

Introduction

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I.1 GOAL OF THE BOOK

Our goal in the *Cambridge Handbook of Policing in the United States* is to provide a variety of different perspectives on the types of police organization, practice of policing, and the law of the police in the United States.

The unique feature of the book is its interdisciplinary interaction between the police on the front line and the legal and sociological scholars on the cutting edge of policing theory. Too often, approaches to policing remain mired in different policy-based silos. But policing is a many-headed hydra, extending into, not only the criminal justice system but also welfare, housing, health, immigration, local government, and transportation – indeed, almost all areas of life. In this book, the authors reject a narrow, discipline-by-discipline approach to the problem of policing, and instead reach across disciplines to articulate the ways in which the police are used to dominate communities of color and to propose solutions. The resulting discussion and diagnosis of policing incorporates multiple perspectives in order to overcome the partial perspectives of different kinds of experts, policymakers, and police on the streets.

Most books on policing tend to address either the sociological *or* the legal *or* the political theoretical issues raised by the police and policing in isolation from each other. In the *Cambridge Handbook of Policing in America*, the guiding idea is that these different issues and interests are interrelated and influence each other. Accordingly, the selection of topics and authors for the book attempts to show how the different perspectives address a variety of topics, from justifications of the police, to police violence, discrimination by the police, the challenges of police technology, and possibilities for reform.

I.2 COVERAGE

Policing, even in a limited jurisdiction such as the United States, covers many topics. Understood broadly, policing is the activity of a large number of agencies and institutions, both public and private, not just the police. All of these institutions and agencies are engaged in executive governance function: the management of civil society and the promotion of its social welfare. Understood narrowly, policing addresses the activities of the uniformed police officer on patrol, or perhaps the plainclothes detective, both of whom are envisaged as engaged in combatting crime or restoring order through the use of force. Policing, on this view, entails the social control of the public by law-enforcement officials who derive their authority to act from the criminal

law, and tend to act through the use of force. As we will see in the book, different authors adopt – implicitly or explicitly – a broader or narrower view of the police and policing.

Any discussion of policing in America is complicated by the fact that the police in the United States are fragmented into different localities. Even if we consider only the most police-like of organizations (and so ignore administrative entities that fulfill policing functions), they are separated into federal, state, municipal, and private, often with overlapping jurisdictions. While much of the study of the police and policing focuses on federal and municipal policing, most of the police work is in municipal and private capacity.

The public police themselves are an institutionally fragmented organization. Most obviously, the police are separated into a plainclothes detective class and a uniformed patrol class. Furthermore, there is a managerial class of (normally uniform-wearing) officers that supervise the work of the detective and patrol classes, and generate department-wide policies. Detective and patrol officers may develop their own practices to fill in gaps or counter the policies promulgated by the management class. So, tracking what the police do, and to whom they answer in law and in fact, is often a particularly tricky enterprise.

To properly study the police and policing in the United States, then, requires canvassing help from a number of disciplines, not least sociology, criminology, political theory, and law. Sociologists and criminologists tend to focus on the police as a social institution. In the United States, legal theorists and criminal proceduralists tend to consider the police in relation to the constitutional rules governing police activity: primarily the Fourth, Fifth, and Sixth Amendments. And more recently, a turn in the legal academy has produced a body of scholars thinking about policing in ways influenced by institutional and political theory. Each of these perspectives, we think, has something important to add to our understanding of the police and policing.

1.3 STRUCTURE OF BOOK

The interdisciplinary approach to policing in America explains some of the distinctive features of the book, including its organization and the selection and order of topics. Two main features of the book in particular are distinctive. They are Part I, which discusses policing from the perspective of people policed as well as the police, and our inclusion throughout the book of lawyers' perspectives, and the legal constraints on police conduct.

That structure means, however, that the *Cambridge Handbook of Policing in America* treats some of the policing strategies that are foregrounded in sociological and criminological studies in oblique ways. For example, some well-trodden sociological discussions that we have not given a chapter of their own are *place-based* and *community-based policing*. While the various chapters in the book do not always directly address these types of policing, they do undergird a number of the contributions, including Cameron McLay's opening chapter, in which *outcome-based* policing shares some of the community trust-building concerns of community policing, and the McCrary and Premkumar chapter, discussing the deterrence effect of the police on crime, which owes a lot to hotspots policing.

