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## Increasing Police Accountability and Improving Use of Force Policies in the United States

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# Increasing Police Accountability and Improving Use of Force Policies in the United States

## **Abstract**

Communities, and their respective police departments, have significant impacts on the social and legal matters they are involved with, making it crucial for both parties to strive to maintain strong, collaborative relationships. Positive interactions between police and the public are therefore extremely vital and beneficial to all involved. Police officers should be held accountable for their transgressions and subject to transparency for their on-duty actions through legal records. Several issues lie in the policies and procedures which requires more attention in its analysis. Changing policies and procedure in the United States regarding police use of force to remedy inconsistencies calls for a national standard and educational rework. Similar conclusions have been reached by the DOJ and NIJ regarding the problems of policing. The problems urgently require reform in order to create sustainability through an updated, and better managed utilized database on police records during the hiring process. This paper will explore the lack of de-escalation methods used in situations where police unnecessarily used force to take control of situations, instead of reserving their use of force as a last resort. Excessive use of force issues that stem from a lack of police accountability will also be explored.

## **Keywords**

law enforcement, purging, police records, accountability, excessive use of force

Increasing Police Accountability and Improving Use of  
Force Policies in the United States

*Leica Kwong*

**Abstract**

Communities, and their respective police departments, have significant impacts on the social and legal matters they are involved with, making it crucial for both parties to strive to maintain strong, collaborative relationships. Positive interactions between police and the public are therefore extremely vital and beneficial to all involved. Police officers should be held accountable for their transgressions and subject to transparency for their on-duty actions through legal records. Several issues lie in the policies and procedures which requires more attention in its analysis. Changing policies and procedure in the United States regarding police use of force to remedy inconsistencies calls for a national standard and educational rework. Similar conclusions have been reached by the DOJ and NIJ regarding the problems of policing. The problems urgently require reform in order to create sustainability through an updated, and better managed utilized database on police records during the hiring process. This paper will explore the lack of de-escalation methods used in situations where police unnecessarily used force to take control of situations, instead of reserving their use of force as a last resort. Excessive use of force issues that stem from a lack of police accountability will also be explored.

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## **The Policing System in the United States Needs Quick Changes**

Statistics suggest that three quarters of U.S. residents, 16 years or older, described their encounter with police to be excessive (Hyland, Langton, & Davis, 2015). High profile cases will be mentioned throughout that have continued to emerge despite these statistics. Police officers enforce order and are regulated by a seemingly degraded system—one that appears to have a diminished ability to maintain U.S. job proficiency. In every region, society recognizes police authority and a relationship, be it good or bad, forms between the public and law enforcement. Consequently, when concerns arise regarding law enforcement's misuse of power, it creates an unhealthy division in the relationship between police and the communities they serve. While police have the stressful job of swiftly analyzing an entire situation and subsequently being forced to make split-second decisions, which often result in life or death decisions, their ability to apply their training and learned tools are not always executed with precision. For instance, decisions made by several U.S. police officers have highlighted a major problem that some officers have with the excessive use of force. Though force can be necessary at times, excessive use of force all too often lacks proper accountability in the aftermath of an officer's unwarranted response. This issue has been highlighted through several recent events, and then President Obama addressed it, encouraging the establishment of a Task Force to study and recommend policy and procedural reform that is urgently needed (Office of Community Oriented Policing Services, 2015).

### **Importance and Necessity for Solutions to Police Actions**

Currently, the way police departments handle issues of excessive use of force needs to change to create a more just and

sustainable environment for all communities. This change can be most successfully implemented during police trainings because most instances where a situation is handled poorly or power is misused can be addressed in initial trainings. In an example analyzed later, in the UC Davis pepper spray incident, several instances showed poor decision making from the UC Davis Police. Another potential solution is the implementation of proper repercussions for violating officers. If officers are allowed to make improper decisions without the appropriate consequences, their poor decision-making abilities will not be adequately remedied and their misguided practices will continue. Thus, routine training sessions can lead to fewer officer mistakes, increased skills, and improved methods. Continual training and improvements to police education are viable solutions that challenge and rectify improper police responses.

