

Student Views on Misuse of Power and Police Misconduct

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Abstract: *Every year there are thousands of claims made against law enforcement professionals regarding both physical and mental abuse, misuse of power, maltreatment, and acceptance of bribery in exchange for innocence and freedom. How often are these professionals caught in the act and what kind of punishment do they receive, if any? There are numerous articles and studies published each year that discuss this issue, most of which report on the staggering statistics and new techniques of dealing with misconduct, such as mediation. The purpose of this research study is to determine how Defiance College students view police misconduct and the consequences of such acts, with regards to race, ethnicity, gender, and academic major. The following research reports on these four primary categories and the hypotheses relevant to each, which were tested and evaluated using questionnaires and analysis. A theoretical relationship with the Milgram Experiment and Zimbardo experiment will be discussed as well. Interesting findings were met in regards to views on the criminal justice system overall, with specific emphasis on sexism, racism, deterrence and consequences of police misconduct, and exceptions to rules. Only a few significant findings were made, especially with gender differences in views and the differences in Criminal Justice majors and Art majors (Social Science vs. Arts & Humanities). With a larger and more diverse sample, the results may have been different, but future research in this area will only tell that. The following information is meant for the purpose of developing theories of why certain students choose the career path they do in college, and to determine whether or not there is an overall consensus on current disciplinary actions or consequences for police misuse of power and misconduct.*

INTRODUCTION

The primary objectives of any and all law enforcement professionals are to serve and protect the citizens of this very country. “Police professionalism translates into a legalistic norm of policing, or doing the job by the rules” (Seron et al., 925-956). In terms of serving to protect, there is a level of authority given to each and every law enforcement professional, which must be followed according to law. The major problem with authority however, is that in times of panic or desperation, officers may act erratically or unconstitutionally on instinct, rather than abide by the rules set forth upon swearing in as an officer of the law.

Police deviance can be divided into three categories: “Corruption (to internally or externally take something against your duty as exchange for money or gifts from an external corruptor), Misconduct (breaking internal rules and procedures), and Police Crime (when officers break the law in serious ways such as using excessive violence)” (Porter & Warrender, 79-99). One of the biggest factors leading to law suits, appeals, and charges against law enforcement are police misconduct and misuse of power. Some officers tend to overstep their boundaries by acting upon citizens in improper ways, some of which could otherwise be considered criminal acts. Every year there are thousands of claims made against law enforcement professionals regarding both physical and mental abuse, misuse of power, maltreatment, and acceptance of bribery in exchange for innocence and freedom. Although an officer has the right to restrain an offender, they do not have the right to beat the offender until they are so badly bruised that they cannot walk. The following research focuses on four primary questions: (1) how do college aged students and some non-traditional adult students view police misconduct and the consequences of such acts?, (2) how do college students majoring in Criminal Justice, Social Work, Education, and Art differ in their views on police misconduct and the consequences of such acts?, (3) how do college students that are White, Black, Hispanic, and “other” differ in their views on police misconduct and the consequences of such acts?, and (4) how do college students that are male and those that are female differ in their views on police misconduct and the consequences of such acts?.

Wardens, corrections officers, Judges, and many other criminal justice officials may at anytime accept bribery or other favors, or deceive and verbally abuse an offender, with no legal right to do so and no intention of actually following through with deals

made with offenders. How often are these professionals caught in the act? What kind of punishment do they receive, if any? The purpose of this research study is to determine how Defiance College students view police misconduct and the consequences of such acts with regards to race/ethnicity, gender, age and academic major.

In the end, the researcher found that the data supported the Gender and Academic Major hypotheses, but not the Age and Race hypotheses. Most of the findings were insignificant however a few proved worthy of mentioning and will be further discussed later in this study. The findings show that there are significant gender and academic major differences in views on police misconduct and the criminal justice system, but not much in regards to race or age. The following literature review will outline various other studies conducted on police misconduct and public perceptions toward it, as well as numerous examples of such misconduct, which will then be followed by the findings of this direct study.

LITERATURE REVIEW

Serving as a law enforcement officer is a privilege and a duty to others. Officer misconduct can be defined by any action or behavior that is not otherwise permitted by the agency the officer works for. Examples of such misconduct could include bribery, excessive force, false imprisonment/detainment, and sexual assault. Racial profiling is a major factor affecting police judgment, as well as other demographic features, such as ethnicity, gender, age, socioeconomic status and neighborhood. There have been many options made available in order to heal police/community relations and allow for the proper punishment of law enforcement when necessary, namely mediation. Many techniques of addressing police misconduct have been analyzed and criticized, but

numbers of unruly behavior among law enforcement professionals continue to increase. In the following literature review, a number of examples of police misconduct will be revealed, as well as the consequences for such acts and ways of deterring and addressing such issues in the future.

Porter and Warrender provided a good definition of police corruption, quoting Roebuck and Barker (1974), “as any form of ‘deviant, dishonest, improper, unethical or criminal behaviour by a police officer’ (Porter & Warrender, 79-99). Seron also provided a solid definition of police misconduct in stating “police misconduct is an incident in which this normative domain is violated as a consequence of the police officer’s behavior toward the civilian” (Seron et al., 925-956). Corruption can happen in numerous different ways, including bribery, personal gain, sale of inside information, organizational gain (“Dirty Harry Problem”), suppression of evidence, the beating of suspects, tampering with confessional evidence and perjury. Roebuck and Barker (1974) designed a typology of police corruption that consisted of 9 different types of corruption: “Corruption of Authority (when an officer receives something due to their position but is not actually breaking the law), ‘Kickbacks’ (when an officer receives things for referring business to others), Opportunistic Theft (stealing from arrestees), ‘Shakedowns’ (when an officer accepts a bribe in return for not following through with a criminal violation), Protection of Illegal Activity (police protection of illegal activity which allows it to continue), ‘The Fix’ (undermining criminal investigations), Direct Criminal Activities (when a police officer commits an actual crime), Internal Payoffs (privileges within the police force are bartered with e.g. shifts, holidays), and ‘Flaking’ or ‘Padding’ (planting or adding to evidence)” (Porter & Warrender, 79-99).