Since core sociological concepts appear in these, and other, chapters throughout the book, it is worth briefly introducing the concepts. They get a fuller airing in many of the chapters, and McCrary and Premkumar's discussion in their *Why We Need the Police* chapter provides one of the fuller discussions in the *Handbook*, although they appear in other chapters as well.

The broken-windows approach to policing builds upon James Q. Wilson's claim that communities are not merely geographic and social entities, but are primarily constituted by some

shared set of values that establish how people behave in public, and whether they can feel at home among their fellow community residents. The broken-windows approach developed by Wilson, in conjunction with George L. Kelling, suggests that disorder on the streets tends to be the cause of further disorder. Street disorder has two important consequences: first, it engenders crime because it signals that no one cares about crime in the community. Second, the effect of distasteful encounters with disorderly people – the drunk, the insane, the addicted, aggressive panhandlers, streetwalkers, and gang members – reduces the quality of life for those people who do not share the sort of “bohemian” lifestyle that values these types of public behavior. Accordingly, those who can leave, do so, creating a spiral of disorder, and abandoning those who cannot afford to move out.

Since the 1990s, another policing philosophy that has gained a great deal of attention is *community policing*. The idea behind community policing is relatively straightforward: the goal is for the police and the community to partner together to identify and address crime and disorder. On the most inclusive version of community policing, civilians have a say in how their neighborhood is patrolled by the police. But community policing often does not extend this far. Instead, the police seek to be responsive to public concerns, both by asking the community what their concerns are and by sharing information with community residents about how the police tackle those concerns.

These different poles of community policing are reflected in some of the discussions in the *Handbook*. One version of community policing is that it is simply a trust-building exercise between the police and community residents: Manski and Nagin’s discussion of community trust, for example, adopts this view, whereas Kennedy and Ben-Menachem’s discussion of police reconciliation provides a deeper account of community engagement. At the other pole is community participation in setting the goals of policing; something like this is more or less directly covered by McLay’s call for *outcome-based policing*, which tracks some themes in what is often called *problem-oriented policing*.

Community policing raises, however, some difficult issues. First and foremost is the problem of identifying what *is* a community. Next is the difficulty of identifying whose opinion is to count as representative of the members of the community. And there remains the issue of how best to engage in community empowerment.

Perhaps the core place-based policing innovations that receive widespread discussion are the New York Police Department’s Compstat program; and the technique of hot spot policing promoted by David Weisburd and Anthony A. Braga. Compstat is a form of macro-organization of policing across the various localities served by a given department. It works by increasing the accountability of the different members of the department for carrying out the department’s organizational goals: primarily, fighting crime. Compstat enables the staff in charge of police policy-making to measure their subordinates’ performance by gathering crime and other relevant data across the jurisdiction served by the department, centralizing it in a computer database, and subjecting the data to crime analysis and crime mapping. Central to the Compstat philosophy is using the data to solve problems. Senior officers then use the system-wide crime figures generated by the database to conduct regular meetings at which they hold subordinates accountable for crime rates, identify problem spots, and demand solutions to persistent problems.

A slightly different innovation is the micro-targeting of particular localities through what has become known as *hotspots policing*. Hotspots policing uses data gathering and digital mapping technology to identify those locations that are particularly prone to criminal activity. It operates, not at the level of the neighborhood or the community, but at the level of the street. Hotspots

policing thus allows policing that is highly targeted both temporally and spatially, making policing more efficient and crime-fighting contacts with the public more precise.

Policing hotspots interacts with a series of discussions in the criminal procedure context about the ways in which technology affects policing in targeted – often minority – communities. Hotspots policing is only one of a series of technologically driven ways of targeting discrete parts of a locality while leaving the rest alone. Other technologies include firearm detection devices which can pinpoint when and where a weapon is discharged, as well as a panoply of video surveillance devices that can track criminal activity on the street, as it happens. Both Kami Chavis and Bennett Capers discuss these innovations.

