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No Easy Answer: *Representative Bureaucracy and Police Use of Force*

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The theory of Representative Bureaucracy is a well-studied concept in Public Administration, positing that more representative government agencies will lead to greater equity for underserved groups. This paper is review of empirical applications of the theory to the use of force by police and it will show that the work does not support the idea that more representative police departments correlate with lower rates of use of force against minority groups. Implications for future studies are addressed at the end of the article.

Introduction

The use of force by police is one of the most controversial forms of government interactions in a democratic society. Police violence is laden with political saliency and represents a historical flashpoint between government and disadvantaged groups. Since the summer of 2014, public scrutiny of the use of force has created a cycle of scandal and reform that has tested the legitimacy of American policing. One approach that has been widely posited as a balm for strained community-police relations is the theory of representative bureaucracy. This paper will show that the findings related to the use of force and representative bureaucracy are complex and defy the popular notion that increased minority representation leads to lower amounts of force. This paper will begin with a brief overview of the theory of representative bureaucracy and how it intersects with policing in a broad sense before providing a detailed review of the literature on representative bureaucracy and the use of force.

Representative Bureaucracy

Most contemporary work on Representative Bureaucracy has been strongly influenced by Mosher's *Democracy and the Public Service*, which argued that the demographic composition of bureaucracy could be harnessed as a force that helps government work on behalf of underrepresented groups via a process called passive representation.¹ Passive representation is when bureaucrats mirror the demographic characteristics of a community.² Passive representation leads to active representation. Active representation occurs when the representative bureaucrat exercises their discretion in such a way that it produces outcomes favorable to the represented. Active representation is a way of making the delivery of government service more equitable to non-dominant social groups.

Scholars have identified several conditions that are necessary for passive representation to transform into active representation. First, bureaucrats must have discretion, they need enough procedural slack so that they have space to operationalize their values.³ Second, the bureaucrats must be in a policy arena that is important for the demographic group at issue.⁴ An archetype of this would be a Native American employee of the US Department of Interior with some decisional making authority related to the downsizing of protected monuments adjacent to tribal land.

Representative bureaucracy has a strong empirical pedigree. Scholars have linked minority representation in government service to outcomes that benefit minority groups.⁵ As the theory has gained prominence, it has been widely applied to a multitude of government activities, including policing. This review seeks to answer the following question: Does increased representation lead to fewer instances of police violence?

Representative Bureaucracy and Policing

Police organizations offer rich hunting grounds to representative bureaucratic researchers for two principal reasons. First, the workaday experiences of police officers are infused with discretion which facilitates active representation.⁶ Second, the overwhelming historical context of policing since the 1960s in the United States is centered around conflict between police and underrepresented groups.⁷ Indeed, race is the most common demographic feature of representative bureaucracy scholarship and policing.⁸

Researchers have used the theory to hypothesize that greater diversity within police agencies will lessen the strain with minority citizens because minority officers will have shared life experiences, and values as those being policed.⁹ Calls for greater racial diversity in law enforcement are a familiar theme following popular protest directed at policing. Both the Kerner Commission in 1968¹⁰ and the Presidential Task Force on 21st Century Policing¹¹ in 2015 offered the increased hiring of minority officers as a means of improving relations between police and minority groups. Like work related to the use of force, broader applications of the theory have produced mixed results. In one study, citizens were more likely to perceive police as legitimate if they were carried out by officers of the same race, regardless of outcomes.¹² Other work in the theory has produced an opposite result, showing that an increase in minority officers were associated with an uptick in traffic stops considered indicative of racial profiling.¹³ Moreover, an efficiency argument has been made in advance of the theory, as there is some empirical evidence suggesting that an increase in ethnic minorities contributes to a lessening of crime.¹⁴

Still another approach is that of Brown¹⁵ who argues that minority representation does little to alter police behavior or institutionalized practices. Far from using active representation to further minority interests, minority officers are hired to democratize police misconduct and be made complicit in oppressive practices. Minority officers normalize harmful police activity rather than acting as agents of meaningful change that would benefit

underrepresented groups. For Brown, representation does not matter if the core task of the police is the control of minorities.