### **The Level of Significance to Criminal Justice Today**

The media news often covers excessive, often fatal use of force in cities where tensions are high between law enforcement and the community. Injuries, death, and a breakdown in the relationship between the community and law enforcements is a common headline in recent time. During an engagement between a police officer and an individual, there is a chance that an injury or death may result to one or both parties. When there is trust and cooperation between police officers and community members, the ability to coexist is much easier. Conversely, poor judgement and misuse of power by law enforcement creates a harmful level of distrust and is detrimental to the sustainability of police-community relations.

Understanding the issues surrounding excessive use of force is vital to the reformation of policies and breaking the cycle of its occurrence. Examples of erroneous practices are a

good reference point to understand and improve de-escalation practices across the U.S. The DOJ investigated problems of excessive use of force from police officers. Places like Missouri, Ohio, and New York have cases of law enforcement misusing the amount of force necessary and have placed a focus on those situations' failings. The way engagements operate based on current policies pose great potential danger from its continuous practices. A reduction in injuring and negative perceptions of law enforcement can be achieved through appropriate studies.

### **Prediction of the Trend Five Years from Now**

The DOJ's recent investigations on excessive use of police force present solutions to issues that have yet to be addressed. Multiple cases demonstrate that there are problems with current policies and procedures for police officers; these problems begin at the police institution itself and create challenges to implementing standards of reform. For instance, most police departments do not have particularly difficult requirements to become a police officer. Many departments only ask for a high school diploma as the minimum education requirement (United States Capitol Police, 2017). An educational level of experience may reflect on the skill level that police officers display, which should be at an adequate level to perform their duties in a safe and appropriate level. However, use of force is a measurable action that should only be used as necessary and extreme use of force should only be used as a last resort. De-escalation techniques should be mandatory prior to employing any use of force. To lessen the amount of excessive use of force, a review on the officers should be conducted so that any issues can be addressed and prevented in the future. Unfortunately, since some police unions with self-interests stand by their questionable actions, they may lengthen the reform process

(Bode, Katz, & Kapp, 2014). There is a significant delay in implementing a standard for all U.S. police departments that can be accepted by legislation. Aside from such logistical and legal matters, implementing new reform would also face challenges securing sufficient funding, which is needed to help support any new policies and procedures.

In 2015, a report from the Bureau of Justice Statistics (BJS) about the use of force by police officers gathered statistics from 2002-2011. In this report, 71% of those who experienced verbal force believed it to be excessive while 75% of those who experienced physical force believed it to be excessive (Hyland, Langton, & Davis, 2015). This distressing data reflects the poor demonstration of police officers, whom the community should feel confident and safe around. The statistic also reported 87% people who experienced force felt that the police acted inappropriately (Hyland, Langton, & Davis, 2015). To reduce the number of people from excessive force requires overcoming the initial obstacles of initiating reforms and tensions between the public and the police. Once that has been met, the improvements in public relations for officers will follow.

### **Future Changes to the Trend of Use of Force and the Ferguson Effect**

Improving the reliability of law enforcement to implement the proper use of force requires an open attitude about change rather than resistance to change. The prospect of reform does not come without its challenges. For one, police unions may contest the implementation of new standards to protect themselves. For example, police officers may feel under attack by the public, leading to uncharacteristic behavior. Journalists and others have recognized this frequent behavior used and describe it as the Ferguson Effect, referring to a decay in pro-

active policing which results in increased crime rates. The Ferguson Effect is described as police feeling underappreciated, so they withdraw from active policing (Dewan, 2017). The National Review describes the Ferguson Effect as an idea where crime rate is higher after violent protests opposing police (Russello, 2016). Police scrutinized by members of their community who wonder if they will be subject to the same use of force targeted at law enforcement officers that is broadcasted all over the news media. In response to this fear, the media has shown an increase in the passivity of U.S. police officers in an effort to keep themselves safe and free from judgement and public backlash (Dewan, 2017; Madhani, 2017). Therefore, some police, according to the Ferguson effect, would rather take the route of less action to avoid scrutiny.