Finally, throughout the book there are discussions of the currently popular technique of procedurally just policing. Procedural justice is a psychological technique for promoting compliance and building cooperation through face-to-face encounters with the public that manifest the virtues of inclusiveness, respect, neutrality, and benevolence. It often operates alongside other policing techniques as part of a trust-building practice, encouraging community members to believe that the police take their interests seriously when determining either broad policy or particular interventions on the ground. Hollander-Blumoff provides the most detailed discussion of the manner in which procedural justice can be a useful trust-building tool. But it is a core part of discussions of policing in many of the other chapters.

A central theme of policing in America, however, is the way in which policing interacts with issues of sex, gender, mental disability, immigration, poverty, and race. These issues are particularly salient when considering the legal limits governing the police, and in particular the constitutional provisions, contained primarily in the Fourth and Fifth Amendments, that bear upon the ways in which the police may treat the public.

The *Handbook's* interdisciplinary approach helps to foreground some of the political, legal, and social aspects of policing that are implicitly in some of the predominantly sociological and criminological studies of policing techniques. For example, the sociological discussion of hotspots takes on a slightly different valence in the context of the constitutional doctrine of high-crime areas. And the quality of police encounters becomes particularly salient when considering how they are experienced by members of vulnerable communities, including immigrants, LGBTQ people, women, and minorities. These issues receive a particularly detailed airing in the context of the legal regulation of police conduct. Technical legal issues arise, in the political and doctrinal context, in the form of questions about governance, state interference, and the political and legal standing of the public in relation to police claims of authorization to intervene in the daily activities of people on the street.

In terms of high-profile events, it is striking how great an impact the shooting and killing of Michael Brown, an unarmed African American man, by Darren Wilson, a white City of Ferguson, MO, police officer, has had on this collection.

What makes the *Handbook* most special, however, might well be its tone. Although the *Handbook* doesn't flinch from presenting the pain and injustice inflicted by police officers, it also makes sure to acknowledge the good that officers accomplish and the difficulties they face. Justin McCrary and Deepak Premkumar's chapter shows the degree to which the police have been successful at fighting crime, and Jack Chin makes a convincing case for why an NYPD officer should not have been prosecuted for what he believes was an accidental killing. Even in some of the most critical chapters, there is respect for what police officers do. David Harris writes eloquently about the legitimate fear officers experience, and Tamara Rice Lave emphasizes how diligent policing stopped a serial predator. It is striking that those who advocate

abolishing the police have the promise of policing as a reference point. The *Handbook* ends in a hopeful fashion by focusing on reform, and in the final chapter David Kennedy and Jonathan Ben-Menachem present a model for officer/community reconciliation and provide tangible examples of how it has been implemented successfully.

1.4 CHAPTERS

Part I: The View from the Streets

The *Handbook* opens with two chapters by individuals who have participated in policing and police reform on the streets and in the courts. Cameron McLay is the former Police Chief of the City of Pittsburgh Police Department. Thomas Harvey and Janae Staicer worked for the ArchCity Defenders, a non-profit, holistic criminal defense law firm based in the City of Saint Louis, Missouri. Both of these chapters are animated by their interactions with, and responsibilities to, their local communities. And both of them take, as their jumping off point, Officer Darren Wilson's fatal shooting of Michael Brown. But that is where the similarities end. For while McLay's chapter is a robust defense of one version of problem-solving policing as a form of community accountability, Harvey and Staicer despair of the possibility of a non-racist, non-dominative police, and think their community, in St. Louis City and St. Louis County, Missouri, would be better served without the police.