A sterling example of how the theory does not provide easy answers can be found in a single study by Hong.¹⁶ He found that even though a small increase in the ratio of ethnic minority officers was associated with an 11 percent decrease in substantiated complaints of misconduct, as the proportion of ethnic minority officers increased, so did their share of citizen complaints. Hong attributed this to the fact that the cohort of diverse officers was less experienced or qualified than their white peers. Hong did not address the possibility that the uptick in police complaints against the minority officers were the result of discrimination.

Use of Force in Brief

The legal use of force by police officers is the definitive element of policing and perhaps its most studied.¹⁷ Related to representative bureaucracy, studies on race and police use of force have been prolific. Indeed, the first published account on police use of force by Robin¹⁸ centered around race, and criminal justice and various cognate fields have produced reams of scholarship with small nodes of consensus. Although it is widely accepted that there are racial disparities in police use of force, controversy is generally rooted on variations of whether the disparity is the result of legitimate factors-like behavior during police encounters, and rates of violent offending- or illegitimate factors like police prejudice.¹⁹ The state of the field can be described as “murky” as there is empirical evidence supporting both positions.²⁰ One problem clouding use of force research is high political saliency, which has contributed to sloppy research being used to prop up ideological biases.²¹ A final impediment to research continuity is a lack of reliable data. The federal government does not mandate the reporting of use of force incidents from local departments, not even for police caused homicides.

Representative Bureaucracy and the Use of Force

Scholars have turned to representative bureaucracy to provide a stable theoretical framework for exploring use of force and race. The working hypothesis of works looking at representative bureaucracy and use of force is that a more representative police department will use less force, particularly excessive force towards minority residents. Proponents of the theory argue

that increased numbers of minority and female police officers will produce more opportunities to deescalate tense encounters.²²

Like the greater body of work on use of force, literature on representative bureaucracy arcs towards inconsistency in both findings and methods, as illustrated in Table 1 in the appendix. The literature uses various dependent variables to apply the use of force to representative bureaucracy. Therefore, this review is structured thematically by police caused homicides, citizen complaints of excessive force and violence against police.

Police Caused Homicides

In 2003, Smith²³ examined the role of representativeness in police departments and police shootings by comparing the race of people killed by police, and racial composition of police departments. Smith found that the racial makeup of the police departments was not statistically related to the level of police caused homicides, and the variable with the strongest relationship was the level of violent crime. Smith theorized that this does not dismiss the validity of the theory, as police shootings are only the most extreme outcome that can result between a police-citizen encounter. Smith stated that there may be a myriad of positive encounters associated with increased diversity that are very difficult to capture.

In the provocatively-titled “Will More Black Cops Matter?” Nicholson-Crotty et al.,²⁴ revisited the issue of lethal force used against minority citizens via representative bureaucracy. Like the 2003 Smith article, there was no evidence to suggest that a higher of ratio black officers was related to fewer fatal police shootings of black citizens. In fact, there was more support for the idea that increasing the number of black officers correlated with an increase of the deaths of black citizens due to police intervention. This is not a new result. One study showed that an increase in the number of black officers increased the rate of lethal police violence to black citizens, and that black officers were less likely to use lethal force against whites.²⁵

The Nicholson et al. article²⁶ is worth highlighting because it introduces the concept of critical mass to the representative bureaucracy and use of force literature. Critical mass represents a demographic tipping point in which minority officers have enough cultural and managerial sway so that they can create the agency needed for active representation. The authors argue that a critical mass of minority officers is needed to alter police subculture, which is predisposed to perceive minority citizens as threats.