As a result, the public has lost faith in police officers' competence and their ability to serve their communities. Some officers have even become aggressive with the public, which results in a cycle of retaliatory acts of aggression between law enforcement and community members. The case of Michael Brown, who was shot and killed by police on August 9, 2014 in Ferguson, Missouri, sparked national protests. The police lost their ability to do their duties because of the hostility they faced, resulting in criminals running amok (Dewan, 2017). Following the recommendations on policies and training as suggested by the DOJ, improvements in policing could positively benefit the community and police.

### **Issues with police action and recommended solutions**

Better training methods can create improved sustainability to the careers and lives of both the public and police. Without proper training, facilitating routine police duties, such as apprehending suspects, will continue to become



problematic to handle in the appropriate manner. Consequently, the harm and death of individuals because of excessive use of police force led to the decision for Barack Obama to sign Executive Order 13684, essentially creating Task Force on 21<sup>st</sup> Century Policing to investigate this issue. The taskforce report was published in 2015 with the stated goal of furthering training and education for law enforcement by promoting consistent standards and collaborating with academies and universities (Office of Community Oriented Policing Services, 2015). Training and educational needs supported by the federal government are crucial for enforcement, and training facilities around the country can provide consistent standards. A lack of establishing strong fundamental training and education in police academies and universities in the U.S. is contributing to inappropriate practices, which should have a high priority for reform.

### **Early Example of Excessive Use of Force**

On March 3, 1991, an African-American man, Rodney King, was beaten by several Los Angeles Police Department officers. This recorded beating instantly highlighted the under-addressed issue of police misconduct and the use of force. Rare video footage captured the brutal extent of the excessive use of force that King was subjected to by LAPD officers. The CNN news website compiled information of this event, stating that three police officers and one sergeant were involved in the beating of King (CNN, 2013). The four LAPD officers received their final verdict on April 29, 1992, where they were acquitted of any wrongdoing in the beating of King. This verdict sparked an uproar and outrage as the footage clearly showed the LAPD officers' unbridled aggression against an unarmed man.

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This outcry became known as the Los Angeles Riots of 1992 and offered a prime example of the need for change in police practices on the use of force and an increased sense of officer accountability. It was known that King was intoxicated and was a relatively low danger to himself and others, making excessive force unnecessary. On August 4, 1992, these sentiments led to the indictments against the four officers on the account that they violated King's civil rights (CNN, 2013). However, the decision of the new trial only convicted Koon and Powell. The Los Angeles riots of 1992 was a display of problems in law enforcement and its practices. This showed police with poor ethical decisions, a disregard for public relationships, and lack of proper punishment leading to an ongoing cycle of poor policing. Despite this being a case from 1992, there are many current cases involving the use of force by police officers that share similar problems of accountability and poor decision making. The issue remains today that people are unjustly dying due to poor police responses. The case with King as well as later cases have indicated that it is critical to make the proper judgment calls to avoid unnecessary and unjustified harm. This infamous case is one of the first of many examples which demonstrate a need for reform in the U.S.—reform that will promote sustainable solutions for troubling issues regarding law enforcement and the use of excessive force.

