

## ABSTRACT

Title of Thesis: THE CONSENT DECREES EFFECTS ON  
POLICE SUBCULTURE: PERCEPTIONS  
FROM BALTIMORE POLICE OFFICERS

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The rampant misconduct currently plaguing U.S. police departments demands an urgent solution as current and past efforts to improve accountability have failed in achieving long-term change. In some cities, police misconduct has resulted in a federal response, mandating reforms in the form of a consent decree. Though these consent decrees hold the potential to initiate and sustain police reforms that function to curb police misconduct, few studies have evaluated their effectiveness, particularly if and how they affect police subculture. This thesis argues that police subculture may be a critical element for the successful implementation of change. As the subculture stands in opposition to the implementation of reform, understanding its relationship with the consent decree can help inform the design of future police reform. This research proposes a study that would gather officer perceptions of the consent decree including its effect on police subcultures through semi-structured interviews with officers at the Baltimore Police Department, currently operating under one. Officer perceptions can be used to further understand

the success and failures of the unprecedented reforms present in the consent decree and to inform future police reform efforts to curb misconduct.

THE CONSENT DECREES EFFECTS ON POLICE SUBCULTURE: PERCEPTIONS  
FROM BALTIMORE POLICE OFFICERS

by

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# Table of Contents

Acknowledgements .....	5
Table of Contents .....	6
Chapter 1: Introduction .....	7
Chapter 2: Literature Review .....	12
<i>Misconduct</i> .....	12
<i>Police Subculture</i> .....	13
<i>Past Reform</i> .....	15
<i>Consent Decrees</i> .....	19
<i>Consent Decree Evaluations</i> .....	23
<i>The Baltimore Police Department</i> .....	24
Chapter 3: Current Proposal .....	28
Chapter 4: Methods .....	30
<i>Data Collection</i> .....	30
<i>Sample</i> .....	31
<i>Procedure</i> .....	36
<i>Domains</i> .....	36
<i>Analytic Strategy</i> .....	37
Chapter 5: Discussion .....	39
<i>Discussion</i> .....	39
<i>Implications</i> .....	41
<i>Limitations</i> .....	44
<i>Future Directions</i> .....	47
Chapter 6: Conclusion .....	51
Appendices .....	52
<i>Appendix A</i> .....	52
<i>Appendix B</i> .....	56
Bibliography .....	59

# Chapter 1: Introduction

The persistence of police misconduct and abuse of power in American policing has intensified demands for an urgent solution (Frake and Harmon 2023). Within the last decade, public confidence and trust in the police have been rattled by incidents that gained widespread, national attention, such as the deaths of Michael Brown, Eric Garner, Tamir Rice, and Freddie Gray (Walker and Archbold 2020). In 2022, 1,201 people were killed by police officers, more people than any other year in the past decade (Sinyangwe et al. 2022). Officers were charged with a crime in only 12 of these cases; One percent of all killings by police (Sinyangwe et al. 2022). Police misconduct is not a new phenomenon; the past few decades have witnessed the rise of fervent movements against police violence in response to the unrelenting instances of gross police misconduct and brutality; From the cruel beating of Rodney King in 1991 to the 2020 death of George Floyd, police brutality remains an unresolved issue. These issues have not been going unaddressed however, with several reform efforts proposed in recent years such as body cameras, bias training, community policing, and demilitarization (Weitzer 2015). Past efforts to curb police misconduct have been ineffective and failed to endure, revealing a systemic obstacle rooted in the police subculture that impedes accountability-related reforms (Kreisel 1998; Christopher Commission 1991; Walker 2018; Mollen et al. 1994). Police misconduct remains a widespread, prevailing issue requiring a novel solution to improve accountability and eliminate misconduct within U.S. police departments.

Public outrage has propelled the debates and research on how to effectively address the issues entrenched in U.S. police departments. In some instances, this frustration has spiraled into violent police riots, such as the ones that occurred in Baltimore after the death of African American resident Freddie Gray (Greenberger 2016). Public trust and cooperation, which are

essential to crime control, are directly affected by perceived accountability (Walker and Archbold 2020). Nearly all police brutality and abuse complaints are handled by the internal affairs function, which is essential in maintaining professional conduct and a positive public image through quality investigations of complaints (Kreisel 1998). However, the public is accusing the police of being inadequate in policing themselves, evidenced by subculture research, and trust is fading (Walker and Archbold 2020; Headley and Wright 2019). For some Americans, it is already lost, as they call for a total defunding of the police (Sklansky 2022). Police accountability can no longer be ignored. Police violence has been identified as one of the leading causes of death among young men between the ages of 25 to 29 in the U.S., and police were still not held accountable or charged for these deaths (Edwards, Lee, and Esposito 2019). Society has given the police wide discretion and the authority to use deadly force, therefore, it is imperative they are held to the highest standards of accountability. As granted by the Constitution, citizens have the right to hold officers accountable for their actions.

Consent decrees are a fairly new, unprecedented form of police accountability that have an enormous potential to impact American policing with an unmatched comprehensive agenda of reforms (Walker 2022). Authorized by the U.S. Department of Justice (DOJ), consent decrees are formal settlement agreements between a U.S. district court judge and a state or local law enforcement agency. The agreement is entered with police departments who have been investigated and found guilty of unconstitutional policing by the DOJ's Civil Rights Division. By requiring federal oversight of the enforcement of the reforms, consent decrees aim to end unconstitutional police practices, establish effective accountability measures, transform police subculture, and ensure sustainability (Stone, Foglesong, and Cole 2009; Baltimore Consent Decree 2017). "Never before has the federal government intervened so directly into the activities

of law enforcement agencies, and never before has it sought such sweeping reforms of agency policies and practices” (Walker 2022:22). The goals and requirements of consent decrees are closely interconnected and depend on each other, creating a web of accountability that strengthens individual components (Walker 2022). As an innovative approach to addressing accountability failures, consent decrees offer evidence-based reasons for optimism for implementing long-term reform.

Despite there being over twenty consent decrees entered since its approval by Congress, little academic research has been conducted on consent decrees and their impact (Walker 2022). Evaluations of the outcomes of consent decrees are very limited and no study has explored their full impact. This lack of comprehensive scholarly overviews prevents scholars and reformers from understanding the broader effects of consent decrees on police departments, police reform, and police accountability issues (Walker 2022). The absence of informed commentary on consent decrees’ ability to sustain reform may stem from the difficulty in tracking changes in police organizations over time (Walker 2012). Literature contributing to the understanding of consent decrees and their impact on police departments would serve to inform the larger debate on addressing police reform and its sustainability.

One potential source for comprehensively understanding the effects of consent decrees on police officer accountability is the Baltimore City Police Department (BPD) which has been under a consent decree since April 2017 (Baltimore Consent Decree 2017). The BPD was notorious for its aggressive policing of poor Black communities and egregious accounts of misconduct and corruption (U.S. DOJ 2016). As a Black-majority city with one of the highest homicide rates in the country, Baltimore is plagued by complicated racial tensions and multifaceted crime issues. Baltimore's racial tensions render it an ideal city for research, given

the inherent connection between police misconduct and racial dynamics (Kast and Harvie 2023). BPD officers frequently abuse their power and use excessive force against racial minorities who do not play silent victims to police oppression (U.S. DOJ 2016). The death of Freddie Gray sparked violent, angry riots throughout the city that lasted for days, illustrating citizens' demands for change. As they are currently still working toward compliance with the consent decree, Baltimore is a source for fresh perceptions of consent decree impacts. Exploration of the interplay between the requirements of the consent decree and the complex issues presented by Baltimore's racial tensions may present an interesting point of focus for scholars. As a department with an enormous capacity for improvement, consent decree effects may be more pronounced, highlighting the unique value of BPD in offering insight.

In order to assess the effectiveness of police reform strategies, it is useful to examine the shortcomings of past reforms and obstacles to accountability. Failed police reforms indicate that effective police accountability efforts may be thwarted by the police subculture, centering the police subculture as a focal point in reform research (Kreisel 1998; Christopher Commission 1991; Micucci and Gomme 2005). In Baltimore, the subculture made misconduct a norm and permitted the use of retaliation as an intimidation tactic against the filing of complaints (U.S. DOJ 2016). One officer discovered a rat on the windshield of his car after reporting another officer for assaulting a suspect and reported that the department failed to protect them, allowing other officers to ignore their calls for backup (Krayewski 2014). To improve accountability, reform should target the subculture (Walker 2022).

This study attempts to understand the relationship between consent decrees and police subculture in order to inform the larger conversation regarding police reform and sustainability. Specifically, it aims to understand how consent decrees impact the police subculture through

officers' perceptions. This proposal reviews past police reform failures and the efficacy of consent decrees as a strategy, seeking to understand the rationale and support underpinning the use of consent decrees. To determine if Baltimore's consent decree has affected officers' perceptions of their departmental subculture, this study proposes qualitative interviews with BPD officers who can shed light on the success of the reforms. This work aims to gain an in-depth understanding of how consent decrees affect the police subculture from officers' point of view, serving as a prerequisite for exploring the link between police subculture and reform sustainability and for understanding how to best control systemic police misconduct.