Police subculture has been described as insular and successful at creating in-group cohesion that builds strong institutional behavioral norms.²⁷ This culture fosters an *esprit de corps* that overpowers other sources of social identity and prevents officers from acting in a way consistent with representative bureaucracy theory. In other words, scholars credit the police subculture for the failure to actualize the gain to minority citizens that are observed in the study of representative bureaucracy in other fields. Institutional or organizational variables can reverse passive representation as racial identity is trumped by occupational identity.²⁸ This can result in both white and minority officers becoming “blind to their aggressive responses to citizens of color.”²⁹

The final piece of this section stands apart in the field. *Race and Representative Bureaucracy in American Policing* by Kennedy, Butz, Lajevardi and Nanes is a monograph that is the most comprehensive and definitive work on the subject to date.³⁰ First, the authors incorporated a time series analysis of multiple questions related to representative bureaucracy stretching from 1993 to 2013 from the 100 largest cities in the US, which is the most complete dataset in the field. The authors found that despite active recruitment efforts aimed at increasing diversity, the actual level of representation during the time frame decreased. Kennedy et al. found that increased representativeness was associated with a decrease in excessive force complaints as well as a compliant reporting procedure that were more accessible to community members.³¹ Police agencies that were more representative were also more likely to be accompanied by some feature of civilian oversight, which the authors theorized could be favorable to minority citizens. Administrative polices were more inclined towards civilian oversight in police departments that were more racially representative. One of the strengths of the study was the extension of research into administrative policies governing the use of force rather than a reporting of use of force outcomes by race. The inclusion of administrative policy captures an element of passive representation that is unique in the literature, which bolsters the validity of the theory and opens avenues for other researchers. As the authors write, “our evidence leaves little doubt that passive representation matters a great deal to the policies, practices and performance of American Law Enforcement.”³²

The authors included in their monograph an examination between racial representativeness and lethal force, which is structured like the preceding literature. They hypothesized that a more representative police force would yield fewer lethal encounters for two reasons. First, officers will use their discretion to create outcomes marked by de-escalation. Secondly, citizens will see a representative police force as more legitimate and will therefore be less

likely to contest arrest. This study uses a series of multivariate regression models that test for a relationship between racial representative and police caused homicides. This data set is unique as it covers a longer span of time than other studies of police-related homicides. The study found that greater racial representativeness was associated with an increase in the number of police related homicides, “counties in which the racial demographics of the police more closely match the population demographics have higher rates of civilian deaths due to legal intervention.”³³

The authors theorize that this counterintuitive finding may be a sign that policing is *improving*, as police are more proactively protecting the community. Indeed, one familiar criticism of American policing is the concept of under policing, where police pursue crime with less vigor in minority communities.³⁴ More police shootings could be a signal of active representation, as minority officers are more likely to establish connections that produce better criminal intelligence and more encounters with violent offenders. It may also indicate that minority officers are more likely to view crime committed in minority neighborhoods as serious events and exert more effort in prevention and investigative follow-up.

In summary, there is no evidence connecting increased minority representation in policing with a reduction in police caused homicides.

Excessive Force Complaints

Five of the studies included in this review used complaints of excessive force as the dependent variable. These are official complaints that citizens file to either internal affairs offices, oversight bodies or civil right lawsuits. Smith and Holmes³⁵ conducted a study looking at a relationship between racial representation and excessive force complaints. Smith and Holmes utilized the study to test a theory that is related to representative bureaucracy; the racial threat hypothesis. The racial threat hypothesis frames police violence as the dominant group using state action to control or punish minority groups. Police violence is part of a comprehensive government regime aimed at protecting the economic and political advantages of the dominant group.³⁶ The minority threat hypothesis treats racial disparities in police violence as a means of social control. Police violence can be expected to be higher in areas of concentrated minority populations and social disorganization.³⁷ This Smith and Holmes paper used civil rights criminal complaints as their dependent variable as a measure of excessive force. The findings in the study were mixed, showing that a greater proportion of Latino officers was associated with a decrease in excessive force cases, but that there was no relationship

between the ratio of black officers to the black populace. The study did find some support for the racial threat hypothesis as there were more excessive force cases filed in cities that were highly segregated.

