

LEAA's Research Solicitation: Police Use of Deadly Force

Paul Takagi

I.

JOHN GALLIHER'S ARTICLE ENTITLED "GOVERNMENT RESEARCH FUNDING AND Purchased Virtue: Some Examples from Criminology" (*Crime and Social Justice* 11, 1979: 44–50) touches upon the domination of corporate-liberal ideas and technocratic standards in awarding research contracts. It focuses attention on three mechanisms: the peer review process, the emphasis on positivism and empiricism, and the research focus on the powerless. Although these mechanisms do indeed characterize the control and selection of research projects, Galliher errs in assuming that funding agencies dictate or coerce the nature and method of criminological research and that intellectuals operate as independent critics. The technocrats (in government) and intellectuals in the academy share a common ideological heritage and the domination of liberal ideas and technocratic standards are the operating principles in both arenas. The long-term development and consolidation of these ideas and their contemporary continuities have been analyzed by the Schwendingers (1974).

Although Galliher's piece criticizes the process and the criteria for research funding, the purpose of this article is to examine the different levels of peer review in the shaping of a research solicitation. As Tom Bethell noted (1978), peer review extends far beyond grantsmanship. At the end of the road, there is the referee system for publishing one's articles; at the beginning there are peer review processes that determine what is to be researched. We have in mind the processes that took place in the preparation of the recently issued research solicitation, *Use of Deadly Force by Police Officers* (LEAA, n.d.).

II.

Sometime during the 1977–1978 LEAA funding cycle, perhaps in response to President Carter's campaign promises, LEAA activated plans to involve racial minorities in determining and funding research projects. Along with the increased activities of the Minority Advisory Council on Criminal justice (an

PAUL T. TAKAGI is professor emeritus at the University of California, Berkeley, and a long-time member of the Editorial Board of *Crime and Social Justice*. He thanks Tony Platt and Richard Speigman for their comments and suggestions. *Social Justice* Reprint, originally published in *Crime and Social Justice* 11 (Spring-Summer 1979): 51–61.

LEAA funded council) in commissioning and preparing position papers, some 30 minority criminal justice academics and practitioners along with Gordon Misner and Marvin Wolfgang were invited to a two-day LEAA planning session in Washington, D.C., on March 23–24, 1978. The purpose of the planning session was to obtain minority input in identifying researchable areas on race and crime and to rank order (by popular vote) the areas for potential funding. The very selection process of the participants, based upon color or a record of having conducted research on race and crime, and the mechanism for setting priorities, assured a social problems approach. (Such an approach assumes the problem exists because of misrepresentation, inaccurate information, or too little research. It assumes further that a “correct” analysis can ameliorate, improve, if not eliminate the problem.) An emphasis on social problems has the effect of leaving open (for LEAA to decide) the theoretical perspective and research methods to be employed, as well as defining the problem as a matter of social policy. While it is true that it doesn’t necessarily have to turn out this way, nevertheless the two-day workshop employing a pluralistic model, consisting of participants with varying experiences and persuasions, who for the most part having not conducted research on the topic, arrived at an agreement by common sense rather than by good sense (in Gramsci’s use of the term).

Following the workshop, a task force on minority research was established within LEAA to work on the research topics generated in the March 23–24 meetings. An LEAA memo announcing the formation of the task force defined its functions as follows:

will assist in guiding the Institute’s (NILECJ) program and projects in this area by providing advice and suggestions on identification of issues, design *of* the projects, conduct *of* the research, and interpretation *of* results (April 25, 1978; emphasis added).

The task force met for the first time on April 29 to discuss the potential areas of research on police use of deadly force, which had emerged in the March 23–24 meetings as a high priority item for research. A crucial decision was made by the task force to assign the police use of deadly force project to NILECJ’s Police Division to develop a research solicitation. From LEAA’s standpoint, the decision was based on the logic of LEAA’s organizational structure, that is, studies of prisons and punishment fall into the Corrections Division, evaluation studies fall under the Office of Research and Evaluation, and so on, but placing the project in the Police Division guaranteed that the topic would be narrowly conceived as a police problem rather than a problem of the social structure.

The project monitor from the Police Division prepared a memo for Blair Ewing (the acting director of NILECJ), summarizing her review of the literature and listing the potential areas of research based upon her analysis and the suggestions of the minority task force. Predictably, the areas of research included the “bad apple”

hypothesis, administrative and organizational study or the breakdown of authority or control theory, and policy analysis or the lack of consistency in guidelines (LEAA memo, May 18, 1978). There was, however, the nagging problem of race and racism that had to be dealt with. As the project monitor noted in her memo: "Racism in the administration of justice is well-acknowledged." She cited the study by Harring et al. (1977), which showed that the police-caused death rate for blacks was consistently nine times higher than for whites, and the study by the Police Foundation (1977), which reported: of the 320 shooting incidents, 79% of the victims were black. The issue of race and racism was questioned by the project monitor by planting in the memo Albert Reiss' study in which he stated that "police are more likely to exercise force against members of their own race" (1968).