## Chapter 2: Literature Review

### Misconduct

Since 2014, American policing has been characterized by a national police crisis. The perpetual mistreatment and killings of African Americans at the hands of police officers have spotlighted police misconduct as the forefront of the national police crisis, prompting massive reform efforts to target police accountability. The U.S. DOJ defines police misconduct as outlined in the federal criminal statute 18 U.S.C. § 242. Section 242, “Whoever, under color of any law, ...willfully subjects any person...to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States [shall be guilty of a crime]” (Deprivation of Rights Under the Color of Law, 1948). The BPD defines misconduct as “Action, inaction, and/or failure to act committed by any member of BPD, civilian or sworn, that violates BPD policy, or the law, including but not limited to criminal acts, applicable civil laws, administrative rules, or regulations” (BPD Public Integrity Bureau 2020).

On August 9, 2014, Ferguson police shot 18-year-old Michael Brown. Perceived as an unjust death of an unarmed African American teenager, nationwide protests erupted, drawing national attention to other police killings of African Americans such as the chokehold death of Eric Garner three weeks prior in New York City and the shooting of Tamir Rice by a Cleveland police officer in November that year (Walker and Archbold 2020). In 2015, Freddie Gray sustained fatal injuries while in police custody during his ride to jail in Baltimore (Greenberger 2016). These deaths had a significant impact on attitudes towards the police and their perceived legitimacy. A 2016 poll by the Pew Research Center found that 72% of officers agree that poorly performing officers are not held accountable, underscoring the need for accountability measures

against misconduct and racial bias. With no effective solution to hold officers accountable for their actions, police violence has continued to today, further fueling public tensions.

### Police Subculture

Among U.S. police departments investigated for misconduct, there is a pattern of resistance to effective accountability mechanisms by the police occupational subculture (Kreisel 1998). The concept of police subculture was developed by William Westley (1970) during his study of the Gary, Indiana police department. Characterized by hostility toward the public, strong group solidarity, and secrecy, the police subculture encourages the officer to perceive the public as a threat. This attitude is a hindrance to accountability mechanisms, as it stresses hostility to external critics and permits lying about misconduct to protect oneself or fellow officers (Westley 1970; Kreisel 1998). The ability for reforms to affect the police subculture is crucial to its success, as the subculture encourages misconduct and resists accountability measures.

Inherent aspects of the role of a police officer can influence the subculture and promote misconduct. Skolnick (1967) developed the aspect of the “working personality” of the police subculture, which is shaped by danger and authority. He argues that the potential for danger, a constant aspect of the job, leads officers to develop a suspicious attitude toward the “symbolic assailant”, a stereotype of people that the officer identifies as a prelude to danger, primarily young, black males, low-income persons, and racial minorities (Kreisel 1998; Skolnick 1967). Niederhoffer (1967) described the subculture as being characterized by cynicism and authoritarianism, associated with values such as aggression, superstition, and a tendency to stereotype (Kreisel 1998). Combined with officers’ authority, which isolates them from the public, constant suspicion and preoccupation with potential danger leads to the increased likelihood of conflict between citizens and the police (Kreisel 1998).

Police misconduct is further perpetrated by a police subculture in which aggressive policing strategies are the norm (Walker and Archbold 2020). Sue Rahr and Stephen K. Rice, two notable scholars in the field, argue in their 2015 article that American police have adopted a “warrior cop” mindset in which they detach and separate themselves from the community through aggressive enforcement. Police training emphasized “physical control tactics and weapons” rather than “communication and de-escalation skills” (Rahr and Rice 2015). These tactics have been used to justify gross misconduct, such as in the case of Jon Burge in the 1970-90s, who led a group of Chicago Police officers who beat, burned, shocked, and suffocated hundreds of mostly black men to coerce confessions (Frake and Harmon 2023). These hostile approaches create tensions between the police and the community and create an environment that’s conducive to police misconduct.

The police subculture is reinforced through training, structure, and supervision. The Independent Commission on the Los Angeles Police Department (LAPD), also known as the Christopher Commission (1991), was created to investigate the LAPD in the wake of the Rodney King beating. It linked the LAPD’s “assertive style of law enforcement” to a “professional organizational culture” cultivated through its training and structure (Christopher Commission 1991; Micucci and Gomme 2005). Officers were rewarded for hard-nosed enforcement activities that encouraged citizen-police conflict and were not held accountable when those activities resulted in acts of misconduct (Christopher Commission 1991; Micucci and Gomme 2005). This sentiment is echoed in the DOJ’s Findings Letter on the Albuquerque Police Department which concluded that the use of excessive force by APD officers is not sporadic, but “stems from systemic deficiencies in oversight, training, and policy” (U.S. DOJ 2014). Additionally, investigations of the Chicago Police Department and the Union City Police Department

concluded that the cultural norms permitted or encouraged a pattern of unlawful conduct and persisted due to deficient training and supervision (U.S. DOJ 2017; Frake and Harmon 2023; Micucci and Gomme 2005). Without proper supervision and training to ensure accountability and constitutional policing, these aggressive strategies will continue to embed themselves within the police subculture and promote misconduct.

### Past Reform

Over the past few decades, high-profile incidents of police misconduct have fueled cycles of outrage prompting commissions and studies addressing aggressive tactics. Reformers have grappled with the issue of police misconduct, with most reforms unable to endure long-term. Team Policing was one popular reform during the 1970s that aimed to bring police operations closer to neighborhoods, however, it failed after briefly sweeping through U.S. police departments (Walker 2012). Another notable example of a major police reform that faded away is the anti-corruption reforms of the New York City Police Department (NYPD) in the early 1970s. Intending to decentralize responsibility for investigating corruption and strengthen the centralized Internal Affairs Division (IAD), the reforms were unsuccessful, as three decades later another major corruption scandal occurred in the NYPD. An investigation concluded that the reforms had evaporated because “no institutional mechanism” existed to ensure its functionality, illustrating that simply implementing new policies is not enough to sustain positive change (Walker 2012). This was a similar finding for Community Policing, which was adopted in almost every U.S. police department in the 1980s and 90s but faded by the 2000s (Sklansky 2022). Reforms must ensure special attention to the full implementation of the policies and their continuity over the long-term.

One reason for the failure of many past police reforms is that they did not establish institutional mechanisms to ensure their continuity, such as in the case of the NYPD (Walker 2012). According to Samuel Walker (2012:59), institutionalization occurs when a particular reform becomes “a way of regularly conducting police business,” and “when certain norms, values, and structures are incorporated into an organization”. Past reform strategies relied heavily on using a strong police chief executive to bring about change in a top-down approach. However, all chiefs eventually leave the department and cannot continue to effect change, causing disintegration of the policies (Walker 2012). Institutionalization, therefore, must be utilized to distribute responsibility for the reform across the rank structure. Integrating problem-solving, analysis, and accountability at all levels of the organization can be achieved when the reform is incorporated as a customary and accepted part of the organization.

The Los Angeles County Sheriff’s Department’s (LASD) early identification system, the first of its kind in the U.S., was one reform that showed great success in reducing officer misconduct but lost traction due to a lack of institutional mechanisms (Bobb et al. 2009). In 1997, the LASD implemented a system called the Personnel Performance Index (PPI), a computerized database that tracked problematic officers and corrected their behavior through performance mentoring. Analysis and research done by the Police Assessment Resource Center found that the PPI was able to reduce police misconduct: across 64 officers, those who had been out of the performance mentoring program for three years or more showed an average reduction of at least 50% in high-risk incidents (Bobb et al. 2009). However, by 2011, allegations of harassment by police resulted in a federal civil rights investigation and an ensuing consent decree. According to the department’s monitor, police expert Merrick Bobb, this was a highly sophisticated, proven reform that suffered from a lack of institutionalization. The reform, which

identifies problematic officers, is capable of reducing misconduct and problematic behavior in individual officers, but unless systemized, cannot affect an entire department (Bobb et al. 2009). The failure of the LASD's PPI demonstrates that independently correcting the behavior of problematic officers is not the solution to misconduct within a department. There is a need for systematic reform which imparts responsibility across the entire department.

Another limitation of police reforms is implementing them into the organizational culture of the police department. Since the 1970s, police reforms have shifted their focus to administrative rulemaking to control officers' behaviors and use of discretion on the street through formal written policies (Walker 2012). Some reforms of the 1990s and 2000s include racial diversification of police departments, implicit bias training, body-worn cameras, and civilian complaint review boards (CRB). Evidence suggests that many of these reforms were able to significantly reduce inappropriate and harmful police conduct, however, a major obstacle to implementing and enforcing the administrative rulemaking approach is the issue of the police organizational culture (Walker 2012; Skogan 2008). The police subculture, notorious for its resistance to change and accountability, hinders the ability of new policies to establish and fully embed themselves within the department. This resistance is widespread among patrol officers, mid-level managers, and police unions (Skogan 2008; Weitzer 2015). Many police unions were originally organized to fight against proposals and the perceived "arbitrary and capricious nature of internal investigations" (Kreisel 1998:10; Juris and Feuille 1973). For example, in Philadelphia, the union successfully abolished its CRB (Weitzer 2015). Additionally, the ability of officers to cover up misconduct and protect one another lies in the police subculture and its tradition of loyalty. According to the Christopher Commission (1991:168), "the greatest single barrier to the effective investigation and adjudication of complaints is the officers' unwritten

code of silence”. The “code of silence”, an aspect of group solidarity, is characterized by the informal pressure for officers to not report the transgression of another officer and promotes lying and deception, and consequences for those caught violating this code (Westley 1970; Cordell, Reynoso, and Tevrizian 2016). Several studies, including one national study examining 763 state and local law enforcement agencies, found that less than 10% of use-of-force complaints were sustained, exemplifying the lack of accountability mechanisms within existing reform efforts targeting misconduct (Pryor et al. 2019; Hickman 2006; Liederbach et al. 2007).

