

# The Geography of Law Enforcement Malpractice: National Patterns of Official Misconduct in the United States, 1989–1999

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One of the darkest aspects of U.S. history and culture is encapsulated in crime perpetrated by law enforcement officials. In fact, police abuse of power has long been a footnote in analyses of governments' monopoly on legitimated violence. The history of modern policing itself indicates long-standing concern with excessive, sometimes brutal, control over citizens by law enforcement agents. Such concerns have been articulated variously over time by the public, academics, the press, and within law enforcement ranks. Much of this concern turns on perception, for police malfeasance is notoriously shrouded behind a "blue wall," well-meaning law enforcement officials are genuinely interested in public perceptions of their services, and news of police malpractice flares selectively and variously across time.

Not only has attention on police crime varied over the years, it has been more or less intense regionally. For example, in recent years the Rodney King case turned the nation's eyes to southern California where news of police use of excessive force (and other infractions) flares from time to time. Alternatively, intense scrutiny fell recently on New York City police in a string of notorious excessive use of force cases – the case of officers sodomizing a suspect with a broomstick in precinct offices, and the case of officers repeatedly shooting a man they approached for questioning as he reached for his wallet were perhaps the most widely publicized.

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In addition to historical and regional variation in the attention devoted to crimes by police, it is important to note another dimension of variation. Because so much law enforcement activity concentrates in economically depressed zones of large cities, and because racial residential segregation patterns dictate disproportionate patrols in minority neighborhoods, the history of police malpractice all too often reflects more encompassing social divides along racial and ethnic lines that can be traced to the foundations of the republic. Similarly, because police abuses are salient in the history of U.S. race relations, embedded in the public conscience of police malpractice is the history of the American South, where local law enforcement officers were sometimes complicit in Ku Klux Klan atrocities, and where slavery and Jim Crow reverberate in state insignia from flags to official mascots of major state universities.

This study examines the geography of police malpractice. In doing so, it identifies state and regional patterns of police malpractice. Police brutality is considered a widespread and persistent problem in the United States, but there are no accurate national data on the number of people injured or killed by police officers.<sup>1</sup> According to Spector, billions of taxpayers' dollars are spent each year on civil actions against police officers.<sup>2</sup> From 1989 to 1992 taxpayers paid out at least \$134 million in awards to citizens alleging police brutality, not including other types of police malpractice.<sup>3</sup> Some metropolitan governments are "paying staggering millions of dollars in verdicts and settlements to individuals each year," and "these extremely high payments suggest that police brutality is of a serious nature."<sup>4</sup> Worse than these economic losses are non-quantifiable damages to the population. Poorly handled incidents can result in citizen and police death, in community distrust of police, and at the extreme, in riots that contribute more material and emotional damage.<sup>5</sup> There is growing interest in the geography of crime generally, but unfortunately, the geography of police malpractice has not been extensively examined, although some document regional differences.<sup>6</sup>

<sup>1</sup> Barbara Dority, "Established: A Pattern of Abuse," *The Humanist*, 59, 1 (1999), 5–7.

<sup>2</sup> Elliot Spector, "Police Brutality Hysteria," *The Police Chief*, 59, 10 (1992), 13.

<sup>3</sup> Kim Lersch and Joe Feagin, "Violent Police-Citizen Encounters: An Analysis of Major Newspaper Accounts," *Critical Sociology*, 22, 2 (1996), 29–50.

<sup>4</sup> Wilfredo Cruz, "Police Brutality in African American and Latino Communities," *Latino Studies*, 6, 3 (1995), 30–47.

<sup>5</sup> James Fyfe, "Police/Citizen Violence Reduction Project," *The FBI Law Enforcement Bulletin*, 58, 5 (1989), 18–23.

<sup>6</sup> Dority, 5–7. Malcolm Holmes, "Minority Threat and Police Brutality: Determinants of Civil Rights Criminal Complaints in U.S. Municipalities," *Criminology*, 38, 2 (2000), 343–68. Lersch and Feagin, 29–50.

During the last thirty years a number of social scientists have demonstrated growing interest in the geography of crime. According to Georges, the geography of crime involves methods and theoretical foundations that make this research specialization unique.<sup>7</sup> Where sociologists and criminologists focus mostly on other patterns, geographers examine spatial patterns of crime. Although some criminologists have recognized spatial distributions of crime, the field has only recently enjoyed the fruits of sophisticated geographic analyses that permit theoretical and applied development. Rape, burglary, robbery, murder, and assault are among the offenses most commonly studied by social scientists interested in spatial analyses of crime. Missing from that list is excessive use of force and abuse of power by law enforcement officers. Police brutality is against the law, and those who commit such activity are subject to civil suit, if not criminal charges.<sup>8</sup> Nevertheless, crime geographers overlook police offenses, despite the possibility of important geographic patterns reflective of varying socio-historic conditions.

During the nineteenth century, government officials and researchers used crime maps to study violence. Such maps demonstrated uneven crime patterns across European regions, and cartographers in France and the United Kingdom were particularly active in these early crime-mapping efforts.<sup>9</sup> Since then, crime geographers employed advanced spatial statistics and techniques to examine spatial dynamics of various illegal acts. Different offenses occur at national or regional levels in diverse spatial arrangements. Violent and property crimes, for example, tend to exhibit more or less pronounced regional concentration, particularly in urban rather than rural areas, and in different metropolitan zones.<sup>10</sup> Sociologists note higher levels of violence in the U.S. southern and western regions, and some posit a regional "subculture of violence." Even sub-categories of crime draw attention. For example, LeBeau compares geographic patterns exhibited by different types of rape.<sup>11</sup> This study demonstrates the geographic differences over five years between serial rape, single-incident rape, and rape cases that had not been solved.

<sup>7</sup> D. E. Georges, *The Geography of Crime and Violence: A Spatial and Ecological Perspective* (Washington, DC: Association of American Geographers, 1978), 2.

<sup>8</sup> Rita Maran, "International Human Rights in the U.S.: A Critique," *Social Justice*, 26, 1 (1999), 49–71.

