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Communicating Police Misconduct: Alleged, Variably Reported, and/or Real?

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Regina G. Lawrence. *The Politics of Force: Media and the Construction of Police Brutality*. Berkeley, CA: University of California Press, 2000. xiv + 254 pages. \$50.00 (cloth); \$18.95 (paper).

Jeffrey Ian Ross. *Making News of Police Violence: A Comparative Study of Toronto and New York City*. Westport, CT: Praeger, 2000. xiv + 174 pages. \$72.95 (cloth).

With the passing of the tenth anniversary of the Rodney King affair in addition to recent media reports of excessive force (such as the arrest of Donovan Jackson video-taped by Mitchell Crooks), the issue of police brutality has again been placed at the forefront of media coverage. Lawrence and Ross (L&R) highlight the importance of these issues and provide a beginning to the much-needed research in this area. Both these books examine major American newspaper portrayals of police use of force from the late 1970s through the early 90s. They take the position, independently, not only that excessive use of force by law enforcement occurs far more often than is reported, but also that it is a widespread social problem affecting the lives of ordinary (and especially ethnic minority) people in large cities. Compelling data in this regard provided by Ross relate to the thousands of complaints about police brutality submitted to civil rights agencies per annum in New York City and the contrasting handful of allegations that make it into the media. In addition, Lawrence refers to out-of-court settlements of police misconduct by the New York Police Department of many millions of dollars that could be averaged out, from 1987 to 1992, to \$400 per Officer. (Needless to say, even such captivating statistics as these

camouflage the many complex social and economic factors that could account for the potential illegitimacy of any of these charges—and the veracity of these accounts is, avowedly and curiously, an issue neither scholar wishes to engage.) L&R also raise the question as to why the public is not more active in its condemnation of, and protest at, such assumedly ubiquitous police “violence,” and they both provide (to some extent, overlapping) answers. The ideological perspective taken by both authors is evident from the outset (Ross dedicates his book to the victims of police violence). However, Lawrence does acknowledge, at several points, the difficult position law enforcement is placed in making sudden decisions about the use of deadly force in ambiguous situations.

These are companion volumes, at many levels, and are recommended for lively reading as such. L&R provide important complementary theoretical stances about what incidents of police use of force are covered by the media, and their historical analyses, in-depth case studies, and interview reports with various constituents are invaluable resources. We do not quarrel with their attempt to raise issues of excessive police force to the main stage of social concern and public debate and, in this spirit, we will conclude our overviews of these books with a plea for a wider communication research agenda that seeks to better understand socially demanding police practices.

Arguing well for her methodological decisions, Lawrence located 552 newspaper accounts of police use of force incidents from 1985 to 1994 in the *New York Times* and *Los Angeles Times* to submit for content analysis. Throughout her analyses she nicely blends both qualitative and quantitative data. Additionally, she discusses the political context surrounding these events, providing insight into the pressures as well as the balances that must be maintained within the “system.” First, the author examines so-called typical news reports of the genre at

hand, suggesting that they were constructed from official police communiqués and portrayed as random events, fragmented, and simplified to the extent of focusing upon the location of force and the victim of it. As endorsed by Ross's data, very few of the 500-plus incidents were followed through in subsequent news reports. Lawrence argues that this may be owing to police journalists' competing demands. On the one hand, they are the purveyors of objective information provided them (when relations are good) by expert authorities on the scene. Put another way, "don't bite the reliable hand that feeds/secures you" (and therefore forfeit valuable information in the future), especially when there is another abiding cultural edict desiring crime to be contained for the community's sake. On the other, journalists pursue good story-telling while also taking on the mantel of being the community watchdog for institutional improprieties such as excessive and unnecessary police use of force.

Lawrence then focuses more closely on which of these norms is triggered on any particular occasion. In other words, what determines journalists' decisions about which use of force incidents receive intensive, and perhaps serialized, attention? She found a linear relationship between low (1 or 2 reports), medium (3-10 reports), and high profile (10+) stories and five "story cues." The story cues were: whether there were competing accounts to the official version; whether legal proceedings were laid against law enforcement; whether the incident was another in a suggested pattern of such events; whether ethnic minorities were alleged victims of misconduct; and whether citizens incited social action in protest of the incident.