The failures of past reforms at the hands of powerful resistance from the police subculture underscore the need for accountability measures within reforms. Written policy can only succeed if it is properly enforced through reporting, investigations, and the imposition of discipline where appropriate. Department-generated policies, no matter how well crafted, depend on the police chief executive to enforce them, who must possess the administrative skills, a strong commitment, and power over negating forces such as police unions, political influence, and the police officer subculture (Walker 2012). It is not that modern police reforms are incapable of reducing misconduct. For example, the use of body-worn cameras (BWCs) in the Las Vegas Metro Police Department resulted in a 30% decrease in the number of officers with at least one complaint (Braga et al. 2017). The problem is a lack of accountability measures within reforms to distribute responsibility across the rank structure through institutionalization and organizational change. In the case of BWCs, a comprehensive review of 70 studies on their use found that the larger body of research showed no consistent or no statistically significant effects, illustrating an incomplete solution to misconduct (Lum et al. 2019). The investigation of NYPD’s failed reform concluded that corruption could only be managed by transforming the

police culture (Mollen et al. 1994). This might be better accomplished by implementing policies that rely on each other and establish accountability (Headley and Wright 2019).

### Consent Decrees

Consent decrees are formal settlement agreements between the United States Department of Justice (DOJ) and local authorities that authorize a local US District Court judge to oversee the compliance of a set of reforms. Over the past several decades, there have been legal, political, and social developments in policing after growing dissatisfaction with existing policing reforms that lacked enforcement and only addressed issues on a piecemeal basis (Walker 2022). Increased incidents of police conduct prompted several investigations of police departments, such as the Christopher Commission after Rodney King. The LAPD report provided a model of a systematic approach to addressing organizational failures of police departments and implementing reforms, which was utilized by the DOJ when designing the pattern-or-practice litigation program (Walker 2022). This program was authorized by Section 14141 (now Section 12601) of the federal statute, the 1994 Violent Crime Control and Law Enforcement Act. It permits the Civil Rights Division to investigate degenerating departments and to judicially enforce consent decrees against local or state law enforcement agencies. This is an unprecedented program in American policing; This is the first time seeing the federal government directly intervene in the activities of local law enforcement agencies and enforce reforms of this magnitude (Walker 2022).

These reforms have enormous potential to impact American policing and change police subculture. The policies are designed to reduce police misconduct and improve accountability through institutionalization. This can include implementing new use-of-force policies, requiring accurate reports to be filed to completion after use-of-force incidents, requiring more rigorous

investigation of complaints, identifying potentially problematic behavior and correcting it with an Early Intervention System (EIS), and implementing new training and supervision policies (Walker 2022) (See Appendix B Consent Decree Reform Goals for full list). Consent decrees mandate of federal supervision provides reasons for optimism about implementing accountability reforms and changing the police subculture. Where past reforms have failed due to a lack of accountability measures, consent decrees address with unprecedented federal oversight that persists until the department reaches full compliance with its policies (Headley and Wright 2019). Compliance is determined by monitors, appointed by the US District Court judge, who routinely report on the department's progress and provide feedback (Walker 2022). This federal intervention holds officers accountable for following the policies of the consent decree, an aspect missing from past reforms (Walker 2012). Since the first agreement entered in 1997, the DOJ has negotiated over twenty consent decrees with law enforcement agencies across the U.S. (Walker 2022). The set of reforms mandated by the consent decree may differ across police departments depending on the problems identified by their DOJ investigation. For example, Baltimore, Cleveland, and New Orleans were all required by their consent decrees to improve their policies on behavioral health and crisis intervention, but only Baltimore was required to update its practices around transporting persons in custody, a key issue in the death of Freddy Gray which had prompted their DOJ investigation (Douglass 2017) (see Appendix B Table 1. Reform Elements in Consent Decrees).

In contrast to criminal prosecutions, tort actions, and other past reforms, the goal of consent decrees is not to place blame or seek redress for one individual officer or incident of misconduct, but rather to enact organizational change that alters the current police subculture of a department, and subsequently institutionalize those reforms (Walker 2012; Violent Crime and

Law Enforcement Act 1994). The focus on achieving organizational change is a significant shift from the goals of past police reform efforts that targeted individual officers. The “rotten apple” theory, which asserts that a department’s reputation of misconduct is perpetrated by the same few corrupt officers, has lost credibility among experts in the field (Walker and Archbold 2020; White and Fradella 2016). Scholars are realizing that much of police misconduct is not the result of an individual officer’s actions alone, but of the larger departmental subculture as a whole (Walker and Archbold 2020). However, past reforms were designed with this theory in mind because it promotes a strong emotional appeal (Walker and Archbold 2020). Misconduct is personalized by attaching the incident to the face of the officer responsible, offering somewhere to place blame and search for solutions. This is a vastly different strategy than organizational change which involves implementing complex administrative procedures that lack emotional appeal and direct culpability to the department as a whole (Walker and Archbold 2020). Law professor Rachel Harmon (2009) argues that “much police misconduct is not accidental, or inevitable”. She contends that systemic reform must structurally change police departments and instill norms of professional integrity (Harmon 2009). This is what consent decrees are aiming to accomplish by focusing on “systemic police misconduct rather than isolated instances of wrongdoing” (Walker 2018:28). A fully integrated organizational framework moves beyond just the individual, situational, or community factors that were the focus of past reform efforts, but attempts to understand what macro factors exist across police departments to understand why force is committed, what factors lead to increased use of force, and how to mitigate those factors (Headley and Wright 2019). The focus now lies in a new framework of accountability.

The PTSR Framework, preferred by the President’s Task Force on 21st Century Policing to study police problems and make recommendations for reform, focuses on achieving

organizational change through an integrated package of four components that reinforce and rely on one another: Policy, Training, Supervision, and Review (Walker and Archbold 2020). This includes three principal accountability-related reforms: state-of-the-art use of force policies, an Early Intervention System (EIS), and an open and accessible citizen complaint process (Walker 2012). It is crucial that all components are present and working together, as they reinforce accountability measures. It is important for consent decrees to target these components, as they've been identified by prior research as being directly related to the reinforcement of the police subculture (Walker 2012; Walker and Archbold 2020; Kreisel 1998). As evidenced by the experiences of past consent decrees, these reforms are more complex than simply adopting new elements of management and require a comprehensive transformation of accountability measures of the department (Walker and Macdonald 2008). For example, adopting state-of-the-art use-of-force policies requires departments to establish a systematic policy development process and requires officers to adapt their daily behavior (Walker 2012). Consent decrees require significant changes in the traditional work habits of officers, which in turn changes the organizational culture (Walker and Macdonald 2008).

One unique and major component of consent decrees is the EIS or “early warning system”, which is crucial to transforming the police culture, and, hopefully, sustaining these reforms over time (Special Litigation Section n.d.). In contrast to traditional group-based interventions, which may be nonapplicable to many officers participating, the EIS uses a presumptively more effective problem-oriented response (Walker 2012). An officer's specific performance issue (e.g., use of force, racial bias, rudeness) and source (e.g., substance abuse, family issues) are identified, and an appropriate intervention is selected to effectively correct the problematic, or potentially problematic behavior (Special Litigation Section n.d.). The EIS is

similar to the LASD's PPI, however, the EIS offers greater potential for sustainment because, unlike the PPI which was a standalone policy met with resistance, it is reinforced by other policies of the consent decree and is monitored for compliance by the Department of Justice (Headley and Wright 2019). Several features of the EIS have the potential to change police subculture. First, the EIS is an institutionalized change. This is key to the continuity of these reforms (Harmon 2009). Second, as an institutionalized procedure, it has direct consequences for other accountability mechanisms within the department. Third, it eliminates subjectivity when assessing police performance by providing important data for supervisors that allows them to document officers' performance issues (Special Litigation Section n.d.). The EIS has great potential to transform the organizational subculture, but it must be utilized to its full capacity, requiring sergeants to change their traditional routines (Walker 2012).

### *Consent Decree Evaluations*

While the currently available literature on the success and effectiveness of consent decrees is limited, there have been evaluations in several cities such as Los Angeles, Cincinnati, Pittsburgh, and Washington D.C. that offer some insight. Although these studies did not directly measure the police subculture, other metrics indicated an overall positive impact on traditional police subculture. Rushin's (2015:1422) study reviewing structural reform litigation in U.S. police departments concluded that the "available evidence suggests that [systemic judicially enforced police reform] has been an effective tool for reducing misconduct in several police agencies". This was the case with the LAPD where careful scrutinization of uses of force by supervisors and managers and enforcement of accountability measures by leaders within the department resulted in a reduction in the use of the most controversial forms of force (Stone et al.

2009; Walker 2022). Additionally, there were significant, positive changes in officer attitudes and beliefs.