<sup>9</sup> David Herbert, *The Geography of Urban Crime* (London: Longman), 1982. Philip D. Phillips, "A Prologue to the Geography of Crime," *Proceedings of the Association of American Geographers*, 4 (1972), 86–91.

<sup>10</sup> Keith D. Harries, *The Geography of Crime and Justice* (New York: McGraw-Hill, 1974).

<sup>11</sup> James LeBeau, 1987, "The Journey to Rape: Geographic Distance and the Rapist's Methods of Approaching the Victim," *Journal of Police Science Administration*, 15, 2 (1987), 129–36.

Similar studies appear consistently in various academic journals, and geographers from different academic and research institutions in the United States recently published a comprehensive atlas of crime.<sup>12</sup> Furthermore, several national groups of crime analysts meet periodically to discuss developments in automated crime mapping methods and techniques. Perhaps the culmination of crime geography, at least to this point, is the Crime Mapping Research Center, established in 1997 by the National Institute of Justice with the idea of promoting and disseminating automated cartography technologies for the spatial analysis of crime.

While the geography of crime continues gaining attention in national and international academic forums, some types of offenses are mostly ignored in the analysis of spatial dynamics of crime, law enforcement misconduct chief among the omissions. While the criminal justice system (in whole or in parts) is scrutinized intensely by many social scientists, rarely noted in such analyses is that law enforcement, like much of the criminal justice system, operates through the concept of jurisdiction. Law enforcement operations vary from one jurisdiction to the next, and across different regions as well. Bass describes policing activities as “essentially a spatially deployed public service.”<sup>13</sup> Thus, it is necessary to investigate geographic patterns in police malpractice and the factors associated with them.

Before discussing the data used in this study, let us delineate the concept of “police malpractice.” Lersch and Feagin use the term to describe police corruption and violent encounters between citizens and law enforcement agents.<sup>14</sup> As such, it is a general “umbrella” concept that captures a range of official indiscretion. Police brutality seems to have drawn much of the attention, but “brutality” is a specific extra-legal mechanism of control and subordination that includes any offense involving physical abuse, excessive physical force, verbal and psychological abuse, and violation of civil rights.<sup>15</sup> Clearly, police brutality is one aspect of police malpractice.

## LAW ENFORCEMENT MISCONDUCT DATA

Every year federal and local government agencies release annual reports about the occurrence of a variety of crimes. The FBI's Uniform Crime Report is among the most important sources of information about crime.

<sup>12</sup> Borden Dent, Linda Turnbull, and Elaine Hendrix, eds., *Atlas of Crime: Mapping the Criminal Landscape* (Phoenix, AZ: Oryx Press, 2000).

<sup>13</sup> Sandra Bass, “Policing Space, Policing Race: Social Control Imperatives and Police Discretionary Decisions,” *Social Justice*, 28, 1 (2001), 156–76.

<sup>14</sup> Lersch and Feagin, 29–50. <sup>15</sup> Holmes, 343–68. Lersch and Feagin, 29–50.

However, this annual publication does not include data regarding police misconduct. The present study capitalizes on information provided by the Civil Rights Division of the U.S. Department of Justice (USDOJ). This agency maintains data on misconduct trials heard in the Federal courts of the nation's judicial districts, and the cases are easily grouped by states, which permit analyses of interstate dimensions of the problem. This agency graciously shared summaries of cases tried in Federal court by U.S. Attorneys from 1989 until May 1999 that involved law enforcement officials from all 50 states and federal agencies.

Variations in the national distribution of police malpractice incidents are examined using summaries of cases tried in Federal court dealing with abusive practices, and other illegal acts committed by members of the law enforcement community. Important information was extracted from the listing of official misconduct cases, including the case name; the outcome of the case; the judicial district where the case was filed; the date when charges were filed; the operational jurisdiction of the officer; and the name of the community served by the implicated law enforcement agency. It is therefore possible to determine the number of convictions by state as well as the number of cases awaiting a verdict. Additionally, important information regarding the officers responsible for the crimes is included in these reports. For example, the summaries mention whether the agents charged with misconduct are local or federal police, the type of crime committed, and basic information on the agency they represent.

Rates were calculated using state law enforcement personnel statistics provided by the FBI in their annual crime reports. Furthermore, information collected by the Bureau of Justice Statistics regarding the number of active federal law enforcement officers during the 1990s was used. The two sources of information dealing with law enforcement personnel were combined in order to produce a rate that takes into account the three branches of law enforcement: the federal, state (highway patrols, corrections, and state detectives), and local police (county and city police) departments. Table 1 presents a list of states with the highest rates of misconduct cases, whereas Table 2 presents a list of states with the highest rates of agent convictions and accusations for federal and state agency levels.

The data include a substantial number of cases from areas that are not necessarily urban, but are seriously affected by police malpractice: 30 percent involved departments outside urban areas. The majority of states have well represented listing of incidents occurring in metropolitan and rural regions. Additionally, federal, county-level, state, city, and correctional police appear in the data, but civilian (non-officers) law enforcement personnel, prosecutors,

Table 1. *States with the highest rates (per 10,000) of agents tried on misconduct charges, with selected specific offenses*<sup>16</sup>

Top Ten States for Specific Official Misconduct Cases  
(the number of cases tried in court per 10,000 agents)

BASED ON CASE ABSTRACTS PROVIDED BY THE US DEPARTMENT OF JUSTICE (INFORMATION FROM 1989–MAY 31, 1999)

State	Misconduct cases*	State	Assault cases
Mississippi	26.37	Mississippi	20.72
Rhode Island	20.40	Rhode Island	16.32
South Dakota	15.31	Hawaii	12.24
Arkansas	13.21	Louisiana	11.78
Louisiana	12.40	Arkansas	11.32
Hawaii	12.24	South Dakota	7.66
West Virginia	9.06	Tennessee	7.23
Kentucky	8.95	Alabama	6.87
Oklahoma	8.09	Oklahoma	6.74
Tennessee	8.03	West Virginia	6.04

State	Cases dealing with sex offenses	State	Corruption cases
South Dakota	7.66	Rhode Island	8.16
Connecticut	4.86	Oklahoma	5.40
West Virginia	3.02	Mississippi	3.77
Arizona	2.53	Louisiana	3.72
Arkansas	1.89	New York	3.31
Mississippi	1.88	Kentucky	2.56
Kansas	1.51	Tennessee	2.41
Oklahoma	1.35	New Jersey	1.99
Kentucky	1.28	Illinois	1.64
Washington	0.99	Pennsylvania	1.53

\* This category includes cases dealing with assault, sex offenses, corruption, and other crimes combined.

and judges were excluded from this study (this was the only criterion of exclusion), although some USDOJ case summaries included such individuals as police malpractice perpetrators. Thus, the data analyzed here deal with sworn law enforcement personnel serving the federal, state, and local branches of government.