Many of these typologies can be categorized as proactive, where an officer seeks out corruptive activities, but others can be considered reactive, where an officer accepts some sort of bribe in reaction to an offer. Another reason for corruptive activity could be due to social influences by veteran officers during training or duty. Porter and Warrender conducted a study and found that the most corruption was reactive, such as ignoring or removing evidence. Proactive corruption was present in 36% of the cases, reactive corruption in only 10%, Noble Cause Corruption (organizational gain) in 32%, and personal gain corruption in 68%. Only thirteen of the cases resulted in imprisonment of the officers involved, while some cases against criminals/victims were dismissed, some appealed, and some awarded damages. In some cases the officer(s) resigned or got fired, and one resulted in the officer being fined (Porter & Warrender, 79-99).

Research was performed on a five neighborhood New York City community in 2002 to extend the focus on perceptions of police effectiveness and responsiveness. Existing literature on public confidence in the police has typically relied on single global measures, focused in particular on notions of police effectiveness and responsiveness (Miller & Davis, 9-22). The researchers tested four hypotheses: “(1) public attitudes about police misconduct are distinct from their attitudes about police effectiveness and responsiveness; (2) determinants of attitudes about police misconduct are different from those relating to police effectiveness and responsiveness; (3) negative experiences of police among friends, family and associates impact on personal attitudes to the police; (4) attitudes toward the police are affected by the character of news coverage to which members of the public are exposed” (Miller & Davis, 9-22). The data, gathered through a 9 month telephone survey across a series of monthly waves in 2002, focused equally on

the neighborhoods of five New York City precincts, each located in a different New York City municipality and each with different socio-economic characteristics. At least 40 randomly selected community members of each municipality were selected each month. The research focused on approximately 600 cases and on 10 items relating to public attitudes to the police, adapted from a previous study. The data was analyzed using principal components analysis and ANCOVA models, and then compared to previous studies on the same subject (Miller & Davis, 9-22).

The researchers found that the data supported all four hypotheses, however, it underscored how perceptions of police misconduct were more sensitive to media influences, race and neighborhood factors and police initiated contacts, than traditional measures of public confidence. Also, an observation was made that some segments of society hold less positive opinions than others: black citizens evaluate the police more negatively than white citizens, young people evaluate the police more negatively than older people, and males evaluate the police more negatively than females. The study found that the main reasons for variations in public opinion were: personal contacts with the police, neighborhood influences, police contacts among friends and family and media influences. Overall, it can be concluded “that perceptions of misconduct are more influenced by media consumption (probably over the longer term), community factors (ethnic/racial or geographical), and experiences (direct or vicarious) of police initiated contacts, than are attitudes towards effectiveness and responsiveness.” (Miller & Davis, 9-22). The findings of this study will be further discussed later in this segment, with specific emphasis on media influence, race/ethnicity, age, gender, and socioeconomic status on society’s views on police misconduct and this misuse of power. Further

emphasis will be put on pertinent case law related to the study at hand, as well as brief examples of past police misconduct and misuse of power and the society's assessment on fair and just punishment.

Many citizens use the news media as their source of information, which may influence many of their perceptions of police legitimacy (Chermak et al., 261-281). Depending on the day, police may be represented by the media as both heroic and professional crime fighters, or as ineffective and incompetent (Chermak et al., 261-281; Dowler & Zawilski, 193-203). Typically, traditional news media is not always the negative source of information for the public, but rather the political talk shows (Chermak et al., 261-281). Police dramas that have evolved over the years from basic law enforcement, to court systems, to present day crime scene investigation all usually favorably present police, but exaggerate reality (Dowler & Zawilski, 193-203). These thriving sitcoms were originally created to dissipate some of the social problems with crime and to give a sense of hope and law and order ideology to the public (Dowler & Zawilski, 193-203). Police are demanded to be knowledgeable, sensitive, caring and competent, which is exactly what the police dramas of today are trying to portray (Dowler & Zawilski, 193-203). Unfortunately, "police corruption, excessive use of force, and the inability to solve certain crimes are sometimes covered extensively in the news media over short periods of time," while positive and successful crime prevention is hardly ever focused on (Chermak et al., 261-281; Dowler & Zawilski, 193-203).

It was found in one study that individuals who frequently watch police dramas believe that the wealthy are given preferential treatment, while frequent viewers of crime solving shows believe that the wealthy do not (Dowler & Zawilski, 193-203). Not only

those who frequent police dramas, but also those that have been previously charged by the police, highly educated or that believed that crime was a serious problem also believe the wealthy are treated better. The researchers in that study found that frequent viewers of both “network news and crime solving shows were more likely to report police misconduct was a common or frequent occurrence” (Dowler & Zawilski, 193-203). They also found that respondents that were male, educated, or that were concerned about property crime were more apt to believe there is a lower level of misconduct, but individuals with high crime rates in their neighborhoods believed just the opposite (Dowler & Zawilski, 193-203).

Chermak conducted a study in 1997 on the media’s influence on the public perception of law enforcement and found that the media had “no significant effect on general attitudes toward the police” (Chermak et al., 261-281). Dowler and Zawilski conducted a similar study in 2000 that also found that media had little impact on public perceptions toward police misconduct (Dowler & Zawilski, 193-203). Chermak tested 6 other variables (gender, renting a home, age, Black, called or stopped by the police, and fear), and found that they also had no significant effect (Chermak et al., 261-281). One significant finding was that as the crime rate increased, attitudes towards the quality of police services decreased (Chermak et al., 261-281). It was found that the respondents were more fearful and had less favorable attitudes, especially after the Downtown Brawl occurred, and the only outlet used to highlight their concerns was the media (Chermak et al., 261-281).