There was also evidence of successful change in Pittsburgh. According to an evaluation by Davis, Henderson, and Ortiz (2005), the culture of the police department in Pittsburgh had dramatically changed. They've documented significant improvements in accountability: "tracking of use of force, traffic stops, searches and seizures, and subject resistance; development of a comprehensive early warning system and a centralized review of all data tracked; creation of a management meeting to review officers who might be headed for trouble, and improved training in use of force and cultural awareness" (Davis et al. 2005:45). In a written survey, 54% of officers agreed that the reforms had increased accountability as intended by the consent decree (Davis et al. 2005). Interviews and focus groups with officers confirmed that the consent decree had accomplished many of its major goals, for example, officers agreed that paper trails increased accountability and that they were "more sensitive to the appearance of unequal enforcement" (Davis et al. 2005; Walker 2022). Supervisors gave "some indication" that the new requirements were "becoming accepted as part of the job", and many officers indicated they had begun to accommodate their work habits to the requirements of the reforms and the accountability mechanism remained intact (Walker 2022; Davis et al. 2005). These cases highlight the positive evidence of organizational change and improvements in accountability so far. More studies are needed for a more comprehensive understanding of the effects of consent decrees, specifically on the subculture.

### *The Baltimore Police Department*

The Baltimore City Police Department (BPD) entered its consent decree in 2017 after receiving a scathing report from the DOJ's investigation. In April 2015, Baltimore City resident

Freddie Gray, a 25-year-old African American, died after sustaining injuries while in police custody following an arrest for legal possession of a knife (Walker and Archbold 2020). This was just one incident of many that defined the national police crisis and highlighted the severity of police misconduct. It reflected the continuous pattern of police brutality and racial bias and sparked destructive riots throughout Baltimore that caused severe damage to the city (Greenberger 2016). Gray's death also prompted then-mayor Stephanie Rawlings-Blake to request the DOJ to conduct a "pattern-or-practice" civil rights investigation of the BPD. The resulting report found an extensive pattern of First and Fourth Amendment violations and concluded that "systemic deficiencies" within the department permitted misconduct, especially abuse and mistreatment of racial minorities (Greenberger 2016; U.S. DOJ 2016). The report heavily explores BPD's systemic failures, especially in accountability, and advances our understanding of its organizational subculture.

BPD's accountability system suffers from deficiencies that fail to prevent unconstitutional policing; According to the U.S. Department of Justice (2016:139), "For years, the Department's process of investigating and adjudicating complaints has been plagued by systemic failures, including discouraging individuals from filing complaints; poor investigative techniques; unnecessary delays; minimal review and supervision; and a persistent failure to discipline officers for misconduct, even in cases of repeated or egregious violations". Thus, a cultural resistance to accountability and discipline has been strongly established and reinforced throughout the department, further undermining accountability as officers are discouraged from reporting and supervisors are discouraged from sustaining allegations of misconduct (U.S. DOJ 2016). According to the Department of Justice (2016:139), this "persistent failure to hold officers

accountable for misconduct contributes to an erosion of the community trust that is central to effective law enforcement”.

Since its implementation in 2017, the consent decree has introduced a multitude of changes to BPD’s policies. One major goal of the consent decree is to establish a robust and well-functioning accountability system that holds Baltimore police officers to the highest standards of integrity (Baltimore Consent Decree 2017). The reforms include updated policies and procedures for complaints, discipline, and transparency, and aim to completely transform the Department by altering officers’ roles and responsibilities and establishing accountability measures.

To address the shortcomings in supervision, the consent decree requires BPD to develop mandatory training for supervisors that includes how to promote constitutional policing, de-escalate conflict, and investigate officer uses of force (Baltimore Consent Decree 2017). It also requires the upgrading of the EIS system to improve the timeliness of intervention and assess the efficacy of the intervention, establishing a reliable system of detecting and responding to misconduct (Baltimore Consent Decree 2017). Several new provisions are also required regarding the processing of complaints, a major failure of the Department revealed in the DOJ investigation. To ensure transparency, investigations must be tracked and shared with the complainants and the public, and BPD must publish a quarterly report on misconduct investigations. To add an extra degree of accountability, BPD’s Office of Professional Responsibility will investigate all complaints of officer misconduct and coordinate with the Community Review Board (CRB) to correctly classify them and work on the investigation and disciplinary process (Baltimore Consent Decree 2017). BPD will change its disciplinary policies to ensure consistent and equal application of punishment and to comply with the requirement of

creating a presumptive range of discipline based on the violation and the officer's history. They will also encourage and protect officers who report misconduct or violations by other officers to send the message that the Department will not tolerate retaliation or intimidation against those who hold fellow officers accountable (Baltimore Consent Decree 2017). These changes require significant effort and time and are being tracked by the court-appointed monitors who are tasked with overseeing compliance and reporting on BPD's progress.

Overall, BPD has made substantial progress in implementing new policies and complying with them, showing that it has the capacity to match its commitment to reform and demonstrating to the monitors that it is firmly on the path to compliance (Baltimore Consent Decree Monitoring Team 2022). They have made significant progress in improving the quality of the Public Integrity Bureau (PIB) investigations. The Monitoring Team found that BPD had established a comprehensive PIB investigation manual and specialized training that improved the quality and speed of the PIB investigations. Their review of the investigations from 2021 shows a significant improvement in quality since 2018 (Baltimore Consent Decree Monitoring Team 2022). They also found that BPD officers are using force less often, resulting in fewer injuries to civilians and officers (Baltimore Consent Decree Monitoring Team 2022). While these are positive indications of the consent decree working to reduce misconduct, more staff and time are needed to fully measure and assess the progress of the consent decree and its effects on police subculture.

## Chapter 3: Current Proposal

Evaluations of several consent decrees across the U.S. have yielded some evidence of the success of consent decrees in achieving organizational change, however many questions remain (Walker 2022). An important question that has yet to be fully examined is whether these policies have an effect on the police subculture. If consent decrees can successfully achieve organizational change and institutionalize the reforms into the subculture of the department, then, as experts in police reform argue, there is a great opportunity to sustain changes to the police subculture and the current state of American policing (Walker and Archbold 2020; Harmon 2009).

The experiences of past reforms have demonstrated the significance of the police subculture when it comes to implementing police reform and addressing misconduct and accountability. As a strong barrier against accountability mechanisms, the police subculture must be considered when implementing new policy. Some experts in policing reform contend that the consent decree's institutionalization through accountability and federal intervention may be central to curbing the effects of the subculture on reform (Walker and Archbold 2020; Harmon 2009). The key to long-term reform and reduction of misconduct could be a transformation of the police subculture. Examinations of police departments and research on police subculture suggest that it is directly influenced by training, supervision, and structure (Walker 2022). These are the principal aspects targeted by consent decrees.

This research aims to further understand and explore how consent decrees impact police subculture through the lens of a department currently operating under one. It seeks to understand if Baltimore's consent decree has affected BPD officers' perceptions of its subculture. Broadly, it seeks to identify if consent decrees affect the police subculture at all. Specifically, it draws on the

lessons learned from past police reforms and the evaluations of completed consent decrees in other cities to hypothesize (H1) that consent decrees can positively impact the police subculture, specifically by improving accountability and limiting aggressive policing tactics (Christopher Commission 1991; Mollen et al. 1994; Kreisel 1998; Walker 2022; Stone et al. 2009).

# Chapter 4: Methods

## Data Collection

This study proposes a qualitative approach to the collection of primary data through semi-structured interviews. Baltimore police officers will be given the opportunity to share their perception of changes in the BPD's subculture since the implementation of the consent decree. This approach allows the capture of attitudes associated with police subculture that would likely be inaccessible through surveys or other more quantitative data collection methods.

It is crucial to capture nuances in officers' attitudes or opinions towards the consent decree, as well as other beliefs around efficacy and impact as their continued compliance is key in sustaining the effects of the consent decree over time. Prior research on the effects of consent decrees suggests that officers often feel betrayed by their city when a consent decree is implemented, holding personal resentment that inhibits their ability to embrace or notice its effects (Davis et al. 2005; Stone et al. 2009). During qualitative interviews and focus groups, officers expressed frustration with perceived overreach on the part of the federal government telling them how to police. Additionally, consent decrees are not lifted until there is satisfactory compliance, which may give officers an incentive to agree that it is working. However, understanding their perceptions is vital to evaluating how the consent decree affects their day-to-day routines and attitudes about the policies and accountability. Given that this bias might be present in officers' responses, semi-structured interviews were selected to provide the opportunity for follow-up probing questions, asking participants to justify and elaborate on their responses, which can help detect bias and offer a more comprehensive understanding of how the everyday role of BPD officers has changed and how they perceive these changes (Robinson 2014). The purpose of the proposed research is to provide BPD officers the opportunity to

discuss the impact of the 1994 Crime Control Act passage of the consent decree program on accountability, sustainability, and misconduct within the departmental police subculture.

### Sample

Since this proposal is specifically interested in Baltimore as its experience with the consent decree is ongoing, the sample will be taken from police officers who are currently employed at the Baltimore City Police Department. A diverse sample is preferred as it ensures broader representation. The goal is to enable all varying perspectives to be drawn from a population with direct experience and expertise with the subject, allowing for in-depth data extraction and practicality. The sample will ideally consist of a diverse, representative range of officers, with variations in their length of employment with the BPD, gender, age, race, and rank. As of April 30, 2022, the BPD employs 689 patrol officers and 110 supervisors, almost about a 7:1 ratio of patrol officers to supervisors (BPD Staffing Plan Update 2022). African American officers make up 41.6% of the BPD, Caucasian officers are 41.9%, Hispanic officers are 13.8%, and Asian and Native American officers make up less than 3% of the department. The BPD is comprised of 83.9% male officers and 16.1% female officers (BPD Recruitment and Retention Annual Report 2022). This sample will aim to be representative of these demographics.