Despite the fact that the information obtained from the USDOJ has limitations (as do all crime-related data), it suffers from less bias than do

<sup>16</sup> U.S. Department of Justice, Civil Rights Division. File 99-0379 (4-245). Freedom of Information/Privacy Acts Branch. Washington, D.C.

Table 2. *States with the highest rates (per 10,000) of agents convicted and accused of misconduct charges*<sup>17</sup>

Top Ten States for Agents Convicted and Accused

BASED ON CASE ABSTRACTS PROVIDED BY THE US DEPARTMENT OF JUSTICE (INFORMATION FROM 1989–MAY 31, 1999)

State	Agents convicted	State	Federal agents accused of misconduct	State	State and local agents accused of misconduct
Mississippi	26.37	Oklahoma	99.62	Rhode Island	21.30
Hawaii	18.37	Louisiana	26.56	Mississippi	18.10
Rhode Island	16.32	Arizona	15.22	South Dakota	17.44
Louisiana	11.78	California	14.36	Hawaii	14.49
Arkansas	11.32	Michigan	13.91	Louisiana	12.67
Pennsylvania	10.35	Kentucky	11.64	West Virginia	10.47
Kentucky	10.23	Virginia	11.02	Kentucky	10.06
Tennessee	9.64	Colorado	7.43	Alabama	8.48
Oklahoma	9.44	Texas	3.25	Pennsylvania	7.76
West Virginia	6.04	New York	3.02	Ohio	7.45

previous analyses relying on newspaper articles. For example, Lersch and Feagin use national and regional newspapers to investigate trends of police malpractice, and they recognize the “skew in the data toward the larger cities.”<sup>18</sup> Consequently, the authors warn of bias in coverage by major newspapers. Furthermore, interests of media producers do not provide accurate accounts of events, especially where matters of crime and justice are concerned. Journalists rely on court and police officials for most of their information regarding crime, so journalists’ accounts may well reflect the interests of these institutions as (if not more) readily as the accounts uncover official malpractice. The USDOJ data might exhibit similar bias. However, representatives of this organization are presumably better able to distinguish abusive illegal behavior from aggressive but legal crime-prevention tactics, free of interests served by journalists and their relations with sources.

More important is the matter of prosecutorial discretion, since prosecutors’ decisions to press charges affect variation in the number of cases appearing in the present data. While we recognize that high levels of “police malpractice” may in fact reflect more vigorous prosecution, the present data are preferable to media accounts. Moreover, all official sources of information about crime risk confusing offense quantities with vigor in citizen reporting, patrolling, prosecution, and/or sentencing, which has not stopped

<sup>17</sup> U.S. Department of Justice, Civil Rights Division. File 99-0379 (4-245). Freedom of Information/Privacy Acts Branch. Washington, D.C. <sup>18</sup> Lersch and Feagin, 29–50.

criminologists from examining common street crime. We are confident that reliance on present data is no more problematic than, say, official police tallies of domestic violence, rape, and crimes against property, all of which are vastly underreported. According to Holmes, the USDOJ pursues cases of sufficient substance and strong evidence, and the agency's data validly indicate patterns of relatively serious malpractice.<sup>19</sup> On the other hand, alternative sources of information, such as newspapers, have been known to report complaints of anecdotal nature that are not sustainable in court. Ultimately, we acknowledge that other sources of information are sorely needed to circumvent such methodological difficulty.

### MAPPING POLICE MISCONDUCT

Most extant studies of police brutality are non-geographic, with little information on U.S. cross-state differences. Fogelson asserts that police brutality during the 1960s was not a regional problem, but recognizes that it was "more common in the south."<sup>20</sup> He also believes that public reaction by affected communities was "more explosive in the north." Although maps presented in this paper demonstrate that the problem is serious in the south, the 1990s media focused on police brutality incidents in the most populated states of the nation, California and New York (Fig. 1a). Clearly, police misconduct is pronounced in parts of the nation outside the most populous states.

Such geographic patterns have important implications for policing.<sup>21</sup> National patterns of police malpractice indicate regions and states that might benefit from intensive training of various kinds for local, county, and state-level officers. Fyfe suggests that program training designed to improve police-community relations lead to the peaceful resolution of potentially violent situations, and he points out that officers trained in this way respond to reported crimes in progress more calmly than do untrained officers.<sup>22</sup> Moreover, depending on the nature of police misconduct and its geographic concentration, cultural sensitivity training, anti-harassment programming, and other efforts to reduce police malpractice might be geographically targeted to problem areas.

<sup>19</sup> Holmes, 343–68.

<sup>20</sup> Robert M. Fogelson, "From Resentment to Confrontation: The Police, the Negroes, and the Outbreak of the Nineteen-Sixties Riots," *Political Science Quarterly*, 83, 2 (1968), 223.

<sup>21</sup> Holmes, 343–68.

<sup>22</sup> James Fyfe, "Police/Citizen Violence Reduction Project," *The FBI Law Enforcement Bulletin*, 58, 5 (1989), 18–23.