McLay's emphasis, in *Policing as Though the Public Really Matters*, is on outcomes: building trust in the community by demonstrating that the police are reducing crime while also addressing police brutality and excessive force. McLay uses a Pittsburgh police program called "clearing corners" to explain how these two goals can be in tension. McLay recognized that the "clearing corners" program was a mixed bag, a combination of broken-windows and hotspots policing. Like hotspots policing, officers targeted specific criminogenic locations, and like broken windows, they responded to reports of violent crime with a zero-tolerance policy, arresting anyone and everyone they could when they arrived on the scene. This heavy-handed police activity reduced crime, but at the expense of public trust. Being rendered vulnerable to the police in this manner is degrading and frustrating, and encroaches on individual liberty. The result was quiet corners and frustrated civilians in the predominantly minority communities subjected to this form of policing. System avoidance, a concept discussed by Sarah Brayne elsewhere in this volume, can explain some of the response: the public chose to avoid the police rather than risk being caught up in a dragnet as the result of some arbitrary event on the street.

McLay's response jibes with both the procedural justice model of policing, discussed later in this volume by Rebecca Hollander-Blumoff and with the problem-solving mode of policing. Procedural justice is a psychological theory that shows how to build trust and cooperation over a series of encounters by allowing participants to have a voice, respecting their values, maintaining a neutral posture, and responding in a benevolent-seeming manner. If officers act in procedurally just ways, they are likely to increase the community's belief that the police are acting in their interests, and so the police gain the community's trust. Outcomes – such as evidence that crime does fall or that the police do, in fact, act better toward members of the community – are irrelevant to the sort of beliefs produced by procedural justice. Nonetheless, McLay's approach addresses both outcomes and beliefs. He operated by setting a clear set of expectations about what the police were supposed to accomplish by identifying discrete problems the police could address and acting to reduce those problems rather than simply enforcing the criminal law. McLay's twin-pronged approach appears to have had significant impacts in Pittsburgh.

Harvey and Staicer describe the other side of policing: the experience of vulnerable individuals who repeatedly encounter the police because of their race and residence. Their discussion contributes to the recent debate on abolitionism, which is continued in Simon and Bautista Duran's chapter, *Police Abolitionist Discourse*.

Harvey and Staicer document, through interviews with five clients who live in the greater St. Louis, Missouri area, their experiences with policing. These encounters occurred against a backdrop of racial bias and unregulated police violence. Ferguson is not simply a faraway flash-point for these clients: it is where they live or drive through, and part of the larger culture of policing in St. Louis City and St. Louis County, a collection of larger and smaller municipalities dependent on policing for revenue and respectability.

What Harvey and Staicer document is a culture of police domination and dehumanization, of the sort that animates many of the other discussions in this *Handbook*. Particularly striking is their account of avoidance – of certain places and state-run systems – that is receiving increasing attention in discussions of social control, and is a core part of the experience of being policed for many poor and minority individuals. The mere threat of police contact is enough to make Harvey and Staicer's interviewees change their behavior to avoid arbitrary interference from the police: the very essence of state-sponsored vulnerability. Arbitrary policing keeps minority residents in their place within and around these municipalities.

Policing in St. Louis has another, more insidious dimension. Harvey and Staicer reveal that the fragmentation endemic to American policing is leveraged by the police to the benefit of their immediate employers, the municipalities in which they work, rather than the state, whose laws they also enforce. When determining how to charge the people they catch, these small-town police channel individuals into the municipal rather than the state system; in turn, raising money for the municipality (that pays the police) rather than the state (that channels any fines into the state education fund). In ways that will be both familiar and novel to readers acquainted with the misdemeanor system of criminal justice, the prosecution of municipal ordinances occurs through an eclectic set of properties, personnel, and programs, many of which fail to afford basic due process rights, or even properly accommodate the participants. It is against the backdrop of this broken system, one that discriminates against and serves to subjugate poor and minority residents of St. Louis, that Harvey and Staicer call for abolishing the police.

Here, we could flip the broken-windows script on its head: in St. Louis, it is the police, and the municipalities they serve, that are disorderly and out of touch with the majority of the community's values. The police are unaccountable: the municipality is set up so that the police are incentivized to prey on its residents to raise money for the government, and the system of municipal courts is structured so as to facilitate this process. Members of the community can either leave or, if they are too poor or disinclined to do so, must suffer the indignities of a state that criminalizes its residents to obtain the funding to exist. The police engage in a warped form of problem-oriented policing, treating the municipality's financial security as the problem, and the local minority population as the means of solving that problem, through tickets and fines. In effect, what Harvey and Staicer are describing is a form of government that goes beyond "governing through crime" (where the criminal justice system expands and fills gaps left by the contraction of the social welfare system). Instead, they present St. Louis as a system in which all aspects of government are dependent upon and organized to maximize financing by "taxing" its residents through its criminal justice system. The result is an arbitrary and dominating police state (even if the state is a small municipality).