Achieving a diverse sample is important given the changes in law enforcement composition over the last few decades (Gupta and Yang 2016). For instance, the contributions of William Westley and Jerome Skolnick to the understanding of police subculture, while highly influential, are becoming outdated as the demographics of police departments are significantly changing (Walker 2012). Their traditional concept of police subculture analyzed departments mainly composed of white, male officers. Most larger police departments are now more diverse

with officers holding various attitudes that greatly diverge from the traditional subculture (Sklansky 2006). For example, equality of women challenged the aspect of masculinity of the traditional subculture, as well as created complex issues surrounding social relations and sexual harassment within the department (Alderden et al. 2011).

There may also exist variations in attitudes towards the consent decree across ranks. Senior patrol officers and supervisors who have substantial experience working in the department hold the most influence over the subculture (Walker 2012). Senior officers may be less open to significant organizational changes than those who are newer to the department and its culture (Mastrofski and Rosenbaum 2011). Conversely, supervisors may be more welcoming to change. The National Police Research Platform (NPRP), a long-term study of police organizations, in their Longitudinal Study of First Line Supervisors found that after training, supervisors had reduced fatalism about the capacity to change officer behavior through supervision and were more proactive when responding to an incident (Fridell et al. 2011). This increased diversity within contemporary police departments suggests that the officer subculture may not be as monolithic as traditionally interpreted and indicates potential support for innovation and accountability-related reforms.

Ideally, the sampling strategy would allow control over participant characteristics such as gender, age, race, or rank. Although, due to the privacy of officer demographics, specific participants cannot be identified. Thus, a snowball approach will be used to identify officers to be included in the sample and will attempt to get as close to the ideal diverse sample as possible by encouraging participation from underrepresented groups. Snowball sampling involves asking a study participant or third party 'locator' to recommend other potential participants who may qualify, creating 'referral chains' (Robinson 2014). Since recruitment will be done through

referrals from fellow officers, it may be easier to establish trust and rapport with participants which will result in more accurate responses (Noy 2008). Officers who have already agreed to be participants may be able to more easily convince their fellow coworkers to participate (Kirchherr and Charles 2018). However, a disadvantage of snowball sampling is that it is difficult to guarantee that the snowball sample will be representative of the diversity across the BPD officers. Potential interviewees within smaller networks are less likely to be referred and may be underrepresented within the final sample. Within police departments, those within smaller networks may be part of a specific network with particular perspectives of interest, such as ‘rookie’ or female officers (Kirchherr and Charles 2018; Mastrofski and Rosenbaum 2011; Sklansky 2006).

Baltimore police district commanders, who oversee each of the nine districts, will be contacted via email and asked to distribute information about the study among the BPD supervisors and patrol officers, including a flyer about the study. They will be informed of the intention to collect broad perceptions as to strive for strategic recruitment. Specifically, they will be asked to refer officers who are representative of the diversity across the BPD officers. District commanders and officers will be instructed to encourage participation from minority groups in the department, particularly women or younger officers. Additionally, the flyer will highlight the importance of diverse voices and empower members of minority groups to volunteer by explaining the significance of officer perspectives to the use of the consent decree. Officers who are willing to participate will contact the researcher.

Length of employment at the BPD and gender have been identified as the two most important demographics of the sample. Variations in receptivity to accountability are anticipated to be most prominent between officers with varying lengths of employment with the Baltimore

Police Department, as senior officers and those who have been part of the culture longer might be more opposed to change and accountability than those with a shorter period of socialization into the subculture (Mastrofski and Rosenbaum 2011; Walker 2012). Additionally, as the police subculture is strongly associated with masculinity and established on the basis of “brotherhood”, female perspectives are expected to differ from those of male officers (Brown 2007). Race was not made a sampling priority, as the BPD is almost even in its makeup of white and black officers (BPD Recruitment and Retention Annual Report 2022).

In an attempt to achieve a diverse sample and refer from smaller networks, district commanders and potential participants will be given specific instructions regarding the referral process. There will be two distinct groups within the sample, one labeled “short-term employment” and the other labeled “long-term employment”. Participants in the “short-term employment” group are eligible if they have been employed for 15 years or less at the BPD, and participants in the “long-term employment” group are eligible if they have been employed for more than 15 years at the BPD. Ideally, short-term employment would be measured on a smaller scale, for example, five or ten years of employment. However, the BPD has seen low hiring rates and high attrition rates over the last decade, meaning the potential pool of short-term employees is much smaller (BPD Recruitment and Retention Annual Report 2022).

Additionally, to capture perceptions of change, it is crucial to ensure officers have experience with the department both before and after the implementation of the consent decree. This sample will be limited to officers who experienced at least two years of employment prior to the implementation of the consent decree in April 2017. The socialization process of officers into the occupational subculture, while an ongoing process throughout the course of their careers, quickly leaves an impression on new officers who are able to learn the unspoken rules after only

a short time on the force (Cox et al. 2023). Due to the fast-paced nature of the socialization process, it was decided that two years would be a sufficient amount of time in the department to possess a solid understanding of the subculture and assess any changes following the implementation of the consent decree. Eligible officers include those employed at the department since January 2015 who were continuously employed through the implementation of the consent decree in April 2017 and remain employed today. This further limits the pool of potential short-term employees, as officers who have been employed since 2015 would now have been employed for at least nine years.

Within those groups, the representation of female officers' perspectives will be prioritized. Each group should aim to consist of about 20% of female officers to represent the makeup of the BPD. When a female officer is referred as a willing participant, they will be asked to only refer other female officers until the 20% is fulfilled. Information about the study and its intention to recruit participants from minority demographics will be shared with the BPD Equity Office. To encourage participation from female officers, the Femtors female mentorship program of the Equity Office will be contacted and asked to encourage officers in the program to participate.

The whole group should be diverse across rank, race, age, sexual orientation, and other identifying demographics. District commanders will be instructed to specifically encourage officers in minority groups to volunteer to participate in the study, advertising it as a chance for them to safely have their opinions heard about the consent decree and to discuss larger issues within their field that may go unnoticed by the public or policymakers. Officers will be reassured that their identity will remain anonymous and any identifying information will be kept private.

For studies using empirical data and homogenous study populations, data saturation can be reached within a narrow range of interviews (9-17) (Hennink and Kaiser 2022). Since this study is interested in gathering perspectives from two different groups with varying opinions, each group will aim to consist of 20 participants, for a total of 40 interviews. This will allow the researcher to reach data saturation among officers with diverse experiences and perspectives given time and resource constraints. The interviews will be voluntary. This could result in bias, where those with strong opinions may be more likely to volunteer to have their voices heard, while officers who may not hold strong opinions and are least keen to cooperate are not represented (Strassberg and Lowe 1995).

### Procedure

Once participant officers have been identified, their informed consent will be obtained and an interview time will be arranged. Interviews will be recorded and take place according to the officer's preference, either in person or via Zoom or telephone. Participants and their data will be assigned unique identification numbers to ensure anonymity. The interviews will be semi-structured with a series of open-ended questions intended to gauge their perceptions of the consent decree and its changes to BPD's subculture.

### Domains

The interview questions and follow-up probing will strive to capture several different domains including the success of the consent decree goals, effects on the subculture, and attitudes towards the consent decree (see Appendix A for full questionnaire and index). Questions specifically ask officers to compare their experiences before and after the implementation of the consent decree and ask if an aspect of the subculture has become worse or better, or more or less, to elicit responses that can be coded into positive or negative effects on

the subculture. To understand the effects on the subculture, domains will refer to the code of silence, unconstitutional and aggressive policing tactics, discipline, complaint investigations, and institutionalization of the consent decree reforms, which all directly relate to accountability. For example, open-ended questions measuring the code of silence might include the following: Has the implementation of the consent decree encouraged you to report other officers for misconduct? Have you ever felt pressured by another officer or supervisor to overlook an act of misconduct committed by them or another officer? Do you believe the consent decree has lessened the pressure to not speak up about misconduct?

To address attitudes towards the consent decree, questions may include: Do you feel that the consent decree was warranted? How widespread is opposition to the consent decree among officers? Have there been any effects of opposition towards the consent decree? Focusing on these domains will ensure a comprehensive assessment of officer attitudes and perceptions regarding the consent decree and subculture changes.

### *Analytic Strategy*

Once interviews have been completed and transcribed, they will be analyzed for patterns. Thematic analysis will be conducted to identify patterns and themes within the data. This analysis will pay special attention to identifying themes of depolicing or distrust in city leaders, as this has been a common theme in prior research (Walker 2022). Identified patterns will be coded using both deductive (concept-driven) coding and inductive (data-driven) coding to identify themes from prior research like depolicing and new emerging themes. Codes will then be organized by theme.

Additionally, responses will be analyzed and assigned propensity scores that will serve as indicators of the extent to which an officer perceives positive or negative changes in various

aspects of the police subculture. Assigning scores to responses based on the perceived direction and magnitude of change reported by officers can help capture the nuanced nature of their perceptions. These propensity scores will provide a quantitative framework for analyzing qualitative data, allowing for the identification of patterns and trends across officers' experiences and perspectives (Thoemmes and Kim 2011). Plotting these propensity scores will enable a visual representation of the distribution of perceptions regarding changes in the police subculture, offering valuable insights into the impact of the consent decree on officers' views and experiences.