On July 21, 1978, an LEAA memo announced that the Police Division had scheduled a workshop for October 1978 on the topic of police use of deadly force and that the list of invitees would include Albert Reiss and Egon Bittner.

The original participants in the March 23–24 meetings were intellectuals and criminal justice practitioners—college instructors and representatives of national black organizations, community action groups, private research corporations, and public agencies. Their position centered on the importance of a minority perspective and the issue of race and racism in the criminal justice system. But as Bethell writes: "science is a subservient discipline. What comes first is the sociopolitical wisdom" (1978: 32). Even though the empirical evidence strongly indicated that race was an overriding category in the use of deadly force by the police, science had to be subordinated as LEAA was confronted with the sociopolitical wisdom of granting federal funds to study specifically race and racism in the nation's police departments.

Before continuing our narrative with the scheduled October meeting, we need to describe events that occurred during the 1978 summer months and to review the literature on the black policeman in order to put into historical context Reiss' 1968 study. We also need to review Egon Bittner's work to understand why he was invited to the October meeting. In addition, we need to review a study by Fyfe (1978), which came to the attention of LEAA sometime before the October meeting and was cited by LEAA to support further the notion that race is not a factor in the use of deadly force. The next sections will turn to these matters.

III.

Police use of deadly force became a hot issue in 1978 as CBS-TV's "60 Minutes" taped a show for later viewing and national freelance writers for *Police Magazine* (1978) and *Politics Today* (1978) focused attention on the brutality of the Houston Police Department to develop the thesis of a national phenomenon. NIMH awarded a substantial grant to Lawrence Sherman (of SUNY-Albany) to conduct a study, and the Minority Advisory Council prepared a position paper on the topic (Peirson, 1978). Local defense committees all over the country and national civil

liberties and church-based groups carried on struggles to obtain individual justice, while Northwestern University and the University of Alabama opportunistically scheduled seminars on the topic.

In the meanwhile, two national black police organizations scheduled plenary sessions on police use of deadly force in their forthcoming national conferences. The first of these two conferences, NOBLE (National Organization of Black Law Enforcement Executives), met in St. Louis on June 21–24, 1978. The session on police use of deadly force was widely covered by TV and the newspapers. One of the speakers cited statistics on police-caused deaths of blacks and whites and suggested that police have one trigger finger for blacks and another for whites. A reporter for the *St. Louis Post Dispatch* seized upon these statistics to conduct an investigation of conditions in his own city. In a long feature article, he reported his findings:

Blacks comprise 40 percent of the St. Louis population. Of 28,021 persons taken into custody by the city police last year, 66.5 percent were black. Of 30 persons killed by the St. Louis police officers from 1974 through last year, twenty-six, or 86 percent, were black. All 14 persons fatally wounded by St. Louis police in 1976 and 1977 were black (*St. Louis Post Dispatch*, July 3, 1978).

The other conference was sponsored by NBPA (National Black Police Association), which met in Chicago on August 20–26, 1978. The speakers at the session in Chicago included a representative from PHILCOP (a Philadelphia grass-roots legal organization), Lenox Hinds, a lawyer, and Wallace Davis, a victim of a police shooting incident. A featured speaker at the NBPA conference was Minister Louis Farrakhan, who warned the audience of black policemen that: “Black police officers are hired by whites to keep your brothers and sisters in line. If you’re working to appease the white society, then you’re an enemy and not a friend. Black policemen must bring a black perspective to their jobs or risk being the tool of white oppression... (*Chicago Tribune*, August 24, 1978).

Despite extensive discussion of the topic, no new data or insights emerged. The presentations tended to be chronologies of “horror stories.” Although they served to create moral outrage and perhaps political consciousness, the concepts of race and racism were not extended or explicated. This is not surprising as these professional or interest organizations are not designed primarily for the exchange of scientific ideas. Staff members from NILECJ were present at these conferences, including the program monitor for the deadly force project at St. Louis. She undoubtedly walked away disappointed with the session on police use of deadly force. What escaped her attention was the significance of two police organizations condemning the use of deadly force against black citizens and the import of Minister Farrakhan’s address, which was received with a roar of approval. Although the black policeman today is not a revolutionary, he is

being exposed to the proposition that he become a defender of the rights of black citizens. How and when did this transformation take place?

To answer the question of when the transformation of the black policeman occurred, it is an ongoing dynamic process that arises from the contradictions in his work. For example, in separate hearings in cities in the San Francisco Bay Area, two black police organizations, the Officers for Justice and the Oakland Black Officers Association, brought charges of racism and racial discrimination against their police departments. In a dramatic announcement in the Oakland hearings, a veteran black police sergeant, Calvin Young, angrily told the city's Civil Service Commission that he was leaving the police department "because I'll not spend the next ten years fighting the same people who are pretending the same old problem don't exist" (*Oakland Tribune*, December 8, 1978). Sergeant Young went on to state: "Never have I witnessed so many working so hard to maintain the attitudes of racism in the police department." And across the Bay in San Francisco, newly designated Mayor Dianne Feinstein proposed a settlement of the Officers for Justice's successful lawsuit of racial and sexual discrimination by making a deal with the Police Officers' Association, which is neither a defendant nor a plaintiff in the case. Earl Sanders, president of the Officers for Justice, said the mayor's proposed settlement was a "sweetheart deal" with the white police association (*San Francisco Journal*, January 17, 1979).