### **Example of Use of Force at UC Davis**

The government and justice department have made reports detailing serious cases where law enforcement officers may have acted wrongly, which has only escalated those situations (DOJ, 2017a; DOJ, 2017b). One case from November 18, 2011 at UC Davis involved excessive use of force by Lieutenant John Pike. The students at UC Davis were protesting

tuition increases; borrowing tactics from the Occupy Movement, they set up tents on the campus. The Reynoso Report, prepared by the University of California, Davis Task Force (2012) noted that UC Davis administrators were frequently referring to concerns about security due to individuals not belonging to UC Davis entering the campus. The decision from UC Davis to remove this encampment due to fears of safety was escalated by the use of force from the UC Davis Police Department (UCDPD). UC Davis succumbed to the fear of an inability to provide a safe campus and therefore elected to forcibly remove the encampment of protestors (UCD Task Force, 2012).

The UCDPD initiated the plan to remove the protestors' tents located at the Quad at 3 p.m. on a Friday afternoon. According to the Reynoso Report (2012), the police made arrests and waited in the Quad for additional transportation to take the arrested individuals into custody. The crowd developed a chanting march that followed the arrested which resulted in circling the police. Police authorities were surrounded with protestors sitting and blocking a walkway. Lt. Pike approached one of the protesting students, warning about the measures that he would take because they were blocking the walkway. A viral video put on the internet displayed Lt. Pike brandishing pepper spray on the protestors because they did not comply with the officer's order (UCD Task Force, 2012). The lack of de-escalation methods displayed by Lt. Pike is not an issue limited to just UCDPD.

### **Analysis of Pike's Decision to Use Excessive Force**

The analysis of the situation by UCDPD was ineffective; it was a hostile situation due to the officers not forming a plan to transport the arrested before the incident. Lack of transportation was a key problem, and if properly addressed before the

operation, the use of force could have been avoided. The Reynoso Report (2012) noted that during different instances some officers were even able to move throughout the crowd surrounding them because it was not a tight circle. Those officers were not met with resistances from the crowd, yet Lt. Pike was in the subjective belief that the crowd was hostile and thought it was necessary to use pepper spray (UCD Task Force, 2012). The consequence of Lt. Pike's poor decision of using excessive force through pepper spray did not lead to UCDPD's goal of dispersing the nonviolent uncooperative protesters and instead escalated the situation. Lt. Pike's decision to use pepper spray on the UC Davis students illustrates the corrections needed to policies and procedures for improved police tactics.

### **Reasonable vs. Excessive Force**

Reasonable force taken by law enforcement can be justified under specific circumstances. Use of force, as defined by the DOJ, is essentially objective use of force under reasonable police officer rationalizing of the totality of the circumstances (DOJ, n.d.). UCDPD lacked transportation for the arrested, and under low level resistance they enacted a high-level force to handle the situation. In the end UCDPD failed to control the situation. The actions of UCDPD were not reasonable and were excessive. The proper level of control tactics could be exerted through reasonable officers, using their resources efficiently.

Excessive force is unjustifiable; it breaches the guidelines that police are supposed to follow. The NIJ website defined use of force for a police officer as a measure displayed only when other methods of action cannot effectively work to restore control and safety (NIJ, 2016). Lieutenant Pike's threat assessment did not consider all the consequences and neglected to enact different de-escalation methods. Instead, he used an

improper amount of force which only proved to be harmful and ineffective. A reasonable use of force should be objective rather than subjective. As further indicated in the Reynoso Report (2012), Lt. Pike and other officers did not follow the objective basis of appropriate analysis of the situation. Furthermore, the weapon used was a MK-9 pepper spray that is unauthorized for UCDPD, as well as a higher grade than the normal pepper spray MK-4 (UCD Task Force, 2012). Insignificant training can be detrimental to critical situations that officers are constantly facing. Without proper established policies or procedures to help govern the best actions police should take, there can be damage to civilian trust (Office of Community Oriented Policing Services, 2015). This incident was poorly handled due lack of proper training, policies, and procedures for the on-campus demonstrations. Awareness of the situation and a thorough cost benefit analysis is crucial.