Four independent variables will be evaluated later in this study, which include age, gender, race and academic major. Since little concrete research was found on

academic major, socioeconomic status was used as a supplement in this section of the paper. Age will be the first variable discussed. Two studies found that teenagers (young people) are less satisfied and have more negative attitudes toward police than do adults (older people) (Miller & Davis, 9-22; Chermak et al., 261-281). Controversially, Chermak also stated that there were no significant effects on the general attitudes in regards to the age variable, which is what Seron found as well (Chermak et al., 261-28; Seron et al., 925-956). At this point, it could be theorized that younger people are apt to be more negative towards law enforcement, but more research in this area would be needed to prove it.

In replacement of academic major for the time being, socioeconomic status will be looked at next. The study by Seron is once again referred to with the findings that there were significant differences found between income groups in regards to views on police misconduct however, social status did not show any significance in rating fair punishment (Seron et al., 925-956). The rating of the seriousness of police misconduct, on the other hand, did show strong correlation with the background of the respondent, including income (Seron et al., 925-956). Residential location was found to have been an important indicator of attitudes toward police, while income was not due to limited influence (Chermak et al., 261-281). Lastly, Americans determined to be of lower socioeconomic status were found to be more negative toward police than those of higher statuses (Miller & Davis, 9-22).

Next in line to be evaluated are the prior findings on gender relationships with police misconduct. One study found that males are more negative toward police than females (Miller & Davis, 9-22), while others found that there is no significant effect on

general attitudes in regards to gender differences (Chermak et al., 261-281; Seron et al., 925-956). Seron once again contradicted statements by stating later in the study that there were significant differences between men and women (Seron et al., 925-956). Dowler and Zawilski argued against what was found by Miller & Davis, stating that male respondents “were more likely to perceive lower levels of police misconduct” (Dowler & Zawilski, 193-203). Foley, Guarneri and Kelly found in their study that females tended to show greater interest in service, rather than what was happening in regards to power and status (Foley, Guarneri & Kelly, 2-8). With race being a major variable in this study, it was deemed necessary to cite Dowler and Zawilski again in their finding of males believing that Whites receive no preferential treatment, which will be evaluated later in this section in more detail (Dowler & Zawilski, 193-203).

The Downtown Brawl that was mentioned earlier will now be touched upon further. The incident involved several off-duty, white police officers allegedly being intoxicated and disorderly, leading to them harassing and assaulting two males. The two males were then arrested and nothing was done until nearly a year later when 4 officers went on trial for charges against them. At this point, the chief of police resigned and multiple other officers were displaced around the department. Two of the officers on trial then resigned and the other two remained on the force, but were mandated to undergo counseling. The biggest issue highlighted by media with this incident was that one of the males that was assaulted was African American (Chermak et al., 261-281).

Two studies found that race had little or no significant effect on attitudes toward police (Chermak et al., 261-281; Seron et al., 925-956). Both of these studies also contradicted themselves by stating later that there were significant differences between

Blacks and Whites in regards to attitudes toward police (Seron et al., 925-956). Chermak found that Blacks had lower general attitudes toward police, just as Miller and Davis found through their negative feedback (Miller & Davis, 9-22; Chermak et al., 261-281). It was found elsewhere that race was a significant predictor of attitudes toward police misconduct (Dowler & Zawilski, 193-203). Race was found to be significant factor in judging the seriousness of misconduct, but not in judging the fairness of punishment (Seron et al., 925-956). In the same study, it was also found that Blacks were significantly more likely to impose harsher punishment than other races and that most of the findings suggested that stereotypes were set aside and evidence was looked at fairly (Seron et al., 925-956). An interesting finding in that study was that Blacks were more likely to report prior negative experiences with law enforcement than others (Seron et al., 925-956).

As for the White respondents, it was found that they were more likely to report that police misconduct was rare. They also were more likely to believe that Whites were not treated preferentially, especially older Whites, while all other races and those that had been previously incarcerated disagreed (Dowler & Zawilski, 193-203). White respondents consistently gave police higher ratings than other races, while Blacks and Hispanics tended to show negativity (Foley, Guarneri & Kelly, 2-8).

In regards to media influence on attitudes toward police, race has been found to be an important factor. After watching a televised arrest, African Americans were more likely than others to believe that police used excessive force. In reference to the influence of viewing reality police programs, African Americans had no relationship, but Whites were more likely to have positive attitudes. Other non-Whites that frequently

watched police reality programs believed that Whites were not treated favorably by police. Interestingly, after viewing the news, both African Americans and Whites were more confident in police. On the contrary, Dowler and Zawilski also said that frequent viewers, especially minorities, of the news were more likely to believe police misconduct was an issue. Minorities that frequently viewed news also tended to believe that Whites were treated better. The more that individuals viewed negative media portrayal of police, such as high-profile incidents, the more they believed that police misconduct was frequent (Dowler & Zawilski, 193-203).

Socioeconomic status and race were mentioned together in one study, showing some interesting correlations. Some studies found that as an individual's income increases, attitudes toward police improve. On the contrary, it was also found that as income increases for African Americans, attitudes become more critical. Middle-class African Americans were found to be more wary of police profiling and were concerned about being targeted by police outside of their neighborhoods (Dowler & Zawilski, 193-203).

With the previous variables in mind, the following actual cases of police misconduct will now be discussed, in chronological order. In August 1997, Louima, a Haitian immigrant, was brutally assaulted with a broken broomstick by an officer. One of the officers involved in the incident was charged with first-degree assault and aggravated sexual assault and a second officer was put on desk duty. The author made a good point in the article with the question, "What cop in their right mind would sodomize a person in the middle of the day, in front of everyone?" The article stated that "excessive use of force by the police remained a serious problem" and that "along with racial profiling, it is

the civil rights issue of this era” (Buckley & Rashbaum). In a 2003 study, Foley, Guarneri and Kelly highlighted issues of police misconduct that have caused public sensitivity to law enforcement, including the Rodney King case, as well as Abner Louima and Amadou Diallo. The article also noted that over 1,000 complaints against state police troopers were filed in 2003 (Foley, Guarneri & Kelly, 2-8).

