black citizens said that they felt the officer was prejudiced against them. Among police officers, 17% said that they had personally observed someone in their department harass a citizen because of the person's race. Excessive force was observed by 15.3% of the officers and 14% of the citizens; however, it was actually experienced by only 0.81% of the citizens who had contact with police. Given these figures, we are inclined to believe that the estimations of the extent of police misconduct based on police observation data represent the upper limit estimates of police misconduct. Further research is clearly required to establish the relationship between the visibility and actual extent of police misconduct.

The prevalence of police misconduct was more directly estimated in our study by the citizens' experiences of victimization. We found that estimates of misconduct differed depending on the type of misconduct. Measuring police misconduct as disrespectful police treatment, about 16% of our respondents who had face-to-face contact with police said that they had received such treatment. The vast majority of them considered discourtesy as the source of disrespectful treatment. As for more serious types of misconduct, citizens experienced them much less frequently. Less than 7% of the respondents with face-to-face police contact reported verbally abusive treatment, and less than 3%⁸ felt that the officer was prejudiced against them. The most severe type of misconduct, physical abuse by police, was reported by less than 1% of the respondents who had contact with police.

These findings closely match those of the 1999 Police-Public Contact Survey. This survey, which was conducted as part of the National Victimization Survey, as well as its 1996 pretest (Langan et al., 2001), estimated that less than 1% of police-citizen contacts resulted in the use or threat of excessive force.⁹ Using more relaxed measures of police misconduct, the

1999 Police-Public Contact Survey estimated that 10% of those who had contact with police perceived the officer had behaved improperly, and 16% did not feel that they had been stopped for a legitimate reason. These figures indicate that police misconduct directly involving citizens occurs during 10% to 16% of police-citizen interactions. However, more serious misconduct involving physical contact happens much less frequently. Because these figures are indirect estimates of police misconduct solely based on citizens' experiences and interpretations, the actual prevalence of police misconduct could be even lower than these percentages. It is possible that some police-citizen encounters deemed improper by citizens could be considered legitimate, once various factors preceding and surrounding the encounters are taken into account.

Our further subgroup analysis indicated that these average percentages describing the entire population must be interpreted carefully. We found that there were quite large variations in the way police misconduct was experienced and observed by different segments of society. Not surprisingly, a citizen's race was a consistently important factor in determining how he or she interacted with police. Minority citizens, particularly African Americans, were much more likely to observe and experience police misconduct than were White citizens. This racial discrepancy widened as the perceived severity of misconduct increased. We are not completely sure, however, whether this indicates that police officers indeed engage in misconduct more frequently when they interact with African Americans than White Americans or whether this merely suggests that African Americans reflect their generally negative attitudes toward police and perceive legitimate police activity as misconduct. We do not have a definitive answer to this question, but one piece of information obtained in our analysis of the police data seems to lend some support to the former interpretation.

Our analysis of citizens' observations of police misconduct indicated that in addition to the respondents' race, the characteristics of the neighborhood in which they lived operated as another consistently important factor in determining who was likely to observe (and probably be subjected to) various forms of police misconduct. Those who lived in high-crime neighborhoods, the majority of whom are poor, observed various types of police misconduct more frequently than those who did not. Using the same logic presented previously, we can argue that given widespread fear and mistrust of police among the poor who live in high-crime neighborhoods, it is quite plausible that many of them perceive legitimate police activity as misconduct. Our police data, which we believe to be free from such bias, however,

corroborate with the citizen data and indicate that such a pattern is not entirely an artifact of citizens' attitudes toward the police. Our analysis of the police survey confirmed the pattern observed in the citizen data; that is, police misconduct tended to be observed more frequently by police officers assigned to neighborhoods with many criminal activities than those assigned to neighborhoods with less criminal activities.

Thus, we are inclined to believe that along with other factors, such as a citizen's age and gender, police misconduct was observed and most likely experienced differently by different segments of society. It is possible that in some segments of society, police misconduct was common, even though the majority of citizens in society at large did not experience it. It is, therefore, important for police administrators to recognize the possible vulnerability of certain subgroups to police misconduct, to differentiate among these subgroups, and to deal with the issue of police misconduct specifically within each of them.

NOTES

1. In addition, in the late 1990s, many states had to grapple with the practice of "racial profiling," in which police officers allegedly stopped and searched minority motorists selectively.

2. We could not carry out a comparable analysis using the experience variables, because the number of people who personally experienced police misconduct was too small for multivariate analysis. In the following section, we analyzed the experience variables only in relation to the respondent's race.

3. We did not create a separate category of "other" representing minorities other than African Americans, because the number reporting disrespectful treatment in this category was too small. Thus, we created a category of "non-White," representing both African American and other minority citizens.

4. These percentages add up to more than 100% because the respondents could check more than one choice.

5. To make the presentation manageable, we recalculated the logistic regression coefficients by dropping all of the insignificant independent variables. The probabilities presented in Table 4 are based on the coefficients from these simpler models.

6. Those who are in the following ranks were coded as supervisory: corporal, sergeant, lieutenant, captain, deputy chief, and chief.

7. The other types of misconduct are not presented in this table, because the number of officers who claimed to have seen such misconduct was too small to conduct further subgroup analyses.

8. This was the average for the entire sample. The average for non-White citizens was 7.4%, and the average for Black citizens was 9.1%.

9. The relative percentage of citizens who claimed to have been subjected to use or threat of use of force is small. Nevertheless, the absolute number of Americans subjected to such treatment is staggering. The 1999 Citizen-Police Contact Study (Langan et al., 2001) estimated that more than 420,000 Americans, 0.96% of the nearly 44 million Americans who had face-to-face contact with police in 1999, were subjected to police use or threat of force.

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