Using this template, and by means of two subsequent chapters, Lawrence analyses three deaths-in-custody cases in New York and, then (as does Ross) examines the reports of the beating of Rodney King on March 3, 1991, by a number of officers in Los Angeles which, of course, became a national "news icon." Herein, she elaborates on one of her story cues and

argues that it is only when law enforcement's definitions of such events—oftentimes independently and vividly questioned through videotape—are strongly contested by other officials (such as the Mayor) are they subjected to intense critical media scrutiny and public concern. Reports were often headlined about whether the Rodney King affair was, indeed, a random or sequenced event (that is, An “aberration” or business as usual). The number of reports on police use of force rose from virtually zero in the national press in 1985-89 to many hundreds in 1991-94. Moreover, community policing received a huge impetus after this event, and Lawrence incisively comments that “struggles such events set off are deep, long lasting, and difficult to resolve” (166)—a reality police leaders (wherever their locale) should keep in mind. In her last chapter, Lawrence talks to the issue of police brutality still surfacing in the Los Angeles media in 1997 and she builds upon the two competing demands facing journalists by means of a differently labeled—but helpfully tabulated (174)—continuum: event- vs. institutionally-driven news. The event-driven model has an interesting focus on unexpected events that could reveal groups' (public, police, city officials) reactions to police use of force. A propositional theory begins to emerge on the basis of all this—and one that she interestingly relates to other major public incidents, such as aviation safety. Although this is a fine and proper epilogue to her book—and one only wishes, as with the other book, that the 25 pages of footnotes containing exceedingly helpful methodological, conceptual, and historical data that follow it could have been more often incorporated into the text—the reader could be left wondering: whither next?

The complementary book by Ross is even more driven by a desire to understand the public's dire lack of concern about being reactive about so-called “police violence.” He argues that there are few studies or adequate theory to explain this. If one had read Lawrence first, then

perhaps the answer has already been provided us: systemic pressures (within police, journalistic, and other professions let alone the culture at large) may induce reporters to be reluctant—unless good reason to suggest otherwise—to question official accounts of the use of force as necessary and legitimate to gain suspects' compliance. Nonetheless, Ross does provide us with potent additional parameters to the process which, taken together with Lawrence, could render a more holistic approach (at least from their vantage points).

Before the data analyses (quantitative and qualitative), Ross provides us with his own four-stage “political process” model and schematizes these stages usefully at various junctures. The first of these locates factors that dictate whether the media write about the use of force incident (for example, number of reporters in a city, their experience) while the second refers to the public arousal evoked by these news reports for various factions. Various (“episodic”) factors determine the nature of arousal that, cumulatively, is hypothesized to affect its intensity. An important characteristic here is the demeanor of the recipient of force (for example, whether defenseless, even elderly) and this is shown—in the final empirical analysis—to be influential in determining media attention to the incident; importantly, the model is avowedly iterative (34). However, this “cyclical effect” is not discussed in detail. Other factors included the severity of the forceful act and prior perceptions of police misconduct. Variables inherent in Ross's model are important additions to Lawrence's framework but vital aspects of Lawrence (such as alternative critical accounts) are absent here. Stage 3 relates to the interrelated reactions of the various constituents in terms of who avoids the issue, analyzes it, advocates a position on it, and who adopts public relations tactics to proffer certain accounts. The final stage of this model relates to whether large-scale outcomes eventually become apparent or not. These range from sustaining the status quo in terms of police reform to tangible (such as firing an officer) or

symbolic changes (such as holding a press conference). Change here is unidirectional. Any such changes can come about externally (for example, imposed legislatively from without upon a law enforcement department) or can be internally initiated (see Maguire & Wells, 2002). The conceptual distinctiveness of stages 3 and 4 could be more clear especially as “public relations” appears in both. Moreover, “arousal” in stage 3 is stripped of its affective substance but empirically translated, or operationalized, in the final chapter in terms of the number of media articles devoted to a use of force incident over time.