Part II: Do We Need Public Police?

The next section seeks to answer some foundational questions about the police: what are the police, and do we need them? Eric Miller's chapter answers the first question using an authority-based definition of the police. According to Miller, the police are first and foremost public officials: they represent and enforce state authority as members of the executive branch of government. They serve the whole public and owe, to everyone, equally, duties to protect and to observe the rule of law. This authority-based definition contrasts with other, more influential force-based definitions: for example, Egon Bittner's famous definition, in which "the police are nothing else than a mechanism for the distribution of situationally justified force in society." These different definitions have important consequences for the relationship between police and policing. When defined in terms of their authority to act as government agents, the police have wide berth to resolve various governance problems ranging from low-level traffic violations or minor medical or social emergencies to violent public disorders, or physical assaults. The authority-based concept of the police emphasizes their role in taking charge of disorderly situations, whether the disorder is caused by malfeasance or mishap. They are "peacekeepers" [Kleinig] and first responders, not simply crime-fighters. The force-based definition emphasizes the crime-fighting role, where force is most centrally justified when used to overcome individuals who seek to inflict harm on others, or evade formal legal accountability for their wrongful acts. The authority-based definition thus regards the police role as including more of a public service function than the force-based, crime-oriented one.

The section begins, however, by asking about the value of the public police. The police, McCrary and Premkumar recognize, engage in a variety of functions, including as first responders to emergency calls, quite apart from crime-fighting. While Miller emphasizes these alternative roles, McCrary and Premkumar seek to reinvigorate the crime-fighting claims of the police. A staple of early criminological theory was that police patrol did not make much of a difference in deterring crime. Above a relatively small number (but short of saturation of some locality by the police), the size and intensity of police patrol was supposed to make very little difference to the crime rate in a given locality. McCrary and Premkumar show that, contrary to these earlier studies, the police *do* have a negative impact on crime (and indeed on other public safety problems, such as traffic accidents).

The real question, however, is what sort of policing makes a difference. Here, McCrary and Premkumar introduce some of the core theories of police patrol described earlier: hotspots policing, problem-oriented policing, and broken-windows policing. Their conclusion is that focused policing, including hotspots policing and the "pulling levers" variant of problem-oriented policing, reduces crime in ways that the less focused, broken-windows policing does not. Furthermore, in large cities, increases in the number of police may be a cost-effective way to reduce crime.

That view contrasts not only with Harvey and Staicer's account of policing in St. Louis, but also with Simon and Bautista Duran's examination of the logic of abolition. The standard goal of both community policing and procedural justice is to build police–community trust. In certain minority communities, however, trust in the police has cratered, prompted by highly publicized incidents of police use of deadly force against unarmed, fleeing, or compliant African American men. Grassroots political movements, at the local and national levels, contest police legitimacy, and reveal the police as victimizing African Americans. In those communities, tolerance for the Bittner-style "situationally justified use of force" has given way to demands that the public be

protected from the police themselves. It is precisely police use of force (and by Bittner's logic, the police themselves in their core social presentation) that has been delegitimized.

Fear of, or frustration with, police violence has led some communities to formulate alternative strategies to calling police as first responders, whether the emergency is one of crime, public order, or social welfare. Women, in particular, have taken the lead in local and national organizations, formulating alternative strategies that seek to diffuse problems in the community before calling in the police. While the goal is not to replace the police totally, these movements recognize the need to transform the police and policing in ways that limit the opportunities to physically interfere with civilians, and escalate encounters. Stop-and-frisk, a staple of broken-windows policing, is a target of particular criticism: ending these and other opportunities for situational violence is a central abolitionist goal.