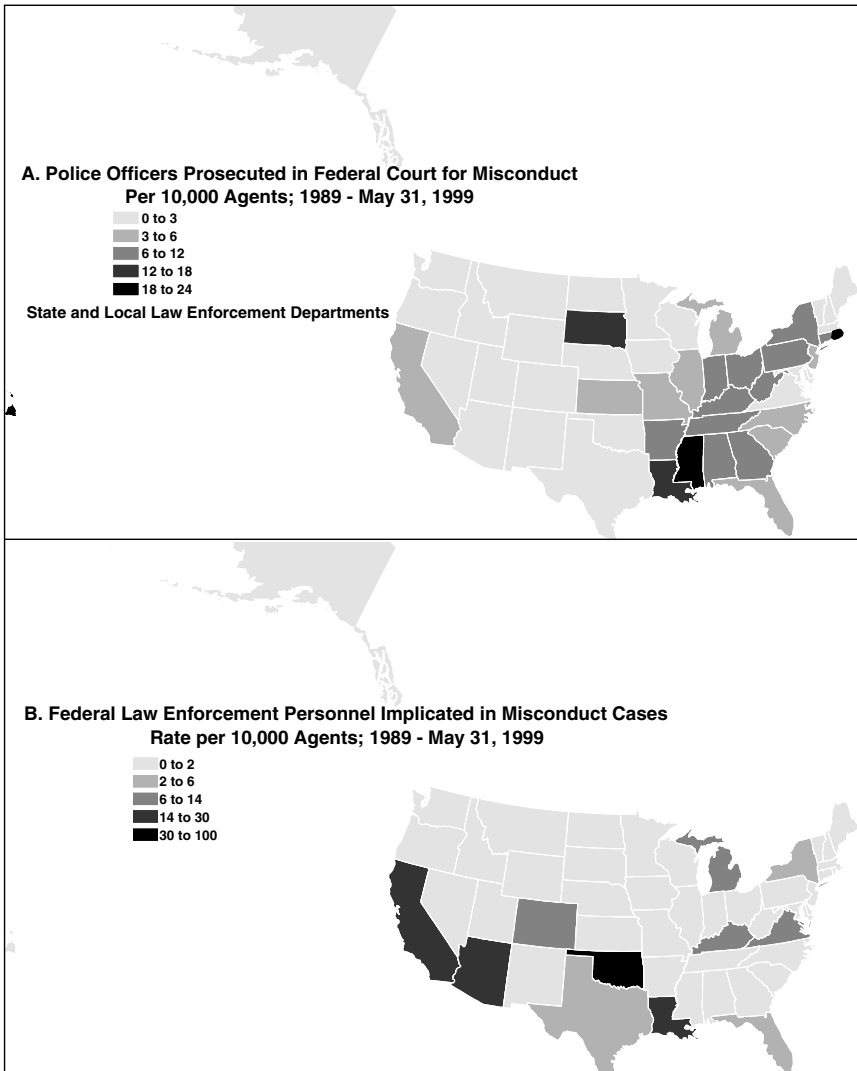


Figure 1. (A) Police malpractice is considered a widespread and persistent problem in much of the United States; (B) Oklahoma, Louisiana, Arizona, and California were among the top ten states with the highest rates of federal agents accused of misconduct.

### MINORITY POPULATION AS A FACTOR FOR POLICE MISCONDUCT

Some states experiencing high levels of police misconduct and brutality have large communities of racial/ethnic minority groups. According to Cruz,

young African Americans and Latino males are seen by police officers as potential criminals, and without probable cause “they are constantly stopped, frisked, and harassed by cops.”<sup>23</sup> Tensions between peoples of color and the police flare in many states as a result of historical and/or recent patterns of abuses directed at racial minorities. Bass recognizes the concerns over the matter:

The tenuous and often contentious relationship between racial minorities and the police is a perennial concern of scholars, policymakers, and the public.<sup>24</sup>

The perceptions and attitudes held by law enforcement personnel about racial/ethnic minority groups affect police treatment of minority communities. As Bass notes, “the record shows that racial minorities have historically been viewed as objects of law enforcement and social control rather than as citizens entitled to civil protections.”<sup>25</sup> If law enforcement personnel view racial/ethnic groups as suspicious populations, and hence believe that vigilant control over them is justified, police malpractice that victimizes members of such groups should surprise no one. If racial epithets circulate among police officers without reprisal, callous treatment of diverse populations will persist. However, callous attitudes and perceptions are difficult to document, and modern racism creeps in subtle fashion. For example, the controversial policy of racial profiling may be more geographically than racially fueled. African Americans are likely to be stopped in “high crime” areas because they reside disproportionately in such areas. Alternatively, profiles are perhaps most operative when African Americans drive in predominantly white neighborhoods. Regardless, when law enforcement agencies fail to prohibit racial profiling as a matter of department policy, it might convey that the agency condones the controversial practice, regardless of whether patrol officers do or do not. Ultimately, too many in the law enforcement community experience difficulty grasping and/or appreciating racial and ethnic sensitivities.

The majority of states exhibiting high rates of federal agents accused of official misconduct are areal units with high minority populations or border zones with high levels of illegal immigration. Violent confrontations between federal law enforcement officials and Hispanics are pronounced in these areas. Race and ethnic background are salient elements in some of the most notorious incidents of police violence, such as the 1999 killing of an unarmed African immigrant by four white New York City agents, or the 1997 police

<sup>23</sup> Cruz, 40.

<sup>24</sup> Bass, 156.