The scenario in Oakland and San Francisco is not new or surprising. A history and a body of literature repeatedly tell the same story wherever black police officers have encountered systematic discrimination based on race in promotions, assignments, discipline, and transfer. While job-related discriminations have surfaced in complaints either in administrative hearings or lawsuits, the repressive actions against black police officers have occurred when they have organized to protest the use of excessive police force against black citizens. Nowhere has been more clearly demonstrated than in Chicago against the Afro-American Patrolmen's League and its leaders, Renault Robinson, Howard Saffold, Edward Palmer others, who, in their struggles in the Chicago Police Department, had also carried on a campaign of anti-police brutality (McClory, 1977).

The Afro-American Patrolmen's League was originally founded to end race discrimination in the Chicago Police Department, but in the end, U.S. District Judge Prentice H. Marshall ruled against the city and the police department because "he could not trust the word of their highest officials and their most eminent spokesmen" (*Ibid.*: 191). As McClory writes in his narrative of Renault Robinson's struggles for social justice, the Chicago Police Department had lied, covered up, harassed, and illegally employed police powers to conduct surveillance of the League and its members. The story of repression is actually a conspiracy of the city's highest-ranking official, two different heads of the police department, the technocrats, and lesser-ranking police officials to deny the existence of discriminatory practices, to destroy evidence, and to willfully disobey the orders

of the court. An important issue that emerges from the experiences of black police organizations is why the police departments in the United States have gone to such lengths to deny the existence of discriminatory practices and why, even after race discrimination has been legally demonstrated, high-ranking police officials and mayors of cities refuse to take remedial action.

We obtain some important clues from a study of black police officers conducted by Nicholas Alex (1969). Alex's study is based upon intensive interviews in 1964–65 with 41 black policemen in the New York City Police Department. The study contains insightful statements about the black policeman in the 1960s and the work might well be considered an historical document of the black policeman in transition.

Alex notes early on in the book that one of the major concerns of city governments is to develop and maintain police legitimacy through the mechanism of cooptation. Police legitimacy is important, according to Alex, "to suppress disorder or to quiet internal discord and open hostility upon the functioning of society" (*Ibid.*: 26–27). From this general observation, Alex states that the recruitment of blacks into the police department is a special form of the legitimation process. In Alex's words: "The recruitment of Negroes into the (police) department is not simply opening up jobs to all members of the community, but also a political necessity for pacifying the Negro community and winning the support of its members. The hiring of Negroes for police work, and the appointment of Negroes to higher command posts, is one way of achieving these results" (*Ibid.*: 27). Alex recognizes that there were other forces to recruit blacks into police work, such as the growing political power of the black community and the expansion and contraction of the labor market. But the assignment of black policemen to primarily black neighborhoods in overt and covert activities is an indication of the concern of city governments that black neighborhoods have been traditionally anti-police, on the one hand, and the source of potential urban rebellion on the other.

Alex reports that the majority of his respondents entered police work for job stability and security rather than motivations to pursue a career in civil service, much less a career as a policeman. The respondents were critical of police work and for some the work was intrinsically unsatisfying (*Ibid.*: 33–36). Some 18 respondents did not subscribe to the ideology of police professionalism, and it is in the discussion of police professionalism that Alex uncovers a profound contradiction. Alex writes: "To be a professional policeman, oriented to a police ideology, loyal to a police institution which values formality and values neutral practitioners, is to sacrifice some of his own ethnicity. The problem for him (the black police officer) is how he can function in terms of the ideology of a police professional without neglecting the obligations he may also feel to his race, and the image he wishes to project outside the police department.... When he is subject to what he terms as prejudice within the department, *he has been metaphorically stripped of his uniform and exists only as a Negro*" (*Ibid.*: 68–69, emphasis added). Alex

has captured a crucial experience in the moral career of the black policeman. The fundamental question here is what direction the individual black policeman will take after encountering the sobering fact that he is in the final analysis a black man in a racist organization. We also need to understand his cultural options and the structural supports, if any, for taking this or that decision. It would appear that his assignment primarily to black neighborhoods and observing the brutality against his people, and his own experiences of racism within the police department, interact to transform the black policeman to define for himself what is a "good" versus a "bad" cop. The bad cop is the stereotype of the police in the ghetto, a policeman who is incompetent, insensitive, brutal, and a bigot. The bad cop typifies all those qualities that have contributed to the black community's hatred of the police. It is the very contradiction in police work and the racism that have produced a new kind of black cop.