In 2007, Glenis Green reported on a veteran corrections officer and the charges against him, including rape, sexual assault, deprivation of liberty and procuring sexual acts by intimidation of female prisoners between the ages of 19 and 40. In one incident, the officer forced a 23-year-old woman into a dark storeroom off the watch house vehicle bay and raped her on a mattress. The officer was also known for insisting that female prisoners masturbate in front of him in an interview room, as well as expose their breasts or genitals in exchange for cigarettes. The victims said they were “scared of what might happen to them if they did not agree with the officer’s demands and that they no longer trusted police.” They also did not file complaints right away because “they thought they would not be believed.” The article stated that the officer showed remorse, but everyone was ashamed of him, including his family, the court, and the agency he worked for (Green, 51).

Not only have police officers committed misconduct and abused their authority, but the FBI has too. In 2007, the Washington Post reported on the FBI misusing its power to issue national security letters without adequate oversight or jurisdiction. The FBI reported 26 instances, in which the information from these letters was improperly obtained, to the review board, but more are suspected. Also, the inspector general reviewed 77 files, of which “22% revealed one or more instances in

which information may have been obtained in violation of the law” (Abuse of Authority, B06).

In 2007, Gibb, O’Neill, and Ball of *The Times* (London) revealed some startling statistics regarding the number of claims against law enforcement in the different districts of Great Britain and the amount of money paid out in compensation and damages in the past five years to victims of alleged police misconduct. Police forces have paid out over \$65 million in compensation and damages and received more than 31,000 claims against them. The Northern Ireland Police Service paid out the most out of the 55 police forces, with a little over \$14 million alone. The claims against these agencies included alleged misconduct, assault, false imprisonment, malicious prosecution, and misfeasance or private law claims under the Human Rights Act (Gibb, O’Neill, & Ball, 11).

In 2008, *The Economist* reported on the corruption of the Thai police, especially the border police. The border police were accused of abducting innocent people, extorting money, and leading a car-theft ring. The article also talks about a “former police general that is serving life in jail for the blue diamond affair of the early 1990s, which wrecked Thailand’s relations with Saudi Arabia.” At least 1,300 people were killed as a result of this affair, resulting in the general’s removal in 2006. The article stated that 751 people died in prison or police custody last year and about 3,000 people have died due to abuses by police or soldiers in Thailand’s mainly Muslim southern provinces since 2004. The “war on drugs” resulted in numerous deaths and corruption in Thailand and abuse by police and prison staff has killed many as well. Police are mistrusted, so the Thai governments set up a panel to fix the corruption in 2006, proposing sweeping changes, such as an independent police-

complaints body. In order for these changes to succeed, a public-spirited and untainted political leadership is needed (A law unto themselves, 55).

In late 2008, Buckley and Rashbaum of the New York Times reported on the October 15, 2008 incident involving a group of New York police officers and Michael Mineo, and compared it to two similar cases. One of the officers sodomized Mineo, a 24-year-old body piercer, with an object, suspected to be the antenna of a walkie-talkie, after the subject was observed smoking marijuana and running away from the police (Buckley & Rashbaum).

Is the profession's prestige still as strong as it used to be? An article in The Gazette (Montreal) discusses the David Simard excessive force case by the Montreal Police Department and the consequences given to the officers by the Police Ethics Committee. The committee gave 60-day suspensions without pay to the two Montreal police officers involved in the Simard incident. Simard was arrested and detained for almost four hours, during which time one officer used "excessive and unjustified force to subdue him, applying continued pressure to his wrist despite Simard's pleas to stop." The other officer involved used a knockout technique on Simard, which made him lose consciousness for several seconds and posed an unnecessary health risk. Simard was forced to withdraw from the police training, because if he had been found guilty, he would not have been able to serve on a police force. The article also stated that Simard was an officer in training at the time of the incident and has now quit law enforcement and avoids them at all costs (Stastna, A7).

A 2008 article in the Daily News (New York) discussed a complaint filed by Bronx teen, Angel Ortiz, who says he was calling for a cab to a baby shower outside his

Tremont apartment building on Dec. 8, 2006, when he was stopped as a suspect of a robbery, attacked, hit while on the ground, and asked not to report the accident. During the incident, the assaulting officer also pushed Ortiz's mother when she was trying to stop the beating. The Ortiz case and seven other stop-and-frisk complaints that month represented about a third of all police misconduct complaints substantiated by the Civilian Complaint Review Board and sent to the NYPD. According to the article, 75 stop-and-frisk complaints were referred to the NYPD by midyear 2008, in which 37 had no action taken against, 20 officers were issued "instructions" without punishment, 12 were disciplined, 3 were brought to trial, and 2 were dropped because the statute of limitations ran out (Moore).

In a *New York Times* article, Donna Lieberman, Executive Director of the New York Civil Liberties Union, stated that the control over the prosecution of cases of officer misconduct must be transferred from the hands of the New York City Police Department to the Civilian Complaint Review Board. Lieberman then gave examples of support for this shift of legislation, such as that of Mayor Rudolph W. Giuliani and the New York Civil Liberties Union, and stated that the police department and the Commissioner have "sabotaged independent scrutiny of officer practices, creating an atmosphere in which even the most egregious misconduct goes unpunished" (Lieberman).