### **Use of Force in Staten Island by New York Police (NYPD)**

The totality of the situation needs to be assessed by police officers, as well as a cost-benefit analysis when deciding which level of force to deploy. Training to lessen the occurrence of injury or death should be of the most important. In the arrest of Eric Garner, he was subjected to a low-level force method to arrest him using “Empty Hand Tactics (Takedowns)” as listed in “Use of Force”. This case using a chokehold is seen by some as an unauthorized level of force while others, like the police union, see it as a justified takedown method (Bode, Katz, & Kapp, 2014). Despite the belief of the police union and others, Garner died shortly after the so-called low-level use of force utilized on July 17, 2014 by undercover officers, even after informing them he could not breathe. In this case, the selected use of force was ill-chosen and adequate de-escalation attempts were neglected.

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### **Use of Force Policy, Procedure, and Training**

There is no doubt that the police have a difficult job; their daily responsibilities require the ability to consider all necessary information to make the right choice that will allow them to effectively gain control over the respective situation. Under the de-escalation category of Use of Force, it states, “Clearly, not every potential violent confrontation can be de-escalated, but officers can do impact the direction and the outcome of many situations they handle, based on their decision-making and the tactics they choose to employ” (DOJ, n.d., p. 6). Naturally, context is important and making the decision to use pepper spray can result in the undesirable escalation of a situation. Taking the UC Davis pepper spray incident, the Reynoso Report (2012) found that no members of the UCDPD were trained to use the MK-9 pepper spray. Not only do the police need to know how to use de-escalation methods properly, they also need to be held responsible for their decisions and should not have access to weapons they are not trained to use.

### **Penalties Related to Excessive Use of Force**

Depending on the case of excessive use of force, this is punishable by fine and, or imprisonment. Police have special guidelines that are bound to them because of their position, called “under color of law”, and deviations from it can result in the aforementioned punishment-(DOJ, 2015). In addition to fines and imprisonment, the careers of the officers may be terminated; these reprimands can leave them with a record and prevent them from being rehired as an officer. In the case of Lt. Pike, he was placed on administrative leave after the pepper spray incident and his time at UC Davis ended on July 2012. Despite the viral outrage Lt. Pike received because of the inappropriate use of force he used, he won a claim for worker’s compensation

(Garofoli, 2013). To reach a settlement fairer for all parties, it is important to address the roots that lead to misuse of force, which is the training and updating policies for police officers.

### **Solutions**

There is a lack of universal policy and structure in police departments as well as in training and education standards (DOJ, n.d.). The variations and lack of uniformed policies, standard, training, and education leads to inefficiencies in handling situations. Some officers may not be well trained or informed when it comes to understanding the different options that police can utilize when an officer needs to take control of a situation; not all of those options include a method of force. Setting a bar by which all police should be held to can provide informative decision-making actions for police. The UC Davis Task Force highlighted this in their report:

A similar such institution is the California Department of Corrections, a statewide sworn law enforcement agency that has one set of core policies (e.g. one use of force policy, one training curriculum for crowd management, etc.), while allowing... flexibility to address unique local realities differently. (UCD Task Force, 2012, p. 128).

To fix the problem, an appropriate approach to better structuring, training, and standards for police is necessary, such as better implementation of modern technology within police training.

To aid in policing methods and practice is the use of technology, however technology is dependent on the location in the U.S. In Arizona, current technology equipment is being implemented to train their law enforcement as a form of practice through virtual reality courses (Cassidy, 2016). The contract to

utilize the virtual reality technology gained support from the civil rights organization branch president of the NAACP because of the idea to focus on de-escalation training (Cassidy, 2016). These types of practices gained from the use of virtual reality have a great potential to strengthen decision making before a real life confrontation. The training and education police gain is a large piece when implementing reform, but emphasis on keeping officers accountable for their actions needs to remain in consideration. Different parts of the U.S. have varying jurisdiction that produces inconsistent standards, such as their training regimes and hiring procedures (DOJ, n.d.).