At the time Alex conducted his study, the only black police organization was the Guardian, an organization many young black policemen shunned. But by the late 1960s, several pop magazines and newspapers were reporting on the emergence of a new breed of black policemen. In a *Reader's Digest* article, Armbuster (1971) observed that blacks, who in the past had been passive and ignored discriminatory practices and police abuse in black neighborhoods, were now beginning to challenge departmental policies. This "new breed" of black police officers insist they are "black men first, policemen second." Armbuster noted that black police organizations are being formed to fight discrimination, reform police practices, and establish links to the black community. *Ebony* magazine (May 1971) similarly noted that an increasing number of black police organizations have been set up to help black officers deal with the contradiction they face and yet retain their black identity and protect the rights of black citizens and officers alike. Two earlier articles appeared in 1969. One reported on the Officers for Justice organization in San Francisco, that it was founded to fight racism and to promote a police department that is honest and compassionate (*The Nation*, October 13, 1969); and *Newsweek* (August 4, 1969) reported that the "new" black cop is a black man who is part of a larger black movement. It reported that in New York and Washington black cops have physically prevented white cops from beating up black prisoners, and in Detroit and Chicago black and white cops have pulled their guns on each other. *Time* magazine (November 11, 1970) reported that black police associations are engaged in changing law enforcement practices in their communities. A major aim of these groups, increasing the numbers of black cops on duty in the ghetto, rests on the argument that black cops perform better, more fairly, and more intelligently than do white police officers. And *Ramparts* (May 1972) carried the theme that a new breed of black cops has emerged over the past few years who are acutely aware of their blackness and who have stopped straddling the fence by firmly aligning themselves with the interests of the black community.

In one way or another, the weeklies and monthlies described an ongoing

revolution in American policing, which the academic journals failed to report. Individual black police organizations introduced changes, albeit incremental, but despite these small changes, the hiring of women police officers and the relaxation of the height and weight requirements that previously screened out other ethnic minorities, must be viewed as revolutionary changes and credited to the efforts of the black police organizations. Put differently, these changes in police hiring practices have been greater than all of the changes from programs in training and education or police reforms since the turn of the 20th century.

Perhaps what is most threatening to high-level city officials and most certainly to heads of police departments is the introduction of a new concept in policing, a concept that was sketched out by Edward Palmer in 1973 and alluded to in the several magazine articles reviewed above. Palmer, a co-founder of the Afro-American Patrolmen's League in Chicago, views the police as a coercive institution, designed to protect the status quo, or the present distribution of wealth and power in the United States. In Palmer's words: "The role of the police in the black community is a direct continuation of the slave overseer...the police are bodies of armed men, who, as a primary function, protect the property of the absentee landlord (white) who lives outside the community" (1973: 26). Palmer calls for a "Black cop," which means to fight against brutality, harassment, intimidation, and murder of black people by the police. Palmer sees the necessity of the black police to mobilize themselves as well as the black community. Following this, Palmer calls for the black police to support community action against police who commit acts of brutality against black people and to protect black people from the white oppressor and from themselves (*Ibid.*: 27).

But in many jurisdictions, the black police have organized themselves primarily to fight job-related discriminatory practices. As evidenced in the hearings conducted in Oakland, a parade of black officers, both men and women, testified on having experienced prejudice and discrimination in the Oakland Police Department. While the heads of city government agreed that the white officers had engaged in low-grade behavior, the incidents were not taken as evidence of racism. This is what prompted Sergeant Young to resign in disgust and anger. Indeed, institutionalized racism, defined as a structured pattern of discrimination based upon race, is difficult to demonstrate. It is equally true that times have changed—complaints or lawsuits successfully argued in the past are no longer deemed valid in a more politically conservative atmosphere.

A great deal has been written on racism, but the literature is not very helpful in clarifying our understanding of racism in the nation's police departments. A theory of racism, we believe, needs to take into account the dialectic of repression and resistance and an analysis of the internal forces that lead to further contradictions. We begin with Marx' twin concepts of substructure and superstructure. Marx was concerned with how human thought (and we could include here racist beliefs) is located in the activity of work (the means of production) and thereby in the social

relations brought about by that work. Put simply, substructure is the human activity of work (in its broadest sense) and the superstructure is the world (the political and juridical systems) produced by that activity. A key concept in Marxist theory is that consciousness emerges from these social relations. The problematic is the reproduction of a consciousness that corresponds with the existence of dominant and subordinate classes. Put differently, the reproduction of the social relations of production is dependent upon the reproduction of a class-differentiated and class-specific consciousness.