In another *New York Times* article, the author revealed the story of a bicyclist that was violently knocked off of his bicycle during a nonviolent rally, and also talked about two other incidents where civilians appeared to be getting beaten with nightsticks. Thanks to a video taken by a bystander, the officers from the three incidents were put on desk duty as a punishment until the video surveillance produced as evidence in the

allegations of police misconduct could be reviewed (Fair Hearings on Police Misconduct, 16). Tamer El-Ghobashy reports on the rookie NYPD officer that was caught on video, during a bike rally, violently shoving a bicyclist to the ground for no reason. The officer then jumped on top of the bicyclist as he tried to stand back up and handcuffed him for attempted assault, resisting arrest and disorderly conduct. The officer then lied in court, was eventually stripped of his badge and gun, and the victim's charges were dropped. (El-Ghobashy). Finally, the article stated that only one-third of almost 300 officers were charged with crimes against them in 2007 and that demeans the rights of citizens. An issue that was pointed out by the author was that officers typically win in most cases, but "in a process in which the police department internally hands down the verdict," many are acquitted and a very few are punished lightly, if at all. The Civilian Complaint Review Board, established nearly 15 years ago, and Citizens Union were mentioned as methods of prosecuting police misconduct cases, just as Lieberman and Moore had discussed in their articles (Fair Hearings on Police Misconduct, 16).

The Ohio State Journal on Dispute Resolution came out with two relevant articles in 2006. In the first article, Hatch discusses former cases of police misconduct, such as the shooting of Timothy Thomas in Cincinnati or the LAPD Rampart Scandal, and offers mediation as a possible way to address future issues. In mediation, officers would meet face-to-face with the complainant and discuss their perspectives of the incident and express their feelings, under the supervision of a trained mediator (Hatch, 1-38).

In the second article, Syeed-Miller discusses the Pasadena mediation programs for community and police issues, some of its future goals, and the strategies for reaching

those goals. In the article, it was stated that “in the case of the Pasadena mediation program, officers have an incentive to attend because the resolution of the complaint against them may have a positive effect on their personnel records. Within this program, each mediator received at least ten additional hours of training and was exposed to community and police issues beyond the basic thirty hours of mediation that they had previously attended.” The purpose of the Pasadena program was "to partner with the Pasadena Police Department and the Pasadena Community to improve the lives of citizens and police officers, through mutual conflict resolution processes and engaging everyone within the community" (Syeed-Miller, 83-103).

Police misconduct is referred to as FADO (force, authority, discourtesy, and offensive language) in New York City. Cases of FADO can be punished with anything from no punishment at all, to suspension or even termination. Civilian review boards, such as CCRB, are used to decide whether or not cases are worthy of a FADO charge, much like a Grand Jury decides on the fate of a normal court trial. The main purpose of such review boards and FADO charges is to bring back a sense of accountability and professionalism, and to lift the “blue veil” that has swept the world of criminal justice. According to Seron, the “two most important dimensions in determining punishment for police misconduct are the use of force, followed by an injury to the civilian, then discourtesy, demeanor and abuse of authority” (Seron et al., 925-956). However, later in the article, Seron stated that “context of police behavior and circumstance were reported to be the factors in deciding the appropriate punishment for police misconduct” (Seron et al., 925-956).

Through much research, it can be concluded that police misconduct and abuse of authority is an issue still concerning the public today. A number of cases involving excessive force, sexual assault and bribery, racial profiling, and misuse of power have been reviewed in the previous pages of this literature review. The consequences in some of these cases were fit for the crimes, but in others, it seemed as though the police were above the law and the charges were either ignored or dropped. A large amount of money has been allotted by agencies to cover for their officers' misconduct, sometimes leading to officers losing their jobs or being put on desk duty. Mediation programs were the main source of restitution to victims of wrongful misconduct by officers, usually in a counseling-like setting where both sides express their feelings toward the incident and amends are made.

THEORETICAL FRAMEWORK

Most of the research in the past has focused on several issues related to police misconduct and the misuse of power, but hardly ever on why criminal justice professionals commit the acts they do. The next few paragraphs will give a sense of why officers may commit such acts and give a better understanding of such actions to the reader.

Stanley Milgram, from the Milgram Experiment, and Philip Zimbardo, Professor Emeritus of Psychology at Stanford University, conducted two separate, very controversial studies on the concept of dehumanization. Zimbardo's Stanford Prison Experiment focused on the behavior changes of good people when put in an evil place. Random college students were selected for this experiment, and were all subjected to a

prison-like setting in the basement of the psychology department at Stanford University (Zimbardo, B6-B7). The students were separated into two roles, prisoners and guards, which were individualized by identity and appearance, and the competition of institutional power versus the individual will to resist was tested (Zimbardo, B6-B7). Prisoners were given numbers and no longer had an identity (Zimbardo, B6-B7).

Milgram focused on the power of an individual's authority by instructing participants to continue shocking other participants, regardless of the screaming and yelling. He theorized that evil is created as a blind obedience to authority (Blass, 37-45). He also believed that somebody doesn't have to tell others to do something, because social models influence people to do things just to be a team player (Blass, 37-45). Both theorists believe that there is a fine line between good and evil, and that that line is able to be crossed (Blass, 37-45; Zimbardo, B6-B7). They also believe that the reason that some people are good is because they have never been put in an unusual circumstance where they would be tested on the temptations to be evil (Blass, 37-45; Zimbardo, B6-B7). By taking away a stereotype, such as men being masculine, a person can break down that individual and make them vulnerable to their command (Zimbardo, B6-B7).

Some of the key concepts related to the theories of Milgram and Zimbardo include deindividuation, social modeling, dehumanization, and the diffusion of responsibility for one's actions. According to these concepts and their evidenced relevance to the theories of why some people do evil things, the idea that law enforcement officers overstep boundaries is completely feasible and realistic. When officers are put into a hostile situation or are in a dark alley with a lone offender, they may use that to their advantage and do or say anything to benefit from the situation. The

belief that evil acts are done out of instinct is possible and likely, but it can also be reasonable to state that these acts are situational, peer pressured, or just a reaction to sheer boredom. Some of these acts are unreported by other officers, which could be theorized to be because of fear or carelessness. Zimbardo discussed the idea of good apples in bad barrel and bad barrel makers, essentially summing up the idea that good people can do bad things when put into bad situations with bad people (Zimbardo, B6-B7).