<sup>25</sup> Bass, 161.

torture of Haitian immigrant Abner Louima.<sup>26</sup> The history of police relations with racial minorities over the past 150 years is marked by “aggressive domination and violence”.<sup>27</sup> Previous research on police malpractice indicates that minorities are targeted and victimized disproportionately by police when officers engage in abusive practices, and many victims are economically marginalized, with little or no knowledge of how to lodge complaints.<sup>28</sup>

Similarly, many illegal immigrants (and citizens in conflict with law) who are victimized by law enforcement officers fear reporting the crime due to possible undesired outcomes. During the early 1970s the U.S. Civil Rights Commission found widespread police misconduct against Mexican Americans in the Southwest between the 1960s and early 1970s.<sup>29</sup> More recently, Arizona, California, and Texas are among the states with the highest rates of federal agents accused of misconduct (Fig. 1b), thus abusive police practices by federal agents persist in the American Southwest. The rate per 10,000 officers for Arizona and California, are 15.22 and 14.36 respectively (Table 2). It is important to note the possibility that this pattern is more pronounced than reported, since barriers keep some illegal immigrants and foreign migratory workers from complaining formally about abuses. Holmes’ study of police brutality suggests that Southwestern Hispanics are targets of abusive crime control strategies.<sup>30</sup> Using multivariate statistical techniques to study police malpractice in various cities of the U.S., he finds a positive relationship between the size of the Hispanic population and the number of civil rights complaints in the Southwest.

Figure 2a presents the number of cases tried in court per 10,000 police officers (federal and local agents) and reflects a pattern concordant with regional concentration of minority groups. A substantial number of cases reflected in this map involve African American victims. For example, Mississippi and Louisiana are among the states exhibiting higher rates of misconduct cases, and both states’ racial compositions comprise more than 25% of their total population as African Americans. Tennessee and Arkansas are also among the states with high levels of police brutality and African American population clusters.

According to Leitzel, “black people, particularly young black males, tend to have much worse experiences with police than do white Americans.”<sup>31</sup> Holmes reviews studies conducted during the 1950’s on police violence, and finds that police treated African Americans aggressively with impunity due

<sup>26</sup> Jim Leitzel, “Race and Policing,” *Society*, 38, 3 (2001), 38–42.

<sup>27</sup> Lersch and Feagin, 31.

<sup>28</sup> Fogelson, 217–47. Holmes, 343–68.

<sup>29</sup> Cruz, 30–47. Holmes, 343–68.

<sup>30</sup> Holmes, 343–68.

<sup>31</sup> Leitzel, 38.

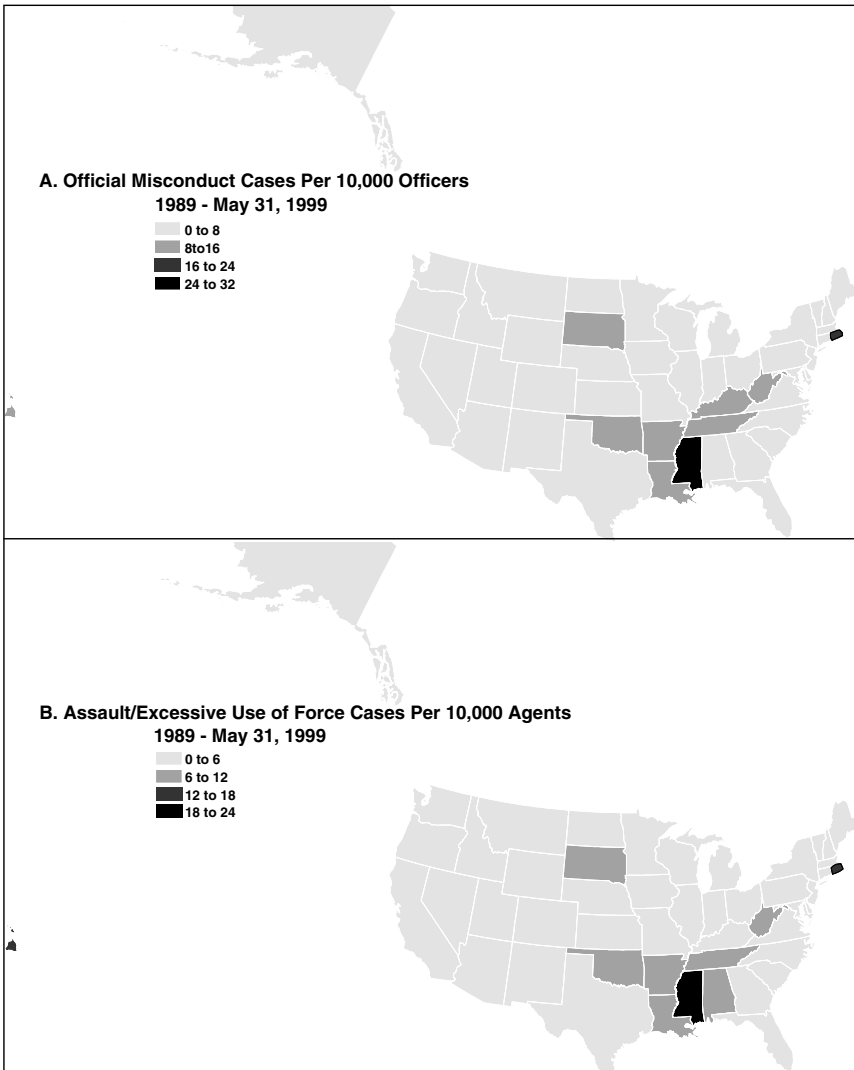


Figure 2. (A) The number of cases tried in court per 10,000 police officers includes federal and local agents; (B) regional patterns of police brutality can be linked to states with significant African American clusters and minorities.

to African Americans' lack of political power in that era.<sup>32</sup> Cruz maintains that police still “feel they have to use force to gain respect” from African Americans, and that whites who “complain of police brutality are usually

<sup>32</sup> Holmes, 343–68.

poor.”<sup>33</sup> Some of the states exhibiting high incidence of police misconduct cases but small minority populations are among the poorest in the nation. Specifically, West Virginia and Kentucky police misconduct rates are high, and poverty is intense and pervasive in many state counties. Similarly, South Dakota has the highest rates of police malpractice cases in the North, and some of the poorest counties are located in Native American reservations. A substantial portion of the South Dakota cases examined for this study involved Native Americans.

The map exhibiting cases of assault and excessive use of force (Fig. 2b) indicates regional patterns that link police violence with significant African American population clusters and poor communities.