### **The Need for Improved Police Accountability and Reliable Hiring Methods**

One of the problems with excessive use of force by officers is due to a flawed hiring system. Some police officers are unfit for their position, and the Justice Department and their partner have initiated a solution of utilizing a database to address this (Williams, 2016). Mike Becar, the executive director of the organization collaborating with the Justice Department, described a database they have created to manage around 21,000 names of police officers whose powers have been removed, however the organization lacks proper resources to do a thorough job. (Williams, 2016). The database evaluates the records to prevent harmful practices from occurring, which is useful information to the hiring process. To ensure safety of police officers and the communities they serve, qualified individuals passing background checks should be mandatory. Not all police departments are required to use a database to do background checks and the federal government lacks a database to adequately store, update, and maintain information (Williams, 2016). Changing policies to include thorough background checks



can hold police more accountable. Creating a portal for formal complaints against officers from the community can also help aid in accountability (DOJ, n.d.). Investigation into police officers and decision making on punishment should be installed in a uniform national level. In addition to departments fully knowing who they are hiring, their records should irrevocably and publicly reflect their past transgressions to offer the community a sense of peace in knowing the type of police officers that serve their communities. Maintaining a database that is accessible for internal or public use is one way to prevent high-risk officers from securing employment. Preventing officers with a history of incompetence, gross misconduct, or excessive violence from obtaining a job as an officer could save lives. For example, the circumstances regarding the untimely death on November 22, 2014 of Tamir Rice clearly demonstrate the need for improved background checks and record monitoring. In the case of Tamir Rice, there was an immediate use of excessive force without any de-escalation technique attempts once the officer approached Tamir Rice, a 12-year-old boy playing with a toy gun. The subjective beliefs of the officer, Timothy Loehmann, led the situation to escalate as he fatally shot Tamir Rice believing the toy gun was real. During his background check, the Cleveland Police Department admitted to not reviewing the personnel file of Loehmann (Mai-Duc, 2014). Such situations inspire an urgent need for reform. Doing so can prevent unnecessary escalations of harmless situations due to police officers with questionable legal records.

When hiring police officers, background checks should be extensive; short-cuts that circumvent the hiring process should not be allowed. The U.S. fails to implement a nationally recognized standard that would require a rigorous background

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check and may ultimately lead to avoiding tragic occurrences such as in the case of Tamir Rice. Aside from not reviewing his personnel file, supervisory colleagues of officer so-so, found Rice's shooter to present emotional instabilities and deemed him as someone who was void of the necessary experience and confidence to effectively execute the primary responsibilities of an officer (Mai-Duc, 2014). There is no current policy requiring personnel file checks within the police department, and changes to those policies are in the works. (Mai-Duc, 2014). Prevention steps exists, but are not mandatory in all police departments. Policy changes are critical in the prevention of further cases of problematic officers from repeating poor practices. Therefore, a standard to discover and respond to these red flags needs to be implemented in order to adequately address officers like Loehmann. Unjustified cases of excessive use of force, or even fatal cases such as Tamir Rice demonstrate the devastating impacts that the misconduct of troubled police officers have on their respective communities and across the U.S. Without a unilaterally mandated legislation on the matter, more tragedies are likely to occur and devastate communities across the nation.

### **Police Accountability Challenges**

Depending on the severity of incidents incurring in a police officer's records, they should be addressed with appropriate disciplinary actions to promote better policing performance. Rather than erasing possible blemishes in an officer's career or resigning, are disregarding the accountability and transparency purposes of the records. Incentivizing and encouraging improvements to police should propel a cycle of building good practices and community trust. Record purging or the ability to resign without negative consequences does not create the opportunity for positive change. A fatal police

involved shooting of Michael Brown is a case highlighting the importance of records and reviewing them. If need be, initiate an investigation on the officer in question. Brown was shot and killed by Jennings, Missouri police officer Darren Wilson. This particular police department was discontinued by the Jennings city council because of the tension between the black residents and white officers, as well as other problems such as corruption from a lieutenant in the department (Leonnig, Kindy, & Achenbach, 2014). Permitting the ability of reapplying after such a serious incident is a red flag that the current system is not governing police officer records effectively. Death occurred due to a relaxed hiring process, the action of moving grants problematic officers the benefit of not being properly disciplined and have a high possibility of causing similar situations from occurring again.