Smith and Holmes³⁸ conducted a similar study in 2014 with results that were flipped from their 2003 work. This paper found that greater ratio of black officers to black residents was associated with less excessive force complaints, but that the reverse was true for Latino officers. As the police departments become more representative for Latinos, excessive force cases increased. Smith and Holmes reconcile this finding by noting that increasing representation in police departments may not “overcome the profound structural inequalities of race and class that characterize many American cities and produce excessive force complaints.”³⁹ In other words, the problems of racially disparate use of force outcomes are deeply rooted in a context of historical discrimination that extends well beyond policing.

Hickman and Piquero⁴⁰ completed a well-structured examination of the factors of excessive force complaints which touched upon minority representation in police ranks. An important feature of this paper is that Hickman and Piquero completed multiple sets of bivariate analyses to test various ideas. For example, a bivariate look at minority representation ratio and sustained excessive force complaints showed a positive relationship, but when other environmental variables were added, the relationship went away. In a summation of their findings, the authors wrote that it appeared “that complaint rates and the percentage sustained are influenced by factors other than minority representation within police agencies.”⁴¹ As their study was built on aggregate level data, the writers surmise that large police agencies that are representative of their cities are at times operating under consent decrees and may therefore have a history of excessive force. The authors conclude by warning that representative bureaucracy researchers should not jump ship based on their findings, but that researchers looking at use of force differentials would have more luck finding meaningful factors elsewhere.

Trochman and Gover⁴² used census data from cities with more than 100,000 people and data on excessive force data to examine use of force and representation. A feature of the study was the use of time series data from 2003 and 2007. In echoes of the Hickman and Piquero piece, an initial bivariate relationship showing less excessive force complaints for more representative departments faded away when other control variables were introduced.

The works reviewed in this section offer similar conclusions—historical and neighborhood contexts are more important than racial composition of police when examining the use of force.

Violence Against Police

Two different studies have used representative bureaucracy to examine the other side of police violence. Barrick, Hickman and Strom⁴³ tested for a relationship between assaults against officers and levels of representativeness. The authors theorized that a higher proportion of minority officers would lead to an increase in police legitimacy that would lessen violent challenges to police authority. The authors found that higher levels of minority representation were not associated with a decrease in assaults against police. This finding was confirmed in a more recent study by Ozkan, Worrall and Piquero.⁴⁴ Both sets of authors speculated that departments which showed high levels of representation might have reached that state because of federal intervention following consent decrees. Therefore, agencies with high numbers of minority officers may be situated in a context of community distrust of police which would contribute to assaults on police. This was reiterated in the other study of assaults against police which noted that use of force outcomes framed solely in racial representation of police are likely to fly over contextual problems embedded in cities.⁴⁵

If there is one general theme to be parsed from this review it is that location matters. Nearly all the authors, after null findings for the theory, concluded that the local context in terms of both violent crime and historical relations between the community and police were more important than the racial makeup of police when searching for explanatory variables for the use of force.

Discussion

The most interesting intersect between representative bureaucracy and the use of force is the nature of active representation. Active representation holds that discretion can be a means of delivering more equitable outcomes, but what that means is a normative judgment.

Most of the literature reviewed in this paper assumed that if active representation occurred in policing it would result in fewer police enforcement actions against minorities. However, multiple studies did not

yield support for this hypothesis and authors sought to preserve the validity of active representation by describing how police organizational culture subsumes other values. In addition to the works covered in this paper, other literature on representative bureaucracy have echoed that organizational culture and formalization can moderate opportunities for active representation to the extent that these factors may “[trump] racial affinities.”⁴⁶ Another theory is Gilmartin’s hypervigilance. This posits that police identity consumes other sources of police officer’s self-image via a physiological process triggered by officers’ overriding concern for officer safety.⁴⁷ Any officer’s inclination to assume a minority representation role might be severely blunted by realities related to self-preservation that are unique to American policing.