## Chapter 5: Discussion

### Discussion

The police subculture has been regarded by experts as a potent obstacle to implementing police reform and a powerful impetus for misconduct. Investigations of failed police reforms and gross instances of misconduct, such as the death of Rodney King, have highlighted the importance of targeting the subculture when addressing problematic police behavior (Christopher Commission 1991; Micucci and Gomme 2005). The BPD was specifically indicted for a lack of accountability within the department that permitted aggressive policing, severe misconduct and exploitation of community members, and deception within complaint investigations (U.S. DOJ 2016). The consent decree is the first reform to implement federal intervention in an effort to institutionalize its policies and mitigate the effects of the subculture in countering accountability.

This proposal is designed to collect officers' perceptions of the changes in the police subculture of the BDP since the implementation of the consent decree. However, it does not measure the prevalence of misconduct. Therefore, this proposal cannot verify if an individual officer's perceptions are reflective of the reality. Although these perceptions are subjective and could be influenced by personal biases, this discussion will consider them as an accurate representation and reflection of the effects of the consent decree on their subculture. Officer perceptions of the subculture may help to evaluate the effectiveness of the design of the consent decree and better inform our understanding of police reform. There are four possible outcomes of the consent decree and its effect on police subculture.

First, BPD officers may perceive a positive change in the police subculture after the implementation of the consent decree. These reports would imply that improvements are being made to the subculture through consent decree policies, which aim to reduce misconduct by

promoting constitutional policing and implementing high standards for accountability practices. Based on the Baltimore Consent Decree Monitoring Team's evaluations as of December 2022, the BPD has made significant improvements in the quality of its investigations of complaints and has reduced its uses of force. Officer perceptions of greater accountability and a reduction in aggressive tactics would be consistent with this finding. As the consent decree continues to progress, perceptions are expected to reveal improvements that extend to interactions with the community and the prevalence of misconduct (Baltimore Consent Decree Monitoring Team 2022).

Second, there could be evidence of negative changes. If negative changes are the dominant perception among BPD officers, then it would indicate that the implementation of the consent decree has exacerbated the toxicity of the subculture. It is expected that the police subculture will, to some extent, oppose the implementation of the consent decree, as this would be consistent with past studies on police reform (Walker 2018). This opposition could lead to greater efforts of officers to combat accountability, including using more aggressive tactics, retaliating against the city for entering into the consent decree, inciting more complaints, greater deception within complaint investigations, challenging accountability, committing more acts of misconduct, or engaging in unconstitutional policing (Bobb et al. 2009; Kreisel 1998).

Third, there may be no discernable changes within the BPD's subculture since the implementation of the consent decree. A lack of reported changes would be consistent with the outcomes of past police reforms which were unable to institutionalize new policies (Christopher Commission 1991; Mollen et al. 1994). Officer enmity may be especially strong for the consent decree, as this is the first time that the police are being scrutinized this closely by federal entities, and may translate into noncompliance through a strong collective resistance (Walker 2022).

Finally, perceptions may reveal that the consent decree had both positive and negative effects on the BPD subculture. Mixed results would indicate that there have been improvements to some aspects of BPD's subculture but there has also been the exacerbation of some aspects. This would suggest that some of the consent decree's policies are successful in achieving their intended goals but others are not (Walker 2022). For example, increased supervision by newly trained supervisors could improve the quality of complaint investigations and reduce deception, but if the application of discipline remains arbitrary, then officers may continue to use aggressive policing tactics, potentially to a greater extent knowing accountability does not affect punishment (Douglass 2017).

### Implications

The consent decree has great potential to change the current landscape of U.S. policing, however, there are only a few studies that have explored its effects, and none have investigated its role in altering the police subculture (Walker 2022). If capturing officers' perceptions can help identify successful policies or design flaws within the consent decree, then future reforms may be more effective in altering the police subculture, increasing accountability, and reducing police misconduct (Rushin 2015). Understanding the changes in the police subculture can inform future use of consent decrees and ultimately help to tackle rampant police misconduct across U.S. police departments.

Positive changes in the subculture would likely be indicative of the success of consent decree policies (Walker 2012; Violent Crime and Law Enforcement Act 1994; Harmon 2009). If these policies are functioning as intended and becoming institutionalized, then there would likely be other positive, significant consequences for policing. First, if the police subculture has improved, there might be reductions in the use of force incidents, police brutality, racial

profiling, and other tactics that promote misconduct (Christopher Commission 1991; U.S. DOJ 2014). Second, it could support the use of institutionalization as the potential key to long-term reform sustainment. As these policies become accepted by the organization and its members, improvements in the subculture and its practices may become more permanent (Harmon 2009; Walker 2012; Violent Crime and Law Enforcement Act 1994).

To date, no study or evaluation of consent decrees has documented a direct deterioration in the police subculture of a department while under the reform (Walker 2022). Given that current research on consent decrees finds that they have largely succeeded in reducing the use of force and unnecessary traffic stops and increasing de-escalation practices, reported negative perceptions from officers are not the expected outcome of this study (Rushin 2015). However, some evaluations have highlighted a relationship between officer morale and the consent decree (Blasius 2024). Officers in the Pittsburgh and Los Angeles Police Department (LAPD) studies of consent decrees conveyed negative attitudes towards the consent decree and concerns about depolicing (Davis et al. 2005; Stone et al. 2009). Officers in Pittsburgh expressed that they experienced a significant drop in morale, feeling like they had been “sold out” by the city, and avoided being proactive and making contact with the public out of fear of complaints and discipline (Davis et al. 2005). During interviews and focus groups with LAPD officers, many insisted that the consent decree deterred them from interacting with the public because they wanted to avoid inciting complaints or “red-flags” in the officer monitoring system (Stone et al. 2009). Depolicing can impede crime fighting capabilities and essential law enforcement roles and should be considered a potential outcome of implementing a consent decree (Walker 2022).

Gaps within the reform’s accountability structure, coupled with varying attitudes among officers, could also worsen the subculture. Although perceptions of a worse subculture are not an

anticipated outcome, it is important to consider all facets of the accountability mechanisms, especially when faced with resistance from the subculture, as this understanding is the crux of this study. As contemporary police departments continue to diversify, variations among individual officers' receptivity to innovation and reform will become increasingly common. With most larger police departments now employing people of color, women, LGBTQ+ people, and college-educated officers who hold diverse attitudes that greatly diverge from the traditional subculture, opposition to the implementation of the consent decree may not be as monolithic as traditionally interpreted (Sklansky 2006). The increased diversity within contemporary police departments could lead to internal dissonance due to differences in officers' attitudes and their responses to the consent decree. The structure of the reform's accountability mechanisms to be interdependent, while a possible key to institutionalization, is vulnerable to exploitation by the officers most resistant to change. If one accountability mechanism is effective and others are not, this could create inconsistency in officers' behaviors and adherence to the policies. A dilemma is created where officers are supervised by monitors expecting them to adapt their behaviors to new policies while also being pressured by the resistance of the subculture to comply with the code of silence and oppose change. The code of silence and the collective resistance could be strengthened by the threat of retaliation for cooperation with federal monitors and new policies. If the subculture has worsened with the consent decree, it could indicate a disparate patchwork of successful policies and a failure of those accountability mechanisms to institutionalize the reform. More research would need to investigate which policies of the reform failed and why in order to inform the future use and design of consent decrees.

The consent decree was designed to institutionalize significant changes within the department, thus, an absence of changes in the subculture could mean that it is unsuccessful in

combating resistance to the reform. It may be that institutionalization is not an effective approach to establishing greater accountability and compliance, particularly for an agency that does not possess the will to change itself (Walker 2012). There may need to be a restructuring of the reforms or renegotiation of the terms of the consent decree. Officers of the Albuquerque Police Department (APD) were initially resistant to change, with the monitor reporting to the federal judge that their compliance with the consent decree was “evasive” (Blasius 2024). However, following a change in leadership, the department became significantly more compliant with the consent decree policies. The new chief was more supportive of the goals of the consent decree and was more willing to advocate for officers, pushing back against the DOJ on policies that were lowering officer morale (Blasius 2024). Allowing officer participation in the structuring of consent decrees may help to reduce inconsistencies within compliance and improve officers’ morale, as they may feel more acknowledged by the DOJ and city leaders. Future consent decrees might also consider implementing a chief who is supportive of its goals.

If reported perceptions suggest that the implementation of the consent decree had both positive and negative effects on the subculture, then the consent decree would need to be further explored to identify which policies are successful at positively altering the subculture and which negatively affect it. Policies may be renegotiated, such as in the case of the APD, to reach compliance in all areas (Blasius 2024).

### Limitations

There are several limitations to the proposed study. First, the proposal explores the effects of the consent decree within the BPD. While all police departments under a consent decree have been deemed unconstitutional through investigation conducted by the DOJ, this design limits the generalizability of the outcomes. Recent research conducted by the NPRP

provides evidence of significant differences among police departments, especially in receptivity to innovation (Mastrofski and Rosenbaum 2011). Their report on Receptivity to Police Innovation found that officers in Department B had a more positive view of their agency's receptivity to innovation than officers in Department A and that the two departments varied in their receptivity to specific innovations (Mastrofski and Rosenbaum 2011). This indicates the possibility that police departments will vary in their response to the consent decree, with the subculture impacted in different ways. It should be noted however that the prevalence of a harmful subculture has been a consistent finding across police departments under consent decrees, thus, subcultures might be similar in their level of resistance to the reform (Violent Crime and Law Enforcement Act 1994). Each department under a consent decree will have its own unique problems and subculture. Even if these problems and subcultures are similar across departments, outcomes from the BPD should not be applied to all police departments.