There is considerable debate among criminologists regarding the causes of police violence. Fogelson notes that areas characterized by tense law enforcement-minority relations and high levels of police brutality are also zones where minority communities are perceived as dangerous places.<sup>34</sup> Criminologists offer “danger-perception theory,” proposing a positive relationship between deadly force and the danger experienced or perceived by police.<sup>35</sup> Unfortunately, the criminological adage that intensified control inadvertently produces more crime and deviance applies. Before discussing “danger-perception theory,” it is important to note that most measures of variables that bear on the matter cannot distinguish objective from perceptual danger, for street crime rates presumably increase with the vigor of patrol practices, which likely depend on perceptions of chaos and danger.

Fear by police has been shown to affect their interactions with minority groups. Historically, a great deal of apprehension and xenophobia was critical in the development of informal slave policing mechanisms during the American colonial period that were violent and coercive.<sup>36</sup> For modern policing, Cruz agrees with analysts who conclude that the dangers of policing are overstated.<sup>37</sup> For example, in the hundreds of thousands of annual police-civilian interactions, law enforcement agents are not usually in very dangerous situations. The Metro-Dade Police Department and the Police Foundation were involved in a police/citizen violence reduction project, finding that only 1 in 1,051 motorists attacked police physically during routine traffic stops.<sup>38</sup>

<sup>33</sup> Cruz, 41.

<sup>34</sup> Fogelson, 225.

<sup>35</sup> John MacDonald, R. Kaminski, G. Alpert, and A. Tennenbaum, “The Temporal Relationship Between Police Killings of Civilians and Criminal Homicide: A Refined Version of the Danger Perception Theory,” *Crime and Delinquency*, 47, 2 (2001), 155–72.

<sup>36</sup> Bass, 156–76.

<sup>37</sup> Cruz, 30–47.

<sup>38</sup> Fyfe, 18–23.

Danger-perception theory has been advanced as an explanation for police killings.<sup>39</sup> If this model applies to individual-level interactions where particular officers act on their perceptions of danger, it is unclear how such a model accounts for aggregate rates, such as the patterns reported in the present paper. Advocates perhaps account for high levels of police malpractice in the South by noting greater danger for officers there. However, we examined data on all law enforcement officers who were killed in the 1990s in order to assess the dangers of policing southern states. The rates of police officers killed in the line of duty in criminal acts were calculated, and southern states represent half of the top ten of this list. However, Alaska leads the nation with a rate of 53 deaths per 10,000 officers, and other northern states (Montana, New Hampshire, and North Dakota) are among the top ten. These states never exhibited a high number of federal court cases dealing with police misconduct. Overall, the South is not exclusively the most dangerous region for law enforcement if we take into account the fact that more officers have been killed feloniously in the nation's East Coast, the Great Lakes region, and California. The most problematic states in terms of police abuse (see Table 1) demonstrate that levels of malpractice in the northeastern are not as high as in many southern states.

It is important to note that the data used for these comparisons were acquired from the Officer Down Memorial Group, and state-level law enforcement personnel information provided by the FBI in their annual uniform crime reports.<sup>40</sup> Although the Officer Down Memorial Page organization includes accidental deaths in their database, these cases were excluded from our analysis. Homicides by vehicular assault, non-accidental gunfire, stabbing, and bombs, were the casualties examined here.

Fogelson argues that some officers regard excessive force a special weapon in battling crime.<sup>41</sup> Nonetheless, police brutality rates are high in places where violent crime is not. For example, Mississippi disappeared from the list of states with high violent crime rates after the 1940s, but the state ranks high in the present analyses of police criminal behavior.<sup>42</sup> Several other southern states fail to exhibit a positive association between high street crime and police misconduct (South Carolina exhibits high crime rates, but relatively low police misconduct rates). Louisiana is the only southern state that exhibits consistently high rates of official misconduct and high violent crime rates, but this state occupies the twenty-fifth position in the ranking

<sup>39</sup> MacDonald, et al., 169.

<sup>40</sup> The Officer Down Memorial Page, *Line of Duty Deaths* (Oakton, VA: ODMP, Inc., 2001).

<sup>41</sup> Fogelson, 226.

<sup>42</sup> Dent, Hendrix, and Turnbull, 3.

of states' rates of police officers killed in the line of duty. On the other hand, sparsely populated northern states like Wyoming and Montana reported higher mortality, 16 and 27 officers killed per 10,000 agents, respectively.

Turning to another possible explanation for police misconduct, African Americans and Hispanics in the American South and Southwest are considered threatening people in conservative sectors, and social scientists propose that the relative size of the nonwhite population predicts the use of abusive mechanisms of crime control. From 1920 through 1932 Caucasian policemen killed 54 percent of the 749 African Americans killed by whites in the South.<sup>43</sup> According to Holmes, the perception of threat linked with the presence of blacks leads to greater crime control efforts that in some cases end in homicide.<sup>44</sup> Although studies that investigate minority threat and police violence examine data at the city level, there is no reason to believe that similar patterns are absent in larger units of aggregation.

In fact, various social scientists posit a "southern subculture of violence," highlighted by tolerance of corporal punishment, high rates of gun ownership, an exaggerated sense of honor, and collective xenophobia, among other cultural patterns, that heighten incidence of violence. However, there is much debate about this phenomenon, and some doubt the theory's validity. According to Harries, this idea of a southern subculture of violence "has not been accepted uncritically and the credibility of the construct has steadily eroded since it was first advocated."<sup>45</sup> Historically, Lersch and Feagin assert, "in order for the slave population to be adequately subordinated and controlled, all white males were given the right to stop, question, and apprehend any black person" with methods that perpetuated the negative, often criminalized, portrayal of African Americans.<sup>46</sup> Under the slave regime, the white population lived with constant anxiety over slave insurrection, and fear was most pronounced where the African population equaled or surpassed the size of the master class. For this reason, slave patrols were authorized to physically punish slaves that violated movement regulations.<sup>47</sup>

Clearly, such a cultural milieu approximates not only a "southern subculture of violence," but the group threat hypothesis as well. Unfortunately, many parts of the U.S. might experience a similar climate of threat and anxiety over increasing and/or already substantial proportions of non-whites in the local population. This uneasiness might translate into amplified perceptions of risk not only among police, but in the broader socio-political

<sup>43</sup> Lersch and Feagin, 31.