Although police subculture may explain the lackluster realization of active representation, representative bureaucracy theory is vulnerable to complexity. Indeed, scholars have recognized that as bureaucratic decisions become complex, discretion is harder to account for.⁴⁸ Use of force outcomes are inherently complex as they are influenced by a mix of psychological, ecological, socioeconomic, organizational, political and behavioral variables embedded in a context of racial subjugation both local and national. The most complex and seemingly intractable challenge to representative bureaucracy and the use of force is that the use of force can be interpreted as both the presence or absence of active representation.

As the Kennedy et al. monograph speculated, higher rates of force by representative police departments may be the byproduct of increased community engagement and even trust in the police. This idea is new to the literature, but it has strong anecdotal support from the personal narratives of high-ranking minority officers who joined their respective departments to help clean up minority neighborhoods by locking up criminals.⁴⁹ While this idea is provocative, more theory building, and research are needed to flesh out its dimensions.

Recommendations for Future Study

The strongest recommendation for future study would be the inclusion of qualitative and observational studies. Qualitative studies could shed light on the inconclusive findings by stepping back from raw numbers of force incidents and deconstructing the thought processes of the participants of a force encounter. Observational studies typically involve a team of researchers conducting ride a-longs with officers. These types of studies have led to some of the strongest use of force theories and they would help researchers examine

a fuller range of behaviors and outcomes than simply if there was or was not force used.⁵⁰ Observational studies enable researchers to account for who and what escalates an encounter and the degree to which citizens and officers of different demographic backgrounds interact from start to finish.

Interviews with officers and citizens could also pin down conceptions of what active representation looks like to different populations. For officers from underrepresented groups, active representation could be expressed as an aggressive style of policing that targets hardcore criminals that victimize a certain community. For members of a community that feels over-policed, active representation may be voiced as a form of policing that less reliant on enforcement and more engaged with the community. In short, qualitative works are the only viable path for testing more complex assessments of active representation. Interviews might reveal that citizens and police want a blended version of active representation in which police accrue better intelligence on criminals without increasing the enforcement footprint for a given neighborhood. Indeed, this tension—between enforcement and harassment—are reflected in police-community disagreements over how to respond to violent crime in tight geographic pockets.⁵¹

The theory also needs more longitudinal tests. Active representation might best be measured in terms of decades, particularly when one considers the uneven rate that different agencies experience hiring surges and freezes. Only Kennedy et al.⁵² looked at the problem at the decade level, and that lead to unique insights about the value of administrative policy. An additional next step would be looking at representation for other minority subsets of the population. To the knowledge of the author, there is no published work on representative bureaucracy and tribal policing, and there is also no work exploring representation in terms of primary spoken language. Are police departments with a higher representation of bilingual officers less likely to use force than those with fewer?

Conclusion

The study of representative bureaucracy and the use of force by police has produced results that do not support the hypothesis that more representative police departments use less force. The lack of a relationship mirrors similar inconsistency in the larger field of use of force research. A review of the evidence did provide support that passive representation was associated with administrative policies that were more favorable to minority groups, but the literature is not yet at a point of agreement on what active

representation would look like and much less that it empirically exists.

Appendix

Table 1. Reviewed works on Representative Bureaucracy Theory and use of force.