A way for an officer to continue that line of work despite serious complications would be to move to a different department and reapply. The type of police officers involved in this process of changing locations are referred to as gypsy cops. Similar to Darren Wilson, this was the case for Eddie Boyd III. Officer Boyd was able to move to another police department after an unsuccessful stint as an officer for the St. Louis department. According to the Missouri Department of Public Safety, Boyd left his employment because he had at least two abusive engagements, each involving a gun and a minor, as well as preparing false documents (Williams, 2016). Despite these serious accusations, he was not deterred or prevented from reapplying as a police officer for a different Missouri police department.

Undeniably, higher standards for police hiring practices are vital, but there is also significant need for well-maintained

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databases and records that promote the hiring of qualified police officers. Hiring officers with poor police career records will only create more problems in the communities of which they are employed. The permitting of hiring officers with prior incidents on their police records unduly add to the challenges of crafting reliable and honorable police forces. Establishing a consistent hiring method may remove the cycle of police officers that sometimes use dangerous and poor policing onto multiple counties. During an investigation following Brown's death, a policy group called the Police Executive Research Forum discovered that Missouri's police hiring process was inappropriate. Disciplinary measures were lacking and instead of termination, resignation was acceptable to avoid the negative connotation of being fired added to their records (Williams, 2016). This a serious issue where problematic officers are able to join another department regardless of their previous bad performance

### **The Problem Purging Creates and Its Effect on Police Accountability**

The removal of incriminating police records is referred to as purging, and it needs to be addressed. The National Criminal Justice Reference Service (NCJRS) defines purging as "destroying so no remains are left in a way that the record cannot be linked to an individual." (SEARCH Group Inc., 1981). Chicago's police records state that different police contracts exist where purge clauses can function so that penalties can be removed after two years, as is the case for the Cleveland Police Department (Flores & Simon, 2015). The continuation of this practice has gone on without reform resulting in unjustified deaths and injuries. The deceptive nature of purging promotes unqualified candidates, allowing a cycle of poor policing.

The diverse problems plaguing police departments across the U.S. require immediate improvements. The city of Chicago had some large cases of poor policing, which directed attracted attention from the DOJ and the Task Force for 21<sup>st</sup> Century Policing to investigate. A police union called The Fraternal Order of Police demanded the city of Chicago to destroy police records of misconduct older than 5 years, otherwise it would violate the agreement they have with the city (Flores & Simon, 2015). The interests for police officers should be the people they are serving, and the records are important to form trust and accountability between the community and the department. Chicago, Illinois holds police records of misconduct in great importance for perseverance for legal, administrative, and warrants reasons. The prevention of removing police records of misconduct can greatly improve situations involving police accountability.

### **Example of a Broken Police System: Chicago Police Department (CPD)**

After serious incidents involving problematic police officers, the Chicago's police officers and their practices were questioned (DOJ, 2017). The DOJ and district of Illinois collaborated in an investigation on CPD in which their report discovered that 30,000 police misconduct complaints were made, with only 2% of those leading to disciplinary actions (DOJ, 2017b). Not only was there a large amount of complaints, but there was no action to remedy them. The report recognized that CPD had several issues such as misconduct, inadequacy of training, and a lack of accountability when misconduct occurred (DOJ, 2017b). This contributed to a cycle of harmful police officers because they were not held responsible for their mistakes.

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Police officers have paramount responsibilities and should be prepared to handle a multitude of situations as they appear. The DOJ report found CPD officers were not given an adequate amount of quality training for them to perform their duties (DOJ, 2017b). The work pressures that police officers undergo can be very intense, but it is also intense for the confronted individual who may be subjected to excessive use of force. Police officers can be put in dire situations, and for them to not be trained adequately is alarming.

