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NOPD: Pre/Post Title 42 U.S.C. §14141

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It is well known that black citizens have been the subject of disproportionate police contact with police (Tony, 2006). This paper explores contemporary policing, police discretion, and the use of lethal force conducted in a spatial and temporal analysis of census tract level data of 64 fatal encounters with the New Orleans Police Department (NOPD) from 2000-2017. A separate analysis of 4,143 use of force complaints and 3,985 misconduct complaints was also conducted to examine for patterns in levels of police accountability. This study found most incidences of lethal force occurred in disproportionately disadvantaged neighborhoods and NOPD disproportionately used lethal force against black males. The motivation of this project is to liken to others (2018) measuring surrounding police use of force incidents.

Proposed Hypotheses

H1: Federal intervention (pre/ post CD) would increase police gunshot killings due to an assumed presence of increased contact
H2: There would be increased levels of police gunshot killings among young males.
H3: Increased police discretion would result in increased police shootings.
H4: A hot spot analysis would display increased killings in poor or low SES areas.
H5: High concentrations of police shootings exist in disproportionately heterogeneous neighborhoods.

Findings/Discussion

New Orleans- 2000-2017 Police Killings (Gunshot)

This study examines legislative policy and its response to police corruption. It is vital to critically observe various approaches to government influence in sustainability of the collective efficacy of a community. The value of improving a community’s perception of its local police is essential to establishing effective efficacy of that particular community. Therefore, reducing fatal police shootings is an adequate measure for “police efficacy.” Within society, there exists complex social problems that require states to develop social structures to support its citizens. In this particular case, the federal government introduced NOPD’s historical inability to maintain fair and effective police practices. It is essential to understand the impact of race on internal levels of accountability. This paper conceptualizes “police efficacy” as a reduction of police-shootings, a factor almost absent from similar studies. This is due to police misconduct through federal intervention in the form of consent decree (CD) or memorandum of agreements (MOA). An expansion of Mapp v. Ohio (1961), Title 42 U.S.C. §14141, as part of the Clinton Administration’s Violent Crime Control and Law Enforcement Act of 1994 extended 4th Amendment (search and seizure), 5th Amendment (self incrimination), and 6th Amendment (right to counsel) rights providing a mechanism for police violence (Holmes et al., 2019).

Methodology

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Project Introduction

Policing is a multifaceted and an inherently political process across jurisdictions and is generally conducted independently (Gottfredson & Gottfredson, 1988; Klehn & Pollock et al., 2016). According to Gottfredson & Gottfredson (1988), officers arrest to enforce the law and protect the public. According to Klehn & Pollock et al. (2016), the police function as a vital to point decision making. The nature of discretion has three core components; a goal, alternatives, and effectiveness, are employed to guide police discretion. Police discretion is the focal point of most fatal police shootings, and the police function as the law enforcer. Police discretion is therefore a rational approach to making decisions. Researchers have found that the limited range of decision for the police is due to the amount of discretion police officers have. Police officers perceive the police as favorable, while unavailability is prevalent among nonwhites (Cullen, et al., 2018; Walker et al., 2003). Discretion is the power to be selectively exercised according to Travis and Langworthy (2003). Police discretion contributes to corruption (Travis and Langworthy, 2003). Researchers also found that there were few police officers to commit the most crimes (Bowey & John, 2003). (1998) and that adding more officers, may in fact, simply displace crime (Weisburd & Telpoe, 2014). Spatial analytic research has shown that higher rates of incarceration produce increased police discretion (Weisburd & Telpoe, 2014). The police (2005) found that officer’s racial attitudes play a factor but, officers’ individual characteristics do not (Pauline et al., 2000). Dunham et al. (2005) found that citizen behavior mostly affects officers on the job choices. Research has shown that in motor vehicles stops race is a significant predictor in the decision to search (Rejek et al., 2012) along with traffic violations (2012). Research suggests that racial profiling occurs more than just traffic stops, but also extends to other police actions (Bostaph, 2007; Cullen et al., 2018; Galagher, 2007). Race influences the decision to use lethal force (Correll, 2002; Nowachi, 2015; Punch, 2011). The role of this infinite discretion and virtual impunity in policing remains controversial. According to Travis and Langworthy (2003) selective enforcement of laws by police, White and Langworthy, 2003) which results in litigation costing taxpayers in hundreds of millions of dollars annually (Elison & Froux, 2015). The leading cause of death for black males ages 15 to 35 is homicide and the fourth leading cause of death across the life course, whereby at the age of 45, cardiovascular disease (CVD) becomes the leading cause of death, likely the result of recent trends in socially disorganized environments (Gilbert & Ray, 2015).

Methodology

Informal/Formal Structural Controls

Social Disorganization Theory (SDT) is the theoretical foundation of this paper and uses previous research that observes the concentrations of police shootings in neighborhoods labeled as low SES, or cumulatively disadvantaged (Markowitz et al., 2001; Morenoff et al., 2001). According to Markowitz et al. (2001) the three components of crime are 1) population structure, 2) social disorganization, and 3) community controls. The community’s collective efficacy can be measured with its level of trust and perception of one another and the reduction of victimization (Vlez, 2001). Naturally, police shootings are more likely to occur when the community is unable to control informal public order by exercising control and informal social controls, instead of bringing together the public and the police. Markowitz et al. (1997) also acknowledged the importance of fear and its intimacy with the perception of crime. SDT proclaims, “The conditions of poverty undermine the institutions that socialize people into conventional, law abiding ways of life. As a result, the values and behaviors leading away from law compliance pass from one generation to another” (Walker, Spohn, & DeLone, 2007, p. 115-116). This paper utilizes collective efficacy as a macro level construct. The paper is based on an integrative approach that attempts to account for Critical Race Theory’s (CRT) most criticized features which are the macro-theory’s inability to account for micro-level variables. Because the lack in uniformity and utility of data, this paper was also necessary to conduct a separate analysis of police misconduct complaints and use informal controls, observing for general trends within the data to see what levels of accountability are found.

What Does This Image Represent?

This cartographic study gives insights into spatial variation of community sustainability by observing fatal police encounters data from a spatial analytical perspective using CRT and SDT. Criminologists and social ecologists alike, use geospatial analysis to measure the spatial and temporal aspects of a particular environment (in this case New Orleans, LA). This study used an integrative approach looking at the concentrations of police shootings by NOPD in New Orleans, Louisiana using census tract data from 1980 and census block data from 2000 to examine spatial and temporal variables surrounding 64 fatal confrontations. Using census tract data Neworleans (2015) found

“Negative binomial regression results indicate that administrative policy predicts lethal force incidents for total and Black-specific population models but not White-specific models, and department size predicts lethal force incidents for total and White-specific models but not Black-specific models. Organizational correlates of police discretion seem crucial for understanding officer behavior” (p. 443).

For this study Excel, Stata, and ArcGIS were used to clean, code, explore, and analyze the data. Observations of directional distributions and their relationship to spatial characteristics of hot spots were also explored. A mean center analysis of the distribution was also completed. For consistency and objective purposes, the choice to eliminate blanket/stop/pointing (1), task (1), vehicle (1), and asphyxiation (1) deaths resulted in a final sample size of 50. 33 individuals were African-American/black, 5 were European-American/White, 1 Asian-American and 11 were "race unclassifiable." The study examined “a war on drugs” in NOPD shootings but found that Black persons in NOPD shootings who simply does not exist yet lives under the guise of public safety in apparent white male-patriarchal foils the loss of the white-American identity and the systems that perpetuate inequities through the invocation of law to "control" groups deemed threatening. (Gilbert & Ray, 2015).