The subjectivity of the participants is another limitation to the study. This discussion analyses officers' perceptions as accurate depictions of reality, however, perceptions may be influenced by personal biases and are not real reflections of the effects on the subculture. Decades of research on the police subculture find that rank and file officers pose a significant challenge to the implementation of reforms (Walker 2022). Federal intervention, involving rigorous oversight, may evoke feelings of animosity and foster resistance as officers are expected to adapt their day to day responsibilities and comply with a reform that they had no voice in implementing. It may be that reported negative changes in the subculture stem from distrust felt towards the city and feeling restricted in their role as a police officer, where they would otherwise be able to exercise wide discretion in decision-making and behavior.

It is more likely that negative perceptions are rooted in personal attitudes towards federal intervention and micro-managing rather than a reflection of the actual effects of the consent decree. Three years after the implementation of the LA consent decree, a survey of officers found that 70% believed “paper work deters officers from making arrests,” 79% believed the consent decree impeded their ability to fight crime, 89% agreed they are not proactive out of fear of being unfairly disciplined, and 93% agreed that the threat of community complaints prevented them from being proactive (Stone et al. 2009). However, these claims of depolicing were contested by data from the department; They actually made more enforcement efforts and stops while under the consent decree, and of the arrests they made, fewer were dismissed, and more resulted in felonies, indicating that officers made higher quality arrests (Stone et al. 2009; Walker 2022). The substantial improvements in both the quality and quantity of LAPD’s law enforcement activity refute any claims of depolicing and demonstrate how personal biases can influence officers’ responses to be false representations of the effects of the consent decree. However, these negative attitudes could lead to destructive or problematic behavior that erodes the progress made toward changing the subculture and reinforces damaging behavior.

A third limitation is the capacity to measure police subculture (Headley and Wright 2019). As a collection of beliefs, attitudes, and behaviors, the police subculture cannot be physically or directly measured. This proposal gauges the changes in the subculture by asking officers for their beliefs, opinions, and attitudes, however, these measurements are likely to be influenced by subjectivity. It is difficult to measure the true subculture without also examining factors directly impacted by it such as misconduct, accountability, the code of silence, retaliation, policing tactics, honesty, behaviors, and complaint procedures. Since this proposal only captures

one angle of the subculture through perceptions, it is highly limited in its ability to make strong conclusions about the effects on the subculture.

This study is also limited by the sampling approach. A purposive sampling approach, which would allow for diverse perspectives, cannot be taken due to the absence of public information on officer demographics. Due to the inability to directly contact supervisors or patrol officers, the sample could be tainted by selection bias on the part of district commanders or supervisors. The voluntary aspect could also skew perceptions since often the participants that volunteer are those from the population with the strongest opinions (Robinson 2014).

A key to evaluating the consent decree and its effects on the subculture is gauging the success of the reform structure. This study hypothesizes that while past reforms could not reach sustainment because they did not restrain resistance from subcultures, the consent decree's design of institutionalization through dependent accountability mechanisms should suppress the strength of the subculture, and subsequently lead to a longer period of sustainment. However, this hypothesis cannot be validated through this proposal because it does not measure the success of those accountability mechanisms. Their success can only be measured through perceptions, which can offer some indications but cannot provide a complete understanding. This limits the ability of the study to identify if reform failures are due to the structure of the reform itself or from resistance by the subculture. The inability to explore these factors limits the capacity to fully understand the interplay between the subculture and the accountability mechanisms, which are the distinguishing feature of the consent decree from past failed reforms.

### *Future Directions*

Future research should explore the relationship between the subculture and misconduct. Existing literature on the police subculture suggests that the subculture perpetuates aggressive

policing tactics that promote misconduct, and resists accountability measures which allows misconduct to go unchecked and unpunished. By exploring the effects of the subculture on misconduct, we might develop a better understanding of the causes of misconduct and how to effectively address it, which may lead to more long-term reform efforts. For example, if BPD officers report a positive change in subculture and future research finds a subsequent reduction in misconduct, this would indicate that the subculture is the root of misconduct. This would have implications for reform policy, centering the subculture as the target of reforms and promoting institutionalization. If future research finds that misconduct was not affected by positive changes in the subculture, then it would indicate that improving the subculture doesn't reduce misconduct, and more research would be needed to determine the root of misconduct and how to target it. This could have potential ramifications for the use and design of consent decrees which assume misconduct and a lack of accountability stem from toxic subcultures.

More research could also be conducted to further explore the sustainment of the consent decree. The current state of U.S. policing requires a long-term solution to misconduct, which has yet to be identified. The issue with current evaluations of the consent decree over time is that once federal intervention is lifted, outside factors can influence its prolongation (Walker 2022). That is why the consent decree strives for institutionalization of its policies. The study of Pittsburgh's consent decree, which revealed that the subculture had dramatically changed, also found that there were strong signs a year after the decree had been lifted that the reform could encourage long-term improvements in police subculture and accountability (Davis et al. 2005). However, the effects were not sustained in the long run as city leaders successive to the consent decree had hostile attitudes towards the reform and caused erosion in the progress (Walker 2022; Davis et al. 2005).

A remedied subculture could bring about long-lasting change. Historically, police reforms have not been sustained long-term, such as in the case of community policing which was adopted in almost every U.S. police department in the 1980s and 90s but faded by the 2000s (Sklansky 2022). These reforms were not institutionalized into the department. However, with the consent decree's approach of institutionalization through accountability, it is more likely that the effects of the reform will persist long-term (Harmon 2009; Walker 2022). Positive changes in the subculture are indicative that the reform has been accepted by and fully adopted into the police subculture. When policies have been accepted, they might be more likely to be sustained. Future follow-ups of the BPD could be conducted to determine if the effects on the subculture and overall effects of the consent decree were maintained over time. If future research determines that changing the subculture is key to long-term sustainment of reforms, then the consent decree could be utilized as a lasting solution to misconduct or as a model for other reforms aimed at long-term reduction of misconduct.

If the proposed interviews reveal that the police subculture deteriorated over the course of the consent decree, it could be worth further examining the accountability structure for vulnerabilities before discounting the consent decree entirely as a potential for change. As the accountability mechanisms were designed to reinforce and depend on each other, the failure of one mechanism could compromise the success of the entire reform. Understanding the capabilities of the accountability mechanisms is especially important if perceptions suggest a deteriorating subculture, as this would suggest their failure to function as intended and present the need for alterations to the reform design. It is possible that variations in officers' attitudes towards the consent decree, combined with vulnerabilities within the reform structure, could lead

to the breakdown of accountability mechanisms. Identifying where those vulnerabilities lie within the structure of the reform could inform its future design and efficiency.

## Chapter 6: Conclusion

The pattern-or-practice program has established an ambitious reform agenda, the consent decree, which has enormous potential to reshape American policing. Unlike past police reforms, it attempts to institutionalize its policies into the subculture, a powerful obstacle to change and reform, through accountability and federal intervention. Although it has been over two decades since the first consent decree was entered, and there have been over twenty since, there is a profound lack of information on the effects of consent decrees. Moreover, no evaluations of consent decrees so far have directly explored its relationship with the subculture. This leads to an absence of informed literature and commentary on the consent decree overall, as we haven't examined the successes or failures of the policies from the officers' perspective. If we do not understand its effects, we cannot adjust accordingly, and we cannot utilize the consent decree to its full potential.

The consent decree can help us better understand how to approach police reform. From past experiences, we learned that the subculture must be addressed when implementing new policy. Lessons from these failures informed the design of the consent decree, with the hope that institutionalization can firmly establish these policies as the norm within a department. Learning directly from the Baltimore Police Department officers who are currently experiencing a consent decree can help experts better assess the value and success of institutionalization. With a better understanding of how to impact the police subculture, we may be able to better identify how to sustain a reform over the long-term, bringing us a step closer to solving rampant misconduct within U.S. police departments.

# Appendices

## Appendix A

### Interview Questions

Thank you for volunteering to be a participant. This study is attempting to better understand the effects of the consent decree by learning from officers' perspectives. If you are uncomfortable answering a question, please let the interviewer know and they can move on to the next one. We are going to start the interview by asking a few questions about the overall change related to the main goals of the consent decree.

1. Do you think the consent decree has achieved a total transformation of the department?
2. What qualities do you believe make a good officer? Do you think the consent decree has made you a better officer?
3. Do you think public perceptions of the BPD have changed since the implementation of the consent decree?

Now we are going to ask a longer series of more specific questions about the effects of the consent decree. These questions are meant to gauge whether the consent decree is properly functioning, and if the overall effects appear to be positive or negative for the department.

4. Have you experienced changes to your daily responsibilities since the implementation of the consent decree? What are these changes?
5. Do you believe the consent decree has been implemented across the department or only a few individuals have been impacted the changes?
6. Have you experienced a change in your relationships with other officers since the implementation of the consent decree?
7. Have you experienced a change in your relationships with supervisors since the implementation of the consent decree?
8. Has the implementation of the consent decree encouraged you to report other officers for misconduct?
9. Have you ever felt pressured by another officer or supervisor to overlook an act of misconduct committed by them or another officer?
10. Do you believe the consent decree has lessened the pressure to not speak up about misconduct?
11. Have officers been more protective of each other since the implementation of the consent decree?
12. Do you think there have been more or less efforts by officers to report misconduct since the implementation of the consent decree? Why do you believe officers are more/less willing to speak out about misconduct by other officers?
13. Have you ever experienced or witnessed retaliation for reporting another officer for misconduct?
14. Do you believe retaliation for reporting has gotten worse or better among your colleagues since the implementation of the consent decree?
15. Do you think that supervisors have improved their investigations of complaints since the implementation of the consent decree?