Police work in its day-to-day routine covers a wide range of activities, but as Lenin noted, the fundamental rationale of police work is the potential to invoke force and violence when the contradiction of class conflict becomes irreconcilable. The idea of controlling the working class is therefore not only institutionalized in the political and juridical systems (the state) in capitalist society, but is an important component of police consciousness. But we need to recognize that policemen also encounter contradictions by having to invoke force on their class "members" and these are especially heightened when the police themselves find it necessary to organize to resist the increasing attacks upon them in the form of Taylorization of their work. But the prime role of the police is to reproduce the capitalist relations of production when people refuse to accept the pattern of social relations that frames their lives. The continued use of naked force, however, is counterproductive and other means (legitimation) are blended in complex ways to perpetuate and validate the existing social relations.

The contemporary reality of police work in large urban centers is the policing of racial communities, where the hostility toward the police and the demand for police services are greatest. This contradiction can only be understood by an historical analysis of the development of racial ghettos. Racial communities are the products of capital's revolutionizing the instruments of production, which included the concentration of workers in urban centers via immigration and internal migration and then the destruction of these previously created productive forces that led to the emergence of the old and the new ghettos. People of color came to the United States not as free persons, but as slaves, as indentured servants, and as contract laborers. As these particular systems of exploitation gradually disappeared and people entered the competitive labor market, a variety of devices were employed, including coercive force, to limit, and in many instances to deny, human participation in the work process. The history of racial communities is that they have been shaped by racism, deeply rooted in the very structure of capitalist development. Racism became a master concept in the variety of devices initially used to exploit and eventually to oppress them, especially in times of economic crises to perpetuate capitalist social relations among the white working class. While the history of some racial groups reveals that they were able to "escape" the destruction of an earlier mode of production by moving toward petty entrepreneurship and thereby to develop a petty bourgeois consciousness, for others, primarily the blacks, browns,

and Indians, the reproduction of consciousness (i.e., accommodation to capitalist social relations) has become increasingly problematic.

Today, in the very racial communities—black, brown, and Indian—where the police have the highest rates of encounters with citizens, we find that coercive force has contradicted its intended effect. Coercive force has been invoked in the very communities where people have experienced super-exploitation and the long-term effects of racism, and has created a dialectic through which people have acquired character in their struggles with the antagonist. The more the police have exercised force, the more stubborn and intransigent people have become; the more people have been denied meaningful work, the more they have come to question a consciousness that is class specific and differentiated; and the more people have experienced failure in satisfying needs, the more alienated they have become to entering the social division of labor. But the authorities have also acquired new character in their futile efforts to engender subordination, which the major institutions in society have failed to reproduce. They have shed their cloak of liberalism, calling for more open repression and seeking new justifications for it. These developments are an indication of a rupture in capitalist social relations.

The over-policing of racial communities, including the use of deadly force, is in harmony with the increasing sentiment toward repressive punishment, such as longer penal sentences and the revival of capital punishment. The development of a comprehensive system of state interventions disguises, under the cloak of tough-on-crime measures, the increasing contradictions of race and class divisions within society. The police are indeed brutal and bigoted toward the superexploited, as are the corporate class and their petty bourgeois subordinates in shaping the historical and material forces that created modern ghettos and criminogenic conditions.

The hostility toward the police in (black) communities, as Alex noted, led to the hiring of blacks to pacify the black community; under the pressure of the civil rights and other social movements, the authorities were forced to racially integrate the nation's police departments. But having done so, racism produced the transformation of the black policeman. At the same time, the authorities are confronted with the need for a cohesive rank and file on the one hand, but are aware of the dangers of a united black and white rank and file on the other. The latter becomes an important consideration, especially in times of fiscal crisis and the current attacks on public employees. Thus, as it occurred in San Francisco, police unions play an important role, collaborating with management in this case, to exploit racism to perpetuate existing social relations.

IV.

We now turn our attention to the work of Albert Reiss, with briefer comments on Egon Bittner and James Fyfe. Before commenting on Reiss' study, it is important to note that the dependent variables employed in these studies differ. LEAA is concerned with the use of deadly (or fatal) force, which means the victim died

at the hands of the police through gunshot, beating, or some other means. Albert Reiss studied *excessive force*, operationally defined as the use of unnecessary force in carrying out task responsibilities. James Fyfe studied firearm *discharges*. Firearm discharges include accidental discharge, shooting a rabid dog or a fleeing felon, and exchanging shots with a felon. Firearm discharge depends solely on the self-report of the police officer, which would suggest a large margin of error, especially if unwarranted firearm discharge results in disciplinary action. Not only do the dependent variables differ in these studies, but researchers have also made the error of assuming that the three types of dependent variables are highly inter-correlated. For example, the Police Foundation (Milton et al., 1978) studied shooting incidents, i.e., firearm discharges, but the title of their book is *Police Use of Deadly Force*. As Knoohuizen et al. (1972) showed in their study of police use of fatal force, a substantial number of victims are killed by police beatings, so to evaluate whether these studies raise questions on the role of race and racism in the use of deadly force by police officers, it is important to bear in mind what was studied in the research and that there is not necessarily a correspondence among the three variables.