This model is then tested by focusing on two local police departments that are similar to the extent that their urban areas are heavily-policed, ethnically-diverse, and have over 150-year histories checkered by media support and, other times, public outcry. Correspondingly, the *New York Times* and *Toronto Star and Globe and Mail* are content analyzed (with no apparent reliability coefficients provided) for the period 1977-90. Given the presumed greater community-orientation of Torontonians over New Yorkers, Ross rather quickly hypothesizes that the Toronto residents would be more “docile” (presumably in stage 3). There is little rationale for this and little discussion of it later, perhaps because the data are scarce in some ways as we shall see and similar in patterns anyway. That said, very many more complaints about police misconduct were reported to civil rights agencies in New York City than Toronto—a finding that would, admittedly, follow from the hypothesis.

Ross provides a cogent history of community-police relations in Toronto and then examines the characteristics of 51 police violence newspaper accounts. The corresponding number of complaints to citizen review boards was in some years, however, hundreds of times greater than those reported in the newspaper. Some interesting data also emerge such that in 41% of cases the specific nature of the so-called “brutality” is missing, and 86% of the so-called

“victims” were alone when the incident occurred. A strength of these data on one level, as well as an ultimate disappointment on another, is what is *missing* from the media representations. For example, 88% of the incidents fail to report on the demeanor of the recipient and 92% fail to report on elected officials’ responses. In sum, large numbers of variables pertinent to Ross’s model have high amounts of missing data, making meaningful statistical comparisons almost impossible.

In the next chapter, and after a comparable history of the New York Police Department’s involvements with the community, the same kind of inconclusive picture emerges, resulting in dozens of tables overall that could have been aptly summarized more succinctly. In each urban center, and as an attempt to remedy this empirical shortcoming, Ross “intensively” analyzes three case studies police violence incidents (use of deadly force, torture, and riot containment) by recourse to his four-stage political process model. While the rationale for choosing these particular target incidents is not provided, and the arousal elements rather thin, it becomes clear that few outcomes of change (stage 4) emerged. That said, police retraining or individual disciplinary action against individual officers are cited as outcomes, apparently reforms the author does not consider significant enough. Yet such processes may be legitimate under the particular circumstances and worthy of empirical evaluation regarding their long-term effectiveness.

The last chapter includes a valiant attempt, through simple correlational and chi-squared techniques, to tap various hypotheses derived from the model, but little of consequence emerges to warrant the space devoted to it. The remainder of the chapter resurrects the guiding research question as to why communities do not protest police violence (or, rather, as we would construe it more appropriately, *alleged* police violence). Answers are provided in terms of public apathy

and deference to authority as well as a critically inactive news press. Indeed, Ross states that “people may not be aware of police abuse of power” (120)—an answer that is all too patently obvious and not surprising from either authors’ media content analyses. Yet, can newspaper reports validly portray public arousal? Given that this is a media content analysis and that the majority of interviews were conducted with reporters and not citizens or the police, some of the inferences regarding police and public activities seem to stretch beyond what the data can offer. Finally, and besides purporting the empirically invalidated claim that police reforms come about only when pressures are applied to them regarding violence, implications of Ross’s work are drawn for more general democratic theory and some solutions offered that are actually already in motion in many police forces (such as videotaping law enforcement-citizen encounters, and hiring more ethnic minority officers).

Communication scholars have come to add police-community relations to the research agenda (for example, Giles, 2002; Gundersen & Hopper, 1984; Kidd & Braziel, 1999), not only because it is a unique form of intergroup communication theoretically, but also because of its importance in promoting a safer, more secure society. We are way behind in this enterprise as Psychology has captured law enforcement’s imagination and ground level support for some time now and, ironically, on issues that can be clearly seen as *communicative* (see, for example, the *Monitor on Psychology*, June 2002, pp. 60-68, entitled “A psychological force behind the force”). Yet as it happens, police violence has not emerged as a major issue in either sphere and L&R’s books underscore the importance of engaging such issues. After all, the vitality of a plethora of genuine, innovative, and well-implemented community policing programs in any particular area may well fall on stony ground if what engages the local community, cognitively and affectively, is media-communicated police misconduct elsewhere (real or fictional).