These two theories could help to explain why some officers do commit unruly acts, misconduct, or other unprofessional behaviors. Students with knowledge of these studies, or that have been put into situations in which they could understand these theories may be more understanding toward police misconduct. Students that may have law enforcement in their families or network or friends may also be subjected to such “barrels” and may react differently with situations of corrupt law enforcement. Criminal Justice majors and possibly Social Work majors may have been subjected to situations such as these, or may be familiar with these theories, therefore broadening their knowledge base and providing them with better understanding for such misconduct. The same idea would apply to those students of younger age groups, such as Freshmen and Sophomores of the 18-21 age range. Some students may have been subjected to corruption in their own neighborhoods as well, specifically racial profiling, which could account for those students of different race and ethnicity. Finally, the gender of students may come into account as well. Males are typically targeted more often by law enforcement and at times labeled differently due to a higher number of violent crimes and

traffic violations, leading the researcher to believe there to be possible differences in gender views in the study to follow.

VARIABLES AND HYPOTHESES

The conceptual/independent variables are race/ethnicity, age, academic major and gender. Race can be defined as the racial makeup or background of an individual, while ethnicity can be defined as the individual's heritage and cultural background. The available choices for race/ethnicity include White, Black, Hispanic, and other. Age can be defined as the number of years that the participant has been alive. There are four age groups given as options in this study, including 18-19 year old students, 20-21 year olds, 22-24 year old students, and those students over the age of 24, also known as non-traditional and/or adult students. Academic major is the field of study that the individual is pursuing in the university or institution they are attending. The four academic majors used in this study are Criminal Justice, Social Work, Education, and Art. All of these independent variables were measured through self-reports of the respondents in reference to the scenario and the possible responses to it, and then all data was analyzed using One-Way ANOVAs, Independent T-tests, bivariate correlation tests, frequency tests.

The dependent variables are the overall views of the respondents toward the scenario, which are further broken down into five categories, including: views of the respondents overall toward Tommy's guilt, toward the Detective's misconduct, toward police misconduct, toward the criminal justice system, and toward the consequences imposed as a result of the police misconduct. The views of the Defiance College students toward police misconduct were measured using self-reports completed by respondents and the

information was analyzed one-way ANOVAs, Independent T-tests, bivariate correlation tests, and frequency tests.

There are two null hypotheses in this study. One is that there would be no group differences with the analysis using t-tests and ANOVAs. The second is that there would be no relationships between variables (correlations). Furthermore, the following alternative hypotheses were produced prior to completing this study:

(a) Defiance College students in the younger age categories will have more empathy for the officer committing the misconduct, whereas the older students may be more critical and judgmental due to experience or knowledge of proper police procedures , (b) Defiance College students in the Criminal Justice major will be more critical on police misconduct due to their extensive knowledge in the field and the proper police procedures to be used; Education and Social Work majors will be more lenient and forgiving to the officers due to their nurturing mindset and belief that anyone can be changed and rehabilitated; Art majors are hypothesized to be spread out in their beliefs, (c) female Defiance College students will be more empathetic toward police misconduct due to their nurturing nature, and (d) Defiance College students of Black, Hispanic, and some “other” races will be more critical and judgmental of police misconduct and misuse of power due to the labeling theory and racial profiling in the past, while Whites and some “others” may be more forgiving and understanding for the crimes.

METHODS

All variables were measured and data gathered through a questionnaire that included factual questions regarding academic major, race/ethnicity, number of credit

hours, age, gender and attitudes toward basic questions following a sample scenario. The questionnaire included demographic questions first, which were used to measure qualitative variables, which include age, academic major, race/ethnicity, gender and the number of credit hours. Following these demographic questions was a scenario made by the researcher, which in turn was followed by 30 questions regarding the situation, individuals involved, consequences, and possible treatment options for the misconduct displayed in the scenario.

In order for the researcher to administer the questionnaire, complete cooperation from professors had to be gained beforehand. After proper permission and cooperation was met, the researcher presented the questionnaire to the selected students at the beginning of predetermined class periods to ensure the highest amount of responses possible. The questionnaire was completed in 10-15 minutes or less; however, more time was allotted when needed.

SAMPLING PROCEDURE

The sample was planned to consist of at least 80 students in the Criminal Justice, Social Work, Education, and Art majors from the Defiance College. Defiance College students in these fields of study were chosen as the sample in this research because they had a widespread knowledge base for the study and produced many different views. Defiance College was chosen as the representative population because there is a wide variety of diversity on campus and an adequate number of available students to participate in the study. Of the 80 total participants, it was planned to have approximately 20 from Criminal Justice, 20 from Social Work, 20 from Education, and 20 from Art.

This, however, did not work out as planned, resulting in a total sample of only 66 participants, of which 28 were Criminal Justice, 15 were Social Work, 15 were Education, and 8 were Art.

ANALYSIS

In order to analyze the obtained data from the questionnaires, a total of 20 ANOVA tests were administered. A series of 5 ANOVA tests were used to analyze the students according to their major, age, gender and race/ethnicity. The 5 tests analyzed the sample's overall view of police misconduct, of Tommy's guilt, of the Detective's misconduct, of the criminal justice system and of the consequences imposed as a result of the police misconduct. For the significant finding with the majors and criminal justice system, a Post Hoc test was performed to see where the significance lied. A total of 5 Independent T-Tests were performed to test the significance of gender in relation to the 5 dependent variables. Next, the researcher used bivariate correlations tests to find any significance between the views on Tommy's guilt and the other four dependent variables. The independent variables were then tested using bivariate correlations to find any significance in regards to the 17 selected survey statements of interest. The final 21 tests were used to determine the frequencies of age, race/ethnicity, gender, academic major and 17 of the survey statements. This allowed for the researcher to analyze the data on many different levels, which in turn, allowed for better overall analysis of the student views on police misconduct on four demographic levels.