<sup>44</sup> Holmes, 343–68.

<sup>45</sup> Harries, 84.

<sup>46</sup> Lersch and Feagin, 31.

<sup>47</sup> Bass, 156–76.

climate as well. In the end, minority groups bear the brunt of whatever reactive measures are instituted to reduce perceived risk, be they intensified monitoring and scrutiny by the government, punitive crime policies, or callous attitudes and “hair-triggers” among law enforcement ranks.

The majority of the maps presented here demonstrate that states with marginal or no occurrence of police malpractice cases are also the political units of the nation with the lowest percentage of Blacks and Hispanics. A substantial number of the cases examined before the mapping part of this study shown that minorities are the victims of abuse. This situation concurs with the Lersch and Feagin findings, which reveal that the overwhelming majority of police brutality victims are African-Americans, and whites rarely experience this type of abuse.<sup>48</sup>

### GENDER AND POLICE BRUTALITY

Women are not immune to law enforcement misconduct and brutality.<sup>49</sup> Figure 3a demonstrates that the number of female victims of police brutality is higher in southern states and in some states of the Great Plains Region. Cruz reviews cases in southern California where Hispanic women were patted down “in inappropriate and sexual manners” by male officers. Moreover, although Mississippi does not appear to exhibit high levels of abuse of females, there is cause for concern a considerable amount of gender information for the State of Mississippi is missing from the USDOJ case summaries. It is possible that Mississippi has considerable numbers of female victims of police brutality. Many of the case summaries and trial descriptions describe incidents where sexual abuse took place, which is odd considering that this state ranks sixth in terms rates of police brutality involving sex offenses (see Table 1).

In many parts of the United States, female prisoners are reported to suffer frequent sexual abuse perpetrated by male guards.<sup>50</sup> Law enforcement personnel working exclusively inside prisons are not alone. Gender is a factor that affects the occurrence of police malpractice outside correctional facilities. The Police/Citizen Violence Reduction project in southern Florida found that compared to female officers, male agents are four times more likely to stop female traffic violators.<sup>51</sup> As with minority groups, female citizens can be vulnerable to police misconduct.

<sup>48</sup> Lersch and Feagin, 29–50.

<sup>49</sup> Cruz, 40.

<sup>50</sup> Maran, 49–71.

<sup>51</sup> Fyfe, 18–23.



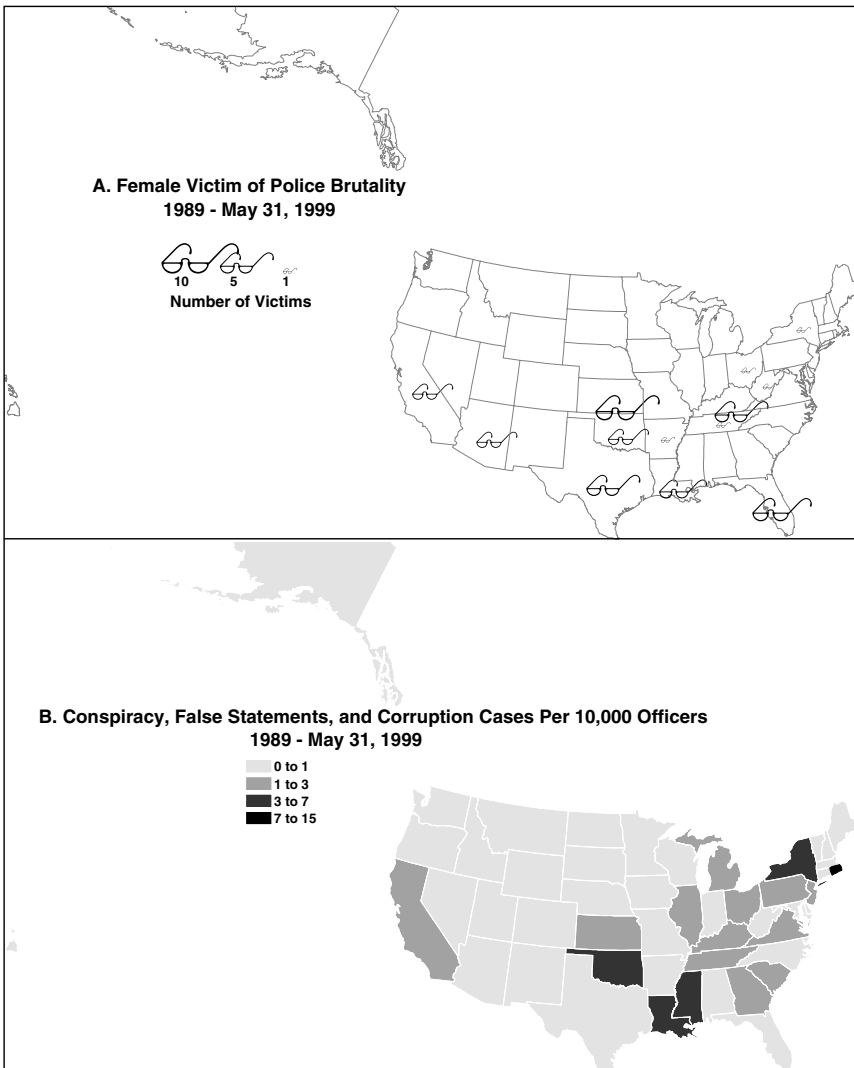


Figure 3. (A) The number of female victims of police brutality is higher in southern states and in some of the states of the Great Plains region; (B) conspiracy, false statements made by federal and state law enforcement, and local police corruption.