Furthermore, it may take only one inappropriate judgment by one officer to diminish the impact of dozens of his or her colleagues who have toiled so hard for their neighborhoods the entire year. The perspectives of the two authors could find fruitful rapprochement concerning determining the process by which alleged police misconduct becomes a news item. This question, though, is only a portion of a much larger puzzle.

For future communication work, we would take issue with their ideological tendency to tarnish the work of all police agencies based on their socially limited (albeit very extensive) analyses as well as personal experiences. Indeed, we would be surprised if they had undergone any, let alone many, of the ridealong experiences of the journalist-scholar David Perlmutter (see Giles, 2001; see also, Toch, 2002). This brings us to the issue of what constitutes, in reality and objectively, excessive and unnecessary use of force? Lawrence suggests, rightly, that the ability to label concretely any incident of force as an act of misconduct can take years of legal proceedings, and even then, it can still be open to differing interpretations for differing factions. Although L&R do not wish to engage the *empirical* issue of what is perceived illegitimate and legitimate use of force, and despite their clear stance on it, the question should be on our research agenda. Needless to say, this is an immense challenge and probably beyond the remit of our own discipline alone. Indeed, it cannot be assumed that just because a case of police misconduct has *not* come to media attention does not, in any sense, inevitably mean that it has not been closely investigated—and acted on—by police Internal Affairs.

We would also like to raise the question of why police misconduct (of any kind) comes about. Implicit in L&R's analysis is a belief that police institutions are socially irresponsible to communities whose constituents are similarly inclined. For many forces, this is blatantly not the case, and officers are often chosen with the assistance of committed community members who

are looking for people to genuinely represent them. No wonder then that continual retraining on use of force tactics, regular firearm re-qualifications, and so forth is part of their armory. But what of public misconduct to officers—nonverbal, verbal, and even physical? This is a common, everyday experience for many officers who are revered by some and despised by others. They are required not to take expressions of contempt personally; yet surely this stressful battery can affect officers' perceptions of and thresholds for various kinds of citizen misconduct, particularly when it accumulates in certain (high arousal) entertainment areas of a city late at night. Engaging the perpetrator, often intoxicated (Maguire & Corbett, 1991), brings out a very non-accommodating stance, which can escalate reciprocally. In other words, if we really are to take a systemic approach to police violence, as advocated by Lawrence, then we also need to include *citizens'* multifarious roles in such exchanges. Moreover, the public needs to be better informed about complex officer safety issues and their own communicative tendencies to sometimes, unknowingly, reconstruct and accelerate potentially “educational” situations into ones of confrontation—or worse. We are convinced that if we can craft a working agenda as a discipline *with* law enforcement, the issue that so compels L&R will infrequently become consequential, and the high expectations of community policing, in general, realized (Morash & Ford, 2002). In any case, we need more data beyond the years studied by L&R, as important measures have been implemented, such as FBI attention to any case of excessive use of force nation-wide in the aftermath of the Rodney King affair. Even more important, and especially with respect to L&R's focus on the New York Police Department, is media reporting of the New York Police Department's courageous and sacrificial commitment to their local community; doubtless another news icon.

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References

- Giles, H. (2001). Street cops. Review of David D. Perlmutter (2000). *Policing the Media: Street Cops and Public Perceptions of Law Enforcement*. Thousand Oaks, CA: Sage. *Review of Communication*, 1, 258-261.
- Giles, H. (Ed.) (2002). *Law enforcement, communication and community*. Amsterdam & New York: John Benjamins.
- Gundersen, D. F., & Hopper, R. H. (1984). *Communication and law enforcement*. New York: Harper & Row.
- Kidd, V., & Braziel, R. (1999). *Cop talk: Essential communication skills for community policing*. San Francisco, CA: Acada Books.
- Maguire, E. R., & Wells, W. (2002). Community policing as communication reform. In H. Giles (Ed.), *Law enforcement, communication and community* (pp. 33-67). Amsterdam & New York: John Benjamins.
- Maguire, M., & Corbett, C. (1991). *A study of the police complaints system*. London: HMSO.
- Morash, M., & Ford, J.K. (2002). *The move to community policing: Making change happen*. Thousand Oaks, CA: Sage.
- Toch, H. (2002). *Stress in policing*. Washington DC: American Psychological Association.