RESULTS

One-way ANOVA was the first testing method used with the SPSS system. At first, the data seemed to be leading to no solid conclusions and showing no significance between any of the variables. The independent variable of age was found in the end to have no significance in relationship to any of the dependent variables, even though the sample was fairly spread out between 18 year olds and non-traditional students. Due to this finding, the researcher failed to reject the null hypothesis. There were also no significant findings in regards to the students' views on the detective's misconduct in the scenario presented. Finally, three tests showed signs of significance. The first was gender in relationship to the student's views of Tommy's guilt, which was followed then by race and Tommy's guilt. The third test involved academic major and the student views on the criminal justice system. A Post Hoc test was performed to see where the significance lied, which was found to be between Criminal Justice majors and Art majors. This supported the alternative hypothesis in regards to major and supports the idea of differing views between the Social Science division and the Arts & Humanities division. At this point, the null hypothesis could then be rejected due to a finding of significance. See Table 1 for details of the findings.

Table 1. ANOVA Test Results Between Variables

Variables	F value
Major --> Detective Misconduct	0.422
Gender --> Detective Misconduct	1.255
Age --> Detective Misconduct	1.368
Race --> Detective Misconduct	0.368
Race --> Police Misconduct	0.903
Age --> Police Misconduct	1.264
Major --> Police Misconduct	0.554
Gender --> Police Misconduct	3.275
Gender --> Criminal Justice System	3.314
Major --> Criminal Justice System	3.346 *
Age --> Criminal Justice System	1.178
Race --> Criminal Justice System	0.569
Race --> Consequences	1.868
Age --> Consequences	0.237
Major --> Consequences	0.6
Gender --> Consequences	0.448
Gender --> Tommy Guilty	4.730 *
Major --> Tommy Guilty	0.566
Age --> Tommy Guilty	0.231
Race --> Tommy Guilty	3.176 *

* = $P < .05$ = significant

Next, a series of Independent T-tests were performed, which were only used on the gender variable and its relationships with the five dependent variables. It was found that there was significance between gender and the views on police misconduct, gender and the views on the criminal justice system, and gender and the views on Tommy's guilt. A series of eight bivariate correlations were then administered, which resulted in no significance between the student views on Tommy's guilt and the other four dependent variables. These correlations were of interest because it would have shown the researcher if there were any correlations between how the students viewed the criminal justice system overall in relationship to their views on Tommy's actions and guilt. Next, correlation were tested on gender differences, in which significance was found in relationship to the views on police misconduct and on police getting away with too much.

Correlation of academic major was then tested, and it was found that there was a significant relationship with the views on the exceptions to rules for law enforcement.

The final sets of tests were done on the frequencies of 21 different variables. The first four were done on the demographics of the sample, with regards to gender, academic major, age, and race/ethnicity. Overall, there were 31 males and 35 females, accounting for 47% and 53% respectively. In terms of academic major, 28 were Criminal Justice majors (42.4%), 15 were Social Work (22.7%), 15 were Education (22.7%), and 8 were Art (12.1%). Age was fairly spread out, with 15 in the 18-19 years old range (22.7%), 26 in the 20-21 years old range (39.4%), 14 in the 22-24 range (21.2%), and 10 as non-traditional students (15.2%). The final independent variable was race, which was not fairly distributed, but of which consisted of 60 White (90.9%), 3 Black (4.5%), 1 Hispanic (1.5%), and 1 Other (1.5%). One participant did not fill out the age or race questions.

In reference to the frequencies of responses to the 17 selected scenario statements, the following accurately depict the results found:

- Tommy did not commit the crime – 86.3% agreed
- Tommy should have fought CJS earlier – 80.3% agreed
- Tommy’s father set him up – 100% disagreed
- Good example of police misconduct – 74.3% agreed
- Life insurance benefits – 89.4% agreed
- Mediation sufficient – 68.2% disagreed
- Mediation best method – 16.7% agreed, 31.8% disagreed
- Police misconduct is a major issue in US – 62.1% agreed
- More done to deter – 80.3% agreed
- Police get away w/ too much – 36.3% agreed, 18.2% disagreed

- Restitution is not enough – 48.5% agreed, 13.6% disagreed
- LE treated the same as criminals – 75.7% agreed
- Too many exceptions to rules – 48.5% agreed
- Above the law – 18.2% agreed, 68.1% disagreed
- LE is sexist – 28.8% disagreed, 21.2% agreed
- LE is racist – 19.7% disagreed, 30.3% agreed
- Tommy was a coward for moving & changing name – 90.9% disagreed

In conclusion, it can be stated that there were mostly insignificant findings however, there were several significant findings with regards to the independent variable, Gender, therefore supporting the alternative hypothesis and allowing the researcher to reject the null hypothesis. In regards to the Age and Race hypotheses, the researcher must reject, but can accept the Gender and Academic Major hypotheses.

The overall sample consisted of more females than males, many more whites than others, many more Criminal Justice majors than others, and a larger sample of 20-21 year olds than other age groups. There was an overall support of Tommy by all participants, with the exception of the statement referring to him as a coward for moving and changing his name to start a new life, in which over 90% of the participants agreed that he was a coward for doing so. There was an overall consensus that there needs to be a better system of punishment and restitution to the victims of police misconduct and misuse of power, and an overall better criminal justice system in general. Participants also seemed to agree more often that there needs to be more done to deter law enforcement officers from committing such misconduct and misuse of power.

DISCUSSION

Many factors in this study could be done differently. The sample in general was too small in size and not nearly diverse enough in regards to academic major distribution or race/ethnicity. If a larger sample were taken, with different majors that consist of more diversity, the results could be significantly different. A lot of research found strong significance between race and views on police misconduct, so if this study were to be further pursued, a more diverse sample would be a main focus. On the same topic, questions 29 and 30 of the survey focused on the student views on whether or not it was believed that law enforcement is sexist and if it is racist. There were some interesting answers coming about from these questions, which caught the attention of the researcher and raises curiosity for future research. The larger sample could also include law enforcement professionals, as well as spread out to a local, state, nation, or worldwide distribution if time permitted.