Ekow Yankah uses the notion of *franchise* to explain the particular duty that police officers, as public officials, have toward all civilians. Franchise, according to Yankah, is the right to participate equally in the governance of the polity. Equal participation in the polity requires that the police respect the standing of all members of the community. Policing that is biased on grounds of race thus harms minority members of the community in a particularly egregious manner: by expressing the state's disregard for their equal political standing demanded by their common participation as members of the community. This form of wrong is peculiarly public: private agents cannot deny other citizens the franchise in this manner because they lack the proper form of official standing to do so.

In sympathy with the partial abolitionist argument, Yankah suggests that respecting minorities' right to the franchise precludes the government from replacing social welfare with repressive policing in minority communities. Though Yankah does not phrase it in these terms, his argument makes a similar critique of neo-liberalism's disparate racial impact, and especially its hypercriminalization of minority communities.

In a similar vein, authority-based accounts tend to identify the core police function as protecting the public from harm, however it presents itself. Miller, however, suggests that the police have duties to the public that go beyond ensuring the equal standing of all community members contemplated by Yankah, and that these duties often have arisen in the context of local circumstances that are community specific. In addition, Miller argues, the police have localist governance duties to participate in the community in ways that promote the sorts of community cohesion that individual groups have worked out. Their governance role makes them political members of these micro-systems of social ordering, and requires that the police act as civic neighbors: individuals who are members of the community, supporting disparate local customs and traditions, structured by parochial meanings and values that confound and conflict with the expectations of outsiders. For Miller, community cohesion does not entail adhering to some single value, as James Q. Wilson's communitarian account of policing suggests. Instead, the community is comprised of plural groups, all negotiating amongst themselves ways to coexist and flourish in concert with each other. That process is difficult enough without the police trampling on local civic initiatives that promote these, often fragile, and sometimes perverse, networks of social justice. Civic neighborliness is thus a normative expectation that the police mandate includes justice and inclusion among its core values.

Elizabeth Joh demonstrates that the activity of policing is not limited to the public police, but to private security officials as well. In fact, in major metropolitan jurisdictions across the United States, the private police are more numerous than the public police. The relationship between public and private police is a complicated one, both in terms of jurisdiction and personnel. The powers of the private police may vary: some states invest them with many of the same powers

to arrest and use force as public police officers. Furthermore, many private police officers are current or former public law-enforcement officials. The private police are often in close contact with the public police, and call upon them to support their activities. Nonetheless, private police answer to a different range of imperatives, engaged primarily in prevention and exclusion. At the very least, the private police demonstrate a very different approach to policing, and one that ought to inform debates about the nature and value of the public police.

Part III: The Law of Policing

Rachel Harmon provides an account of one of the core police powers: the ability to arrest individuals they suspect of criminal activity. The arrest power is a distinctive socio-penal institution which serves a variety of institutional functions, labeling individuals as targets of the carceral state, rendering them liable to future contacts with the police, and incapacitating them for a more or less lengthy period of time. Harmon notes that the constitutional law of arrest presumes that arrest is a generally necessary and legitimate crime control technique. Harmon challenges the ubiquity of the arrest power by questioning the social and personal costs of an arrest. She canvasses the various ways in which arrests are used to achieve criminal justice goals: as the start of criminal proceedings, to maintain order, to deter wrongdoing, to gather evidence, and to incapacitate suspects to ensure attendance at trial, and demonstrates that the costs are often excessive as a means of promoting these goals. Harmon suggests that, given the technology available to officers on the street, arrests of even felony suspects may be unnecessary to satisfy the state's various interests in controlling crime. She recognizes that identifying alternatives to arrests requires a similar attentiveness to the costs of criminal supervision in the community.

Another police power, to interrogate criminal suspects, also imposes severe costs on the targets of police investigation. Richard Leo reveals that some common features of police interrogations can even induce false confessions. He mines a significant body of sociological data to show that interrogating officers adopt a psychologically coercive style that is often aggressive and accusatory; they justify that approach because they believe they already know, from the suspect's body language, whether they are guilty or innocent. And they deploy interrogation techniques against a background of suspect vulnerability that significantly raises the risk of false confession even while they recognize that confession testimony is particularly powerful in convincing juries or prosecutors to convict. Leo identifies three problems that recur in interrogation practices.