16. Do you see investigations conducted more accurately and thoroughly since the consent decree? What has changed about the complaint investigation process since the implementation of the consent decree?
17. The consent decree required the Early Intervention System to be updated to identify officers exhibiting potentially problematic behavior before it resulted in misconduct. Has the Early Intervention System been useful for you? Do you think it has been successful at proactively identifying problematic officers and applying the appropriate discipline?
18. Have your policing strategies changed since the implementation of the consent decree? Have you seen a decrease in the use of aggressive policing tactics since the implementation of the consent decree?
19. Do you feel like Baltimore citizens have been more or less supportive of the police since the implementation of the consent decree?
20. Have there been more or fewer reported complaints against you since the implementation of the consent decree? Are you seeing fellow officers being reported more or less?
21. Have you received punishment before the consent decree or after?
22. Do you feel that punishment for misconduct under the consent decree is fair and consistent across officers?
23. Do you believe the consent decree has reduced problematic officer behavior? What specific behaviors have changed?

Consent decrees are carefully negotiated to ensure that the proper changes are achieved throughout the department, however, these changes are unlikely to be successful in the face of officer opposition, which is a concern around the implementation of reform. The next set of questions aim to understand your thoughts and feelings about the consent decree.

24. Do you feel that the consent decree was warranted?
25. What were your initial thoughts about the consent decree before its implementation? How do they compare to your experience so far?
26. What do you think about the federal intervention required by the consent decree? Is it effective in enforcing change?
27. How receptive would you say you are to the reforms required by the consent decree?
28. How widespread is opposition to the consent decree among officers? Have there been any effects of opposition towards the consent decree?
29. Do you think the policies of the consent decree have decreased officer discretion? Has this impacted overall effectiveness of policing?
30. Have you felt less inclined to engage in law enforcement activities since the implementation of the consent decree?
31. Officers in departments under a consent decree sometimes express experiencing a decline in law enforcement efforts after implementation of the consent decree due to the requirement of paperwork and a fear of being flagged for their behavior. Do you see this happening in the BPD?

Finally, we want to know your last thoughts on the consent decree.

32. Overall, do you think the consent decree can be used to improve accountability, not only in the BPD, but nationally? What do you think is working best? What isn't working and what would you do differently?
33. Is there anything else you would like to share?

### Interview Questions Index

1. Overall Consent Decree Goals
  - a. Department Improvement
    - i. Do you think the consent decree has achieved a total transformation of the department?
  - b. Self-Improvement
    - i. What qualities do you believe make a good officer? Do you think the consent decree has made you a better officer?
  - c. Community Improvement
    - i. Do you think public perceptions of the BPD have changed since the implementation of the consent decree?
2. Subculture and Consent Decree Effects
  - a. Code of Silence: Subculture
    - i. Has the implementation of the consent decree encouraged you to report other officers for misconduct?
    - ii. Have you ever felt pressured by another officer or supervisor to overlook an act of misconduct committed by them or another officer?
    - iii. Do you believe the consent decree has lessened the pressure to not speak up about misconduct?
    - iv. Have officers been more protective of each other since the implementation of the consent decree?
    - v. Do you think there have been more or less efforts by officers to report misconduct since the implementation of the consent decree? Why do you believe officers are more/less willing to speak out about misconduct by other officers?
    - vi. Have you ever experienced or witnessed retaliation for reporting another officer for misconduct?
    - vii. Do you believe retaliation for reporting has gotten worse or better among your colleagues since the implementation of the consent decree?
  - b. Unconstitutional Policing: Subculture
    - i. Have your policing strategies changed since the implementation of the consent decree? Have you seen a decrease in the use of aggressive policing tactics since the implementation of the consent decree?
    - ii. Do you feel like Baltimore citizens have been more or less supportive of the police since the implementation of the consent decree?
    - iii. Have there been more or fewer reported complaints against you since the implementation of the consent decree? Are you seeing fellow officers being reported more or less?

- iv. Do you believe the consent decree has reduced problematic officer behavior? What specific behaviors have changed?
    - c. Discipline: Subculture
      - i. Have you received punishment before the consent decree or after?
      - ii. Do you feel that punishment for misconduct under the consent decree is fair and consistent across officers?
    - d. Complaint Investigations- Accountability for Misconduct, : Consent Decree
      - i. Do you think that supervisors have improved their investigations of complaints since the implementation of the consent decree?
      - ii. Do you see investigations conducted more accurately and thoroughly since the consent decree? What has changed about the complaint investigation process since the implementation of the consent decree?
      - iii. The consent decree required the Early Intervention System to be updated to identify officers exhibiting potentially problematic behavior before it resulted in misconduct. Has the Early Intervention System been useful for you? Do you think it has been successful at proactively identifying problematic officers and applying the appropriate discipline?
    - e. Institutionalization: Consent Decree
      - i. Have you experienced changes to your daily responsibilities since the implementation of the consent decree? What are these changes?
      - ii. Do you believe the consent decree has been implemented across the department or only a few individuals have been impacted the changes?
      - iii. Have you experienced a change in your relationships with other officers since the implementation of the consent decree?
      - iv. Have you experienced a change in your relationships with supervisors since the implementation of the consent decree?
3. Attitudes Towards Federal Intervention
  - a. Opposition to the Consent Decree
    - i. Do you feel that the consent decree was warranted?
    - ii. What were your initial thoughts about the consent decree before its implementation? How do they compare to your experience so far?
    - iii. How receptive would you say you are to the reforms required by the consent decree?
    - iv. How widespread is opposition to the consent decree among officers? Have there been any effects of opposition towards the consent decree?
    - v. What do you think about the federal intervention required by the consent decree? Is it effective in enforcing change?
    - vi. Do you think the policies of the consent decree have decreased officer discretion? Has this impacted overall effectiveness of policing?
  - b. Depolicing
    - i. Have you felt less inclined to engage in law enforcement activities since the implementation of the consent decree?
    - ii. Officers in departments under a consent decree sometimes express experiencing a decline in law enforcement efforts after implementation of the consent decree due to the requirement of paperwork and a fear of being flagged for their behavior. Do you see this happening in the BPD?



**Table 2: Most Common Areas of Reform by Jurisdiction**

Unlawful Use of Force	Unlawful Stops, Searches, and Arrests	Biased Policing
Albuquerque Baltimore Cleveland Detroit East Haven Ferguson Los Angeles Sheriff Los Angeles PD New Orleans Newark Pittsburgh Portland Puerto Rico Seattle Steubenville Virgin Islands Warren	Baltimore Cleveland Detroit East Haven Ferguson Los Angeles Sheriff Los Angeles PD New Orleans Newark Pittsburgh Puerto Rico Seattle State of New Jersey Steubenville	Baltimore Cleveland East Haven Ferguson Los Angeles Sheriff Los Angeles PD New Orleans Newark Pittsburgh Puerto Rico Seattle State of New Jersey Steubenville

(Lawrence and Cole 2019)

Consent Decree Reform Goals

1. Advancing a community and problem-oriented policing strategy
  - a. A focus on strong relationships and collaboration between the police and community
  - b. The application of modern management practices and organizational structures to create a culture of community partnership
  - c. Transparency and accountability to communities and democratic government
  - d. Decentralized, proactive, community-based solutions to community public safety priorities
2. Promoting bias-free policing
  - a. Policies prohibiting bias-based policing
  - b. Ensuring equitable policing
  - c. Disparate impact analysis
  - d. Implicit bias training
3. Addressing unlawful use of force
  - a. Proportionality and De-Escalation
  - b. Prohibiting the Use of Retaliatory Force
  - c. Limits on Choke or Neck Holds, and Head Strikes
  - d. Limits on Use of Force on Handcuffed or Restrained People
  - e. Clear Policies on Specific Weapons, Including Firearms and Less-Lethal Weapons

- f. Systems for Handling Encounters with People with Disabilities or in Mental Health Crisis
    - g. Providing Necessary Medical Assistance
    - h. Documenting and Reviewing Uses of Force
- 4. Community engagement
  - a. Community Outreach Plans
  - b. Community Committees or Councils
  - c. Civilian Complaint Review Boards
  - d. Community-Based Mediation Programs
  - e. Data Collection and Transparency
  - f. The Role of the Independent Monitoring Team
- 5. Departmental policy changes and retaining
- 6. Reforming accountability systems
  - a. Data Tracking and Transparency
  - b. Public Monitoring Reports
  - c. Early Intervention Systems
  - d. Video Technology
  - e. Supervisory Systems
  - f. Misconduct Complaints
  - g. Independent Civilian Review Systems
  - h. Recruitment, Hiring, and Promotion Systems
- 7. Promoting officer wellness and support
  - a. Health and Wellness Programs
  - b. Physical Fitness Programs
  - c. Stress Management Tools
  - d. Confidential Crisis Counseling
- 8. Addressing the link between policing and other criminal justice and social systems

(Department of Justice-Civil Rights Division)

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