### PERPETUATION OF THE PROBLEM: POLICE CORRUPTION

Conspiracy, false statements made by federal and state police, and law enforcement corruption cases are also examined. As in previous maps, the map showing police corruption case rates per 10,000 agents (Fig. 3b) also

demonstrates a cluster of southern states reporting high occurrence of official misconduct. Dix provides a good assessment of police misconduct in the United States, and he briefly focuses on Louisiana, which exhibits a rate (per 10,000 agents) of 3.72.<sup>52</sup> However, the map indicates that the northeast, and the state of Rhode Island in particular, experience the highest police corruption rates in the nation. Rhode Island exhibits a rate of 8.16 cases tried in court per 10,000 agents. New York occupies the fifth position with a rate of 3.31, and Pennsylvania also appears in the top ten. According to Dix, some police officers in New York City protected drug dealers, participated in robberies, and falsified documents, and in Philadelphia police framed over 1,000 people, planting drugs on many victims. Cruz believes that this type of criminal behavior is difficult to prevent because agents “through their code of silence refuse to police themselves” and “disciplining police for abusing citizens is a low priority for many police departments.”<sup>53</sup>

Rhode Island is developing a notorious record with consistently high rates of police misconduct and corruption. Local governments characterized by ethical problems, codes of silence, and tolerance for abuses of power are pervasive. According to an article on government corruption in *The Economist*, Rhode Island “has a reputation way beyond its size for mob ties and corruption.”<sup>54</sup> Mayors and other government officials have been prosecuted for serious acts of unethical and immoral conduct. In the early 1990s, the USDOJ prepared a report concerning complaints against local police agencies. Out of the four New England cities cited with leading rates of complaints, three city police departments were in Rhode Island (Skolnick and Fyfe 1993).<sup>55</sup> The present data indicate that assault, a high number of agents convicted, and corruption are categories in Tables 1 and 2 demonstrating that Rhode Island is a flashpoint of concern. The state police of “the historic smallest of the forty-eight” is also in the top position of a list of six controversial state agencies. This USDOJ list concerns the rate of misconduct complaints per 1,000 officers during the late 1980s. New Jersey, New York, California, Texas, and South Carolina are included on this table in which Rhode Island leads.

## CONCLUSIONS

Variations in police brutality and law enforcement misconduct have been examined at a national level using information on the fifty U.S. states. While

<sup>52</sup> Carl Dix, “Police Violence: Rising Epidemic/Raising Resistance,” *The Black Scholar*, 27, 1, (1997), 59.

<sup>53</sup> Cruz, 42.

<sup>54</sup> *The Economist*. “Enough is Enough.” *The Economist* [London], 18 July 1992, 28.

<sup>55</sup> Jerome Skolnick, and James Fyfe, *Above the Law: Police and the Excessive Use of Force*. (New York: The Free Press, 1993.)

the media has emphasized the problem in the nation's most populous states, information provided by the USDOJ demonstrates a different reality. The situation is alarming in states with significant minority and poor communities, Rhode Island, and the south. Police officers' perceptions of racial minority groups are suggested in the literature as an influential factor in regional patterns of official misconduct. Activity-monitoring, "coercion of subordinate racial groups," and individuals perceived as "threats to the dominant white" population are central to crime prevention strategies of modern police forces in the U.S.<sup>56</sup> In addition, certain states' (Rhode Island, Louisiana, and Pennsylvania) local governments appear more tolerant of police corruption.

This study examined geographic patterns in police misconduct at a national level, and found that interstate and regional variation is substantial. While unbiased and accurate data sources are a major obstacle, areas where this problem persists (but that have largely been ignored by social scientists and the media) are identified. We encourage future research on several fronts, all of which call for more detailed examination of this problem.

First, more focused analyses of victims, offenders, and the agencies represented by offenders are needed. Are non-whites victimization rates higher for local or federal agents, and are there regional patterns in such victim-offender combinations?

Second, we recognize that our unit of analysis (states) is inadequate to investigate local police and sheriff departments, which operate in smaller jurisdictions. For that reason, research needs to examine local police agencies in more detail to determine whether patterns by city or county correspond to state and regional patterns. Dramatic variation across the smaller units is a certainty, but is obviously masked by our level of aggregation. Having acknowledged this, let us be clear that we discourage the typical "case study" approach that plagues so much extant research on the criminal justice system. Too often, troubling patterns are found in one county or jurisdiction, but not in another, thus studies purporting to examine encompassing problems are suggestive at best, misleading at worst. We advocate comprehensive analyses of all counties or cities within a state or group of states, because hodge-podge snap-shots of isolated jurisdictions simply do not permit definitive conclusions.

Third, we advocate detailed analyses of police misconduct over time. Longitudinal research is particularly useful in isolating theoretic models and processes. For example, Hispanics are the fastest growing minority group

<sup>56</sup> Lersch and Feagin, 31.

across the country (although probably not in all local areas). If police misconduct increases with an increase in the Hispanic population, and decreases with a decrease in that population, we can be more confident about the group threat hypothesis. Similar temporal analyses are possible in examining the association between police misconduct and officer slayings.

Regional variations in police misconduct have important implications. Detailed information on cases of police abuse is crucial in improving our understanding of crimes that have been largely ignored by crime geographers and regional social scientists. Minimizing or ignoring police malpractice represents a serious risk and failure on the part of law enforcement institutions, particularly in the problematic states identified in this study. Relations between police organizations and the communities they serve are often tense, if not outright explosive, and police indifference only fuels the fire. The same is true of police resistance to evaluative efforts by community members, journalists, policy-makers, legislatures, and researchers. Police agencies gain nothing and lose much by indignantly disengaging from those they serve for fear of criticism and reprisal, formal or otherwise. Law enforcement personnel must come to grips with the facts that a badge is not beyond reproach, that they are public servants with enormous responsibilities, and that their accountability extends far beyond fellow officers at the bar, their superiors in the local precinct or headquarters, and one could argue, even beyond their communities.

According to Leitzel, erosion of mutual trust over many years means that sustained attention on the problem and changes in police policy and behavior are required to reduce hostilities.<sup>57</sup> Community members must be active in extending their public servants opportunities to improve their practices and services. This is most easily accomplished in an environment of willful (not forced) collaboration, peace, and serious concern for the betterment of communities.

<sup>57</sup> Leitzel, 38–42.