One way to think about the police reliance on gestalt impressions gleaned from a suspect's body language is that it conforms to a subculture of police interrogation. The police are confirmed in their beliefs that they have a special psychological insight into the criminal mind – a sixth sense about criminality – through the central texts on police interrogation, the training they receive, and the deference shown their testimony in criminal court. The subculture of interrogation places the police in a characteristically adversarial process toward their targets, and identifies the police interrogators as individuals with a superior, insular, technical, and craft knowledge, as well as a special technique of information-gathering that they are uniquely positioned to deploy. Leo suggests that what I have called the subculture of police interrogation leads to predictable problems during the interrogation process: misclassification, coercion, and contamination. Given the police interrogation subculture, these problems are particularly hard for the police themselves to acknowledge and correct.

David Harris' chapter articulates one important feature of the police subculture: that the police officer's "warrior ethos" promotes the view that any member of the public could, at any time, inflict serious physical injury or death upon the officer. Harris suggests that this fear is

somewhat rational: empirical data links rates of gun ownership to rates of police homicide. Nonetheless, the warrior posture, which Harris identifies as a feature of police training and acculturation, makes the police unduly likely to use deadly force in high-gun jurisdictions. Harris' solutions include better training in use-of-force policies.

Osagie Obasogie and Zachary Newman give some cause for concern that police departments are not motivated (by the courts' constitutional jurisprudence, at least) to produce such policies. On the basis of a comprehensive review of 75 state use of force policies, the police response is to adopt language that provides little guidance to officers on the street, devolving discretion over the use of force to beat officers. Obasogie and Newman contend that the constitutional law of criminal procedure does a poor job of protecting the public because it fails to incentivize public-protective policies. In general, the police adopt policies to insulate themselves against constitutional scrutiny. Most worryingly, Obasogie and Newman argue that the courts then use their understanding of police practices under these policies to inform their determination of what is reasonable under Fourth Amendment constitutional standards. Their reading of the data and the cases reveal a circular process by which the police subculture, at least in regard to use of force, operates to ratchet down judicial control of the police, as the judiciary defers to police determinations of what counts as reasonable use of force on the street.

Jack Chin's chapter illustrates what happens when police use of force goes wrong. He discusses a recent case, *People v. Liang*, in which an Asian American police officer engaged in preventative policing of a high-crime tower drew his gun to inspect a darkened stairway, as directed by police policy. The gun discharged as he pushed through a doorway, killing an unarmed African American man, Akai Gurley, one floor below. Chin provides a detailed discussion of the criminal prosecution of Officer Liang and an important account of the criminal law standards applied by the Court. Chin argues that Officer Liang was convicted of criminal homicide despite strong evidence that the shooting was accidental. In particular, Chin is interested in the interaction between race, policing, and community frustration, a mix that rendered Officer Liang peculiarly vulnerable to conviction where white officers have uniformly had charges dismissed or been acquitted by juries.

Part IV: Police Force and Police Violence

Use of force is one of the core powers the police possess. For most criminologists, it is definitive of the police role (though not on the authority-based model). For abolitionists, and many people protesting police action in minority communities, it is the police misuse of force that undermines trust in policing. The authors in this section look critically at its use and abuse.

Daniel Nagin and Charles Manksi contend that effective policing in a democracy must balance the sometime conflicting goals of public safety and community trust. To that end, they draw on a formal model of policing to examine confrontational proactive policing. Nagin and Manksi argue that in evaluating tactics like the widely reviled stop, question, and frisk tactic frequently deployed in cities like Chicago and New York, consideration must be given to three factors: their benefit in crime reduction, the cost of their intrusion on the privacy of innocent persons, and their disparate impact on racial and other groups. Use of this model shows that the optimal level of proactive policing is not static but depends on the baseline crime rate. Thus, although it may now be socially optimal to sharply curtail the use of stop-question-frisk in New York City, twenty years ago, when the violent crime rate was significantly higher, the crime prevention impact of stop-question-frisk might have justified the tactic despite the considerable cost to privacy and racial justice.