Study	Dependent Variable	Independent Variables	Controls	Method	Result
Smith, Brad W. (2003).	Police Caused Homicides.	Agency minority representation ratio (race and gender), proportion of residents black and Latino, income inequality.	Violent crime rate, city size and region.	Negative binomial regression	Higher proportion of black residents, the greater number of police shootings.
Nicholson-Crotty, Sean, Jill Nicholson-Crotty, and Sergio Fernandez (2017).	Police Caused Homicides.	Percentage of black officers in a department.	Whites killed by police, percentage population black, poverty, officers per capita.	Multivariate	Increasing the numbers of black officers linked to increase in the number of black citizens killed by police.
Kennedy et al.	Police Caused Homicides.	Racial representativeness	Citizen diversity, proportion of county that is black.	Multivariate	Agencies that are more representative have more police shootings.
Smith, Brad W., Holmes and Malcolm D. Holmes (2003)	Citizen complaints of Excessive Force (Civil Right Lawsuits)	Agency minority representation ratio (race and gender), residency requirement for police, income inequality, proportion of residents black and Latino	City size and region.	Negative binomial regression and multivariate	More Latino officers related to fewer excessive force complaints; no relationship with black officers.
Hickman, Matthew J., and Alex R. Piquero	Citizen complaints of Excessive	Minority representation ratio, organizational	N/A.	Bivariate and Multivariate	Minority representation not significant in terms of use of

(2009).	Force.	structure of the police department, administrative features, environmental.			force.
Smith, Brad W., Holmes and Malcolm D. Holmes (2014).	Citizen complaints of Excessive Force.	Three categories of variables related to minority threat, community accountability, and ecological.	City characteristics	Multivariate Regression	Greater ratio of black officers associated with decreased force. Force increased. with Latino representation.
Trochman, Maren B., and Angela Gover (2016).	Citizen complaints of Excessive Force.	Agency representativeness by race and residency (in agency boundaries).	Agency size, presence of civilian oversight, crime rates and socioeconomic factors	Multivariate	No statistically significant relationship between representativeness and use of force.
Kennedy et al.	Citizen complaints of Excessive Force.	Racial representativeness.	City size, agency size, unemployment.	Multivariate	Less complaints of excessive force when agency is more representative of blacks.
Barrick, Kelle, Matthew J. Hickman, and Kevin J. Strom (2014).	Assaults against police.	Agency minority representation ratio, community policing.	Rate of aggravated assault, concentrated disadvantage, ratio of police to citizens, population size and density.	Multivariate Regression	Higher level of representation associated with higher levels of assaults against police.
Ozkan, Turgut, John L. Worrall, and Alex R. Piquero (2016).	Assaults against police.	Agency representativeness by race and gender.	Education, community relations, community policing, and conducted energy device use, violent crime and poverty.	Multivariate	Minority police representation not significantly related to assaults against police.

Notes

- ¹ Frederick Mosher, *Democracy and the Public Service* (New York: Oxford University Press, 1968), 3.
- ² *Ibid.*, 12.
- ³ Vicky Wilkins and Brian Williams, "Representing Blue: Representative Bureaucracy and Racial Profiling in the Latino Community," *Administration & Society* 40, no.8 (2009), 777.
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- ⁵ Kenneth Meier and Laurence Toole Jr., *Bureaucracy in a Democratic State* (Baltimore: Johns Hopkins, 2006), 1142.
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- ¹⁹ Lorie Fridell, "Explaining the Disparity in Results Across Studies Assessing Racial Disparity in Police Use of Force: A Research Note," *American Journal of Criminal Justice* 42 (2017), 503.
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- ²¹ Fridell, "Explaining the Disparity in Results Across Studies Assessing Racial Disparity in Police Use of Force," 502-513; Jennifer Gonzalez, Katelyn Jetelina, and Stephen Bishop, "Toward a Constructive Public Health Agenda on Race and Police Use of Force," *American Journal of Public Health* 107, no. 8 (2017), E22.
- ²² Nicholson, Nicholson-Crotty, and Fernandez, "Will More Black Cops Matter? Officer Race and Police-Involved Homicides of Black Citizens," 206-216.
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- ²⁷ Bitner, "The Functions of Police In Modern Society," 64.
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- ³² *Ibid.*, 108.
- ³³ *Ibid.*, 104.
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- ⁴⁵ Ibid, 419.
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