Albert Reiss (1968), during the summer of 1966 (one year after the study period of Nicholas Alex), placed field observers in Boston, Chicago, and Washington, D.C., to study police use of excessive force (or unnecessary force in the performance of police duties). While the number of instances in the use of excessive force was minimal—37 instances out of 3,826 police encounters with citizens—what is striking is that in all instances excessive force was employed against “lower class” persons. Reiss reports that the rate of excessive force for all white citizens in encounters with the police was twice that for black citizens. Moreover, policemen, both black and white, were most likely to exercise force against members of their own race, i.e., 67% of the citizens victimized by white policemen were white; 71% of the citizens victimized by black policemen were black. Reiss, however, is careful to note that policemen have differential opportunities to use force against members of their own and other races. Black policemen were far less likely to police white neighborhoods than white policemen were to police black neighborhoods, and whites make up 85% of the police force. Based upon these limited findings—37 instances on the use of excessive force involving 45 police officers, of whom nine were black—Reiss calculated proportions and rates (!) and concluded: “White policemen, even though they are prejudiced toward blacks, do not discriminate against blacks in the use of excessive force. The use of force is more readily explained by police culture than it is by the policeman’s race.”

Reiss’ study was based upon data collected by 36 observers riding along in police cars seven days a week for seven weeks. The number of man-hours devoted to the study was enormous. The findings are quite trivial and the interpretation of police misconduct is an unwarranted generalization based upon minimal data. Thirty-seven instances of excessive force out of over 3,800 encounters involving over

10,000 citizens are not evidence of police culture. If anything is to be concluded about police culture, the findings indicate that the norm is not to exercise the use of excessive force, an interpretation that flies in the face of other studies conducted on the police (Westley, 1953; Chevigny, 1969).

Reiss' finding that black police officers used excessive force in 1966 against their own people is not surprising, nor would it be surprising to uncover black police officers today using excessive and deadly force against black citizens. Black citizens talk about how in the old days the Negro police officer was the meanest cop on the force. But times have changed, and as noted earlier, there is a "new breed" of black police officers. But more importantly, there is the issue that brutal criminal victimization is much higher in working-class and especially black ghetto communities to which black police officers are most likely to be assigned. This would mean that the use of excessive/deadly force and firearms discharge are more likely to be employed by police officers assigned to such areas. Thus, to assess whether the use of force is high or low, it is necessary to calculate over time the base rate for a community and to examine the expected and observed rates by the race of the police officer and the victim. To aggregate the individual incidents of police brutality and to make generalizations about racial categories as Reiss did in his study is to commit the error of ecological fallacy. Fyfe (1978), a police lieutenant with the New York City Police Department, is aware of these issues.

Fyfe examined all incidents in which members of the NYPD reported discharging their firearms along with being subjects of "serious" assaults, such as assaults with a deadly weapon and assaults that resulted in serious officer injury or death. The data are based upon reports compiled by the NYPD for the period January 1971 to December 31, 1975. The study was originally prepared as a doctoral dissertation.

Fyfe reports that blacks and Hispanics disproportionately are shooting victims and that black and Hispanic police officers are far more likely to have fired their guns. Fyfe is careful to note that police firing of weapons "is closely associated with the disproportionate assignment of minority officers to the most hazardous duties and areas" (*Ibid.*: 1). Fyfe reports further that black and Hispanic police officers are also more likely to have fired their guns while off-duty. Fyfe explains that "this reflects the same demographic and socioeconomic considerations. On duty shooting rate differences among the races shrink to insignificance when one holds constant the nature of assignment. Put simply, it is an officer's assignment, rather than his race, which determines the likelihood that he will fire his gun on duty" (*Ibid.*: 6).

With respect to off-duty shooting incidents, Fyfe explains that this occurs because minority police officers live and spend most of their nonworking hours in precisely those areas where the risk of interpersonal violence is much greater. Fyfe found that off-duty black officers died violently nearly eight times as frequently as did their on-duty white colleagues (*Ibid.*: 7).

Nowhere in Fyfe's study do we find that race and class are not salient factors.

As we read Fyfe's study, race is a factor in assignments of police officers; race and class are factors in accounting for the number of shooting victims; and race and class are important components in the social structure of communities where interpersonal violence is most likely to occur.

Egon Bittner is best known among criminologists for his NIMH publication, *The Functions of the Police in Modern Society* (1970). The monograph is based to a large extent on 14 months of field observations of the police in two cities. According to Bittner, the purpose in writing a work on the functions of the police is to offer a "correct" analysis on the role of the police. He is concerned with the "bad image" of the police and he takes to task the voices of criticism because they "will unavoidably alienate the police, strengthen their defensive and distrustful posture, and will cause, at best, a patchwork of reform, the main effect of which will be to shift malpractice from one form to another" (*Ibid.*: 2). In Bittner's view, the police can and must be reformed and his task, as an intellectual, is to show *what* needs to be done before one can proceed on *how* it is to be done.

Bittner devotes two brief chapters to the police use of force. He begins his discussion with descriptions of situations the police are required to handle when citizens "call the cops." The intent is to show the scope of police activities over and beyond crime-fighting, on the one hand, and civilization's quest for peace, the necessity of civil society to entrust an institution with these exclusive powers, on the other. Bittner's ahistorical analysis of the police leads him to uncritically accept as given the contemporary functions of the police; his failure to comprehend the use of coercive force in a class-divided society results in apologetics. For example, he comments that some police officers harass and employ force illegitimately. Bittner observes that these actions occur in "blighted areas of the city," but dismisses them: "no one can say how many officers are involved in them. Most researchers who have studied the police tend to agree that their number is quite small. My own experience leads me to think they are probably not more numerous than cruel teachers" (*Ibid.*: 100).

It is, however, in the discussion of deadly force (use of firearms) that Bittner's apologetics are matched by his naiveté. His suggestions for reforms include the development of marksmanship to develop skills in hitting non-vital areas (*Ibid.*: 102); for the policeman who kills more often than normal to have his credentials reviewed (*Ibid.*: 102); skill training to develop "workmanship" or the idea of craft (*Ibid.*: 103); training in coercive methods based on "compassion and chivalry" (*Ibid.*: 104); developing efficiency in handling large-scale civil disorders (*Ibid.*: 104-05); isolation of the police from political involvements (*Ibid.*: 105); turning over the handling of mass upheavals to the National Guard (*Ibid.*: 105); and for the police "to acquire attitudes of physicians who take pride in employing all available means to avoid surgery, and who, when surgery is unavoidable, take pride in making the smallest possible incision" (*Ibid.*: 106).

V.

The scheduled October meeting (on the second), billed as a workshop, was attended by Egon Bittner and Albert Reiss, along with two liberal chiefs of police, an FBI official, the previously mentioned Lenox Hinds, two academics of minority background (one a former executive with the New York Police Department), a black police executive from the Los Angeles Police Department (and designated appointee as deputy director of LEAA), staff members from NILECJ, and representatives from the Office of Civil Rights and the Community Relations Service of the U.S. Department of Justice. Most of the participants were blacks. The meeting was chaired by a member of the Police Division of NILECJ.

The program monitor of the police use of deadly force project prepared an agenda that listed areas of research on the topic, including those items in her earlier May 18, 1978, memorandum, plus some additions, such as a cross-national study. The discussion during the course of the day never got beyond the first agenda item.

A few minutes into the meeting, which began with a discussion on the distinction between excessive versus fatal force, the assumption was made that the two things are highly correlated. The assumption, argued by Albert Reiss, was followed by the assertion that we know everything there is to know about the phenomenon and that the task now is to focus upon studies of control policies. Bittner echoed Reiss' position. He suggested the examination of rules on the use of firearms on fleeing felons. His position was that the saving of even one human life justifies research in this one area. Reiss and Bittner's position was sharply disclaimed by one of the minority academics. It was argued that race (and racism) emerge as a crucial variable in police-caused homicides and basic research needed to be conducted to develop an explanation. Only Lenox Hinds openly supported the latter position. The tension produced by the two positions remained on the surface, but was never addressed directly for the remainder of the day.

As in the early March 23 and 24 meetings, the participants were of varied backgrounds, but this time the blacks, with the exception of Lenox Hinds, did not openly address the issue of race.

Some five areas of research on the topic were identified and rank ordered by popular vote. As a later LEAA memo indicated, "it was the consensus of the group that research should concentrate...on organizational comparisons" (October 27, 1978). The chairperson of the meeting, perhaps sensing the atmosphere of unsettled disagreement, requested that further thought be given to the matter and that participants convey these thoughts by letter. In February 1979, the yearlong effort resulted in the LEAA research solicitation "Use of Deadly Force by Police Officers." It states in part:

Although the race and legal aspects are critical topics that must be addressed, the aim of the research is to examine issues and factors that may afford a change in the rate of police (caused) homicides (*Ibid.*: 3).

The first part of the above sentence is simply an instruction to writers of proposals to review race in the literature on police-caused homicides; to consider the variable of race in the selection of cities to be studied to assure a sample large enough for analysis; and to employ race in the proposed research design to analyze the characteristics of both police and victim. The sentence explicitly states that the research aim is not race and racism.

VI.

Professors Bittner and Reiss ensured that what is to be researched did not stray too far from the body of approved scientific wisdom. LEAA could have invited two of several dozen other criminologists and the outcome would not have been different. Of the two minority academics who were invited to promote the liberal doctrine of egalitarianism, one could be relied upon by LEAA based upon his prior work in connection with the agency, while the other was an unknown quantity, although his published works were cited in LEAA memos and handouts for the meeting. The meeting was stacked with law enforcement officials of racial minority backgrounds. These minorities talked and voted as officials (from their agencies) rather than as "independent" reviewers. LEAA, the Office of Civil Rights, and the Community Relations Service are all units in the U.S. Department of Justice. LEAA knew beforehand that representatives of these agencies could not possibly recommend that race and racism be researched in the nation's police departments, nor could police officials (in command positions) state publicly that race and racism are important components in police-caused homicides.

Thus, LEAA's research solicitation on police-caused homicide, motivated in part by widespread community outrage over police practices in the ghettos and barrios, became transformed into technocratic concerns about organizational structure and administrative policies. The funded research will no doubt lead to policy recommendations for better screening of police recruits, tighter gun control rules, and greater administrative control over rank-and-file police. Such policies are of course not inherently unreasonable. But experience demonstrates that they are unlikely to address the problems of racism. Some of the most brutal police departments, such as Chicago and Los Angeles, have for a long time adopted elaborate screening procedures; and other departments with relatively tight gun control policies, such as Oakland and San Francisco, find it convenient to invoke the "broader" common law and deny responsibility when citizens are killed by the police. This is why, perhaps, the LEAA research solicitation also instructed that the "legal aspects" should be addressed but not researched.

We can predict with some certainty that LEAA's research on police use of deadly force will leave untouched the political-economic and institutional aspects of police-caused homicides. Instead, the individual rank-and-file cop will be held accountable and, to justify the regulation of these "bad apples," the expansion of the administrative and managerial strata will be recommended. In this way, the

question of racism will be reduced to the psychology of the individual, collectively expressed in the bigotry of public employees. As in all corporate-liberal research on "social problems," the corporate class and their petty bourgeois subordinates are acquitted of all responsibility.

Our observations bear out Galliher's critique of government-sponsored research. At the same time, though, he underestimates the significance of the process of collusion between the state and "traditional" intellectuals. This collusion is not simply the result of financial bribery and conspiratorial manipulation, though no doubt the lure of research grants and accompanying privileges are not without influence. The relationship is rather one of mutual, self-serving understanding. LEAA had little trouble in finding leading intellectuals and officials (white and black) to validate and legitimate their corporate-liberal worldview. Nobody, with the exception of one academic and one other professional, had to be argued with or intimidated into conformity. Such is the way in which our leading criminologists mystify and conceal racial and class oppression in the name of free scientific inquiry.

REFERENCES

- Alex, Nicholas
1969 *Black in Blue*. New York: Free Press.
- Armbruster, Trevor
1971 "The Lonely Struggle of the Black Cop." *Reader's Digest* (March).
- Bethell, Thomas
1978 "Burning Darwin to Save Marx." *Harper's* (December).
- Bittner, Egon
1970 *The Functions of the Police in Modern Society*. Washington, D.C.: NIMH Publication.
- Chevigny, Paul
1969 *Police Power*. New York: Vintage Books.
- Cory, Bruce
1978 "Deadly Force." *Police Magazine* (November).
- Fyfe, James J.
1978 *Executive Summary Shots Fired: An Examination of New York City Police Firearms Discharges*. Police Academy, New York City Police Department (mimeo).
- Galliher, John
1979 "Government Research Funding and Purchased Virtue: Some Examples from Criminology." *Crime and Social Justice* 11 (Spring-Summer): 44-50.
- Harring, Sid, Tony Platt, Richard Speigiman and Paul Takagi
1977 "The Management of Police Killings." *Crime and Social Justice* 8 (Fall-Winter).
- Jones, Robert A.
1969 "Black vs. White in the Station House." *The Nation* (October 13).
- Knoohuizen, Ralph, Richard P. Fahey, and Deborah J. Palmer
1972 *The Police and Their Use of Fatal Force in Chicago*. Chicago: Chicago Law Enforcement Study Group.
- LEAA
n.d. *Criminal Justice Research Solicitation: Use of Deadly Force by Police Officers*. LEAA.

- Milton, Catherine, Jeanne Wahl Halleck, James Lardner, and Gary L. Albrecht
1977 *Police Use of Deadly Force*. Washington, D.C.: Police Foundation.
- McClory, Robert
1977 *The Man Who Beat Clout City*. Chicago: Swallow Press.
- Morton, Carol
1972 "Black Cops: Black and Blue Ain't White." *Ramparts* (May).
Newsweek
1969 "The Black Cop." August 4.
- Palmer, Edward
1973 "Black Police in America." *The Black Scholar* 5,2 (October).
- Peirson, Gynne
1978 *Police Use of Deadly Force*. National Minority Advisory Council. Washington, D.C.
- Poinsett, Alex
1971 "Dilemma of the Black Policeman." *Ebony* (May).
- Reiss, Albert
1968 "Police Brutality—Answers to Key Questions." *Transaction* 5.
- Rollins, Thomas M.
1978 "Mean Beats—Police Brutality in America." *Politics Today* (November-December).
- Schwendinger, Herman and Julia Schwendinger
1974 *The Sociologists of the Chair*. New York: Basic Books.
- Time*
1970 "The Anguish of Blacks in Blue." November 23.
- Westley, William
1953 "Violence and the Police." *American Journal of Sociology* 49 (March).