

LAW ENFORCEMENT OFFICER'S BILLS OF RIGHTS & POLICE VIOLENCE

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American Economic Association

Police Conduct Session

January 8, 2022

Over 1,000 American civilians are killed by law enforcement each year.

- Black men are 2.5 times more likely to be killed; Indigenous and Hispanic men are roughly 1.5 times more likely to be killed
- Racial disparities in police killings have been linked to:
 - o Black protest movements
 - o Economic inequality and political empowerment
 - o Levels of interaction with law enforcement
 - o Race and gender of the responding police officer



There is a rapidly expanding literature trying to understand police use of force more broadly.

- Use of force and use of lethal force have been linked to:
 - Higher perceived risk to officers
 - Police militarization
 - Procedural justice training
 - Collective bargaining and police unions
- While policy reform has largely stalled, policy-grounded work has focused on:
 - Qualified immunity
 - Procedural protections in collective agreements and state law
 - Hiring practices
 - Third-party administrative collection of data
 - Technological interventions

- There has been substantial concerns raised in the legal literature regarding the ability to prosecute officers for the potentially unjustified use of force or lethal force.
- These protections may shift officers' incentives towards improper behavior at the margin.
- What institutions potentially reduce officer accountability?
 - Police unions and collective bargaining.
 - Relationships between district attorneys and police.
 - **Law Enforcement Officers' Bills of Rights (LEOBRs)**

- We examine the introduction of Law Enforcement Officers Bills or Rights (LEOBRs) in the United States, beginning in 1974.
- We focus on the number of civilians killed by the police by race.
- We focus on the race of the decedent, but also consider what underlying dynamics may influence any such change, including: total crime, types of crime, police employment, and officers killed in the line of duty.

- Our results indicate that:
 - The introduction of LEOBRs have little impact on the use of lethal force. There is potentially an increase in white civilian deaths roughly a decade after introduction.
 - There is no change in killings of non-white civilians.
 - No impact on officers killed, but potentially large declines in total and property. Substantial increases in police expenditures.
 - Effects are entirely concentrated in states with collective bargaining rights for law enforcement.

1. Background

- History of LEOBRs
- Evidence on the Impacts of LEOBRs
- Expected Effects

2. Research Design

- Data
- Empirical Strategy

3. Results

- Main Results
- Robustness Checks

4. Conclusion

- Law Enforcement Officers Bills of Rights (LEOBRs) are state legislative acts that grant law enforcement additional protections that might otherwise be guaranteed in a collective agreement.
- These are a set of rights related to disciplinary action that supersede police union contracts and is applied statewide.
- Many of the provisions are similar to protections highlighted by Rushin (2016) as being the most problematic elements of collective agreements.
- These provisions can set:
 - who can lead an investigation.
 - the length of the investigation.
 - access to evidence.
 - the scope of disciplinary action.
 - restrictions on external oversight.

- The notion of LEOBRs arose in the 1960s alongside efforts for law enforcement to form unions and engage in collective bargaining.
- They are frequently viewed as a response to Supreme Court rulings reinforcing officers' strengthening officers' employment rights
 - *Garrity v. New Jersey* (1967) and *Gardner v. Broderick* (1968)—officers' have the right not to self-incriminate and/or be punished for exercising their 5th Amendment right.
- This led to the first LEOBR bill appearing federally, followed shortly thereafter by Maryland and Florida.
- Officers lobbied for this legislation in response to urban uprisings, calls for civilian review boards, and a changing legal environment.

- Maryland is the first state to pass a LEOBR in 1972, followed by Florida, California, and Rhode Island
- LEOBRs arise both in states with collective bargaining for officers and those without rights.
- Currently, there are 16 states with state LEOBRs.
- Similar legislation is actively under consideration in roughly a dozen states. The legislation has also expanded for similar employment groups such as correctional officers in Pennsylvania.

- There is limited empirical work on LEOBRs outside of the legal profession
- Results from economics papers touching on LEOBRs:
 - Goncalves (2020) considers heterogeneous effects by LEOBR status. LEOBRs are associated with more police killings of civilians in one of 8 models.
 - Rad (2018) includes provisions from LEOBRs and police contracts to create an index. Provisions associated with higher levels of lethal force.
 - Cunningham et. al. (2020) consider LEOBRs as a robustness check.

What is the Impact of the Law Enforcement Bill of Rights on Deaths due to Legal Intervention?

Research Design

- We take advantage of variation in the *location* and *timing* of when officers are **first** granted protections from LEOBRs.
 - Difference-in-differences using an event-study framework
 - Before and after design for a description of pre-trends and a dynamic response for locations granted bargaining rights.
- Our identification strategy relies on pre-existing trends in deaths by legal intervention being exogenous from the date at which bill of rights are granted.

- Civilian deaths by law enforcement are calculated from the 1959-2016 Vital Statistics Multiple-Cause of