Investigative reports of CPD demonstrated a need of reform to correct police policies, procedures, and training standards. However, CPD is not alone in requiring reform. Similar investigations into police departments occurred in Baltimore, California, Michigan, New York, and many other states. There is an indication for reform, as 69 formal investigations of pattern or practice by the Civil Rights Division were conducted (DOJ, 2017a). There are varying standards in departments across the U.S.; establishing a consistent national standard could limit and prevent issues with police tactics, behaviors, and ultimately increase police accountability.

### **Considering Body Cameras as a Solution**

Body cameras on police are used to help convey context of the situations to the public, but there are still existing problems with the body-worn cameras. An NIJ (2010) study of police use of force saw civilian injury occurring as high as 64% compared to officer injury rate at 20% during use of force cases (Smith, Kaminski, Alpert, Fridell, MacDonald, & Kubu, 2010). Implementing better police accountability policies and higher standards of training for police across the U.S. can decrease injuries. Based on data gathered in 2013, almost 75% of police departments did not use body cameras (NIJ, 2017). Body

cameras establish accountability that prioritizes better conscious efforts of using efficient control methods.

To promote police accountability, body cameras can encourage better practices. In a study done using police body cameras in Rialto, California, researchers found the purpose of introducing body cameras is to decrease use-of-force encounters and public complaints while increasing mutual accountability (Ariel, 2016). In theory, body cameras will record the actions of the police, which encourages fair behavior and not aggregation of the situation. Body cameras decreased the use of force more than half for the whole department compared to previous years (Ariel, 2016). Body cameras support the idea that police officers became more aware of the weight of their actions and therefore take suitable actions to control the situation.

More research is needed before the full implementation of body cameras in order to prepare for instating its corresponding polices and understanding concerns such as privacy. Body camera usage on police officers raises some concerns, such as the privacy of both police officers and community members and the body camera costs, its information storage and disclosure policies are being considered to adjust (NIJ, 2017). Over time, these concerns will likely be addressed and positive results will be achieved through research and development. Additional tools for police officers may appear as sophisticated technology arises.

### **Going Forward**

Some law enforcement officers in the United States have displayed improper disciplinary measures during their encounters. These inappropriate actions have not been punished in a way to dissuade poor judgement calls from occurring again. The issue between law enforcement and the communities they

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serve requires decisive action to address the nonexistence of a uniform standard by reform in policies. The importance of such a reform can create better police accountability and support sustainability. Police officers' decisions have a heavy impact on the situation, so it is imperative the officers consider how they are supposed to act. Incidents such as UC Davis' pepper spray incident or Eric Garner's death showcase how the police and training for police officers have failed, leading to terrible results. The stressed importance of law enforcement to engage in situations without excessive use of force in various trainings will have a positive effect on the relationship between officers and civilians. Valid sources like the DOJ, NIJ, and others share the notion of rectifying current use of force guidelines, procedures, and training to help officers in their decision-making process. Improved training will affect the strategy officers employ and body cameras can hold officer's accountable for their actions. Therefore, officers should undergo retraining immediately as well as increased periodic training to ensure that outdated methods are never used.

A fundamental part of the poor use of force by law enforcement could be linked to the purging of misconduct records. The current hiring process for police officers has huge risks. As seen in cases involving fatal and excessive force on Michael Brown and Tamir Rice. These examples highlight the importance of police background checks and records in order to maintain police accountability. The flawed system allows problematic police officers to continue a cycle of inappropriate policing and the use of excessive force without ever being held accountable. Therefore, there should be consideration in additional funding and a requirement in updated databases of police officer's individual records for all police departments to



use. With support and serious efforts of implementing the recommendations of establishing consistent and uniformed standards and policies can lead to improved policing in the United States.

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