One of the survey questions asked for the participant's opinion of whether or not the scenario was a good example of police misconduct, and only about 75% agreed that it was. With this result, the researcher can conclude that a new scenario must be presented next time with more relation to police misconduct than the current one. This would, in turn, lead to new survey questions as well, and could completely reshape the results likewise. As for the independent variables in this study, a few may be added, and a few may be changed a bit. Academic majors could remain with the current four, or could swap some out for different majors, or add additional majors. Media influence could be added as a completely new variable as well. Much research was found on media influence on public perceptions of law enforcement, so conducting further research would

be vital to the purpose of finding the overall causes of views toward police misconduct and misuse of power. Finally, income and socioeconomic status could be added to the mix. As with the media influence, a lot of research has been done in the area of socioeconomic status influence, so further research in this area may be supplementary to the study as well.

The researcher hopes that this study will help assist in future research in this area, Possibly assist in finding a plausible system of deterring and correcting issues of police misconduct in the United States. Until then, further research may be performed to solidify and support hypotheses made by this researcher and others. Someday, hopefully, this issue will be under control, and all the research done will have paid off for the better.

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Appendix A. Cover-letter, consent form, and survey used in the study.

March 9, 2010

Dear Respondent,

You have been randomly selected, along with 79 fellow junior and senior level Criminal Justice, Social Work, Education, and Art majors to complete the following survey assessing the learning styles of junior-and senior-level college students in these academic disciplines.

The purpose of this research is to determine whether certain areas of study have stronger feelings toward or against police misconduct. This research is important to gain a better understanding of how college students choose their academic majors, and may have applications in the future for assisting college students in making college major decisions.

This survey should only take 10-15 minutes to complete. The survey will be anonymous, therefore your identity will not be revealed. Your participation is very important to this research, and your cooperation is greatly appreciated.

Thank you,

Jacob Mulinix
Defiance College
Class of 2010

Consent to Participate in Research Project.

Title of study: Student Views on Misuse of Power and Police Misconduct

Principle researcher: Jacob A. Mulinix

Description of study: *The interest of this study is to find out the views of Defiance College students from various backgrounds, race/ethnicities, age groups, genders, and academic major concentrations, on police misuse of power and police misconduct. The purpose is to determine whether or not there are significant differences among the various subgroups of Defiance College students in regards to their views on the scenario and questions asked in the anonymous survey.*

Describe risk: *The scenario may present a psychological risk if you know someone or have been a victim of such a situation.*

Your answers will be confidential. You will not be asked to put your name on the survey that you will be given. We will ask you to indicate your gender. The research team will not discuss the names of anyone who participates in this study.

The data collected in this experiment will remain confidential. All data will be kept in a computer file in a locked room and in a Defiance College-owned password-protected computer system. The researchers will not disclose any information that would reveal your name or that would allow anyone to connect your name with the data you produced.

Indicate how subjects can acquire the results. *The results of the study will be available upon request at jmulinix001@defiance.edu.*

You must be at least 18 years of age to participate in this study.

Your participation in the study is voluntary and you are free to withdraw at any time without penalty. If you have questions about the study, you may contact (your name and contact info) or Dr. Don Knueve, (419 783-2581, dknueve@defiance.edu).

You will receive an unsigned copy of this form.

I, _____, agree to participate in this study.

(participant's printed name)

(participant's signature)

(Date)

Read each statement carefully. To the left of each statement, write the number that best describes how each statement applies to you by using the following guide:

1	2	3	4	5
Strongly Disagree	Disagree	Indifferent	Agree	Strongly Agree

- _____ 1. Tommy deserved his sentence of life in prison with no chance of parole.
- _____ 2. Tommy was a juvenile delinquent.
- _____ 3. Tommy was an unruly child.
- _____ 4. Tommy did not commit the crime
- _____ 5. Tommy should have fought the criminal justice system earlier.
- _____ 6. Tommy's father set him up for the murder charges.
- _____ 7. The lead detective in the original case was too lenient (easy) on Tommy.
- _____ 8. The lead detective in the original case was too harsh on Tommy.
- _____ 9. The lead detective was lazy and careless.
- _____ 10. This case is a good example of police misconduct.
- _____ 11. The lead detective should have to pay restitution to Tommy for falsely convicting him of the crime.
- _____ 12. The criminal justice system owes Tommy a fresh start.
- _____ 13. Tommy's life was ruined by an unruly officer.
- _____ 14. Those that beat and raped Tommy in prison should be punished further.
- _____ 15. The lead detective should have to go to prison for the same amount of time that Tommy did.
- _____ 16. Tommy was a coward for moving away and changing his name.
- _____ 17. The criminal justice system should purge (throw out) Tommy's record.
- _____ 18. Tommy should receive the life insurance benefits from his father that he was denied all the years he spent in prison.
- _____ 19. The mediation between Tommy and the detective was sufficient punishment.

_____ 20. The best way to solve this problem is to use mediation programs between police and community members.

_____ 21. Police misconduct is a major problem in the United States and the world.

_____ 22. There needs to be more done to deter police misconduct and misuse of power.

_____ 23. Police get away with too much.

_____ 24. Law enforcement professionals are above the law.

_____ 25. Paying restitution to victims of police misconduct is not enough.

_____ 26. Law enforcement professionals should be treated the same as any other criminal.

_____ 27. It's not fair that judges take an officer's word over a defendant's.

_____ 28. There are too many exceptions to rules that allow law enforcement officers to get away with misconduct.

_____ 29. Law enforcement is sexist.

_____ 30. Law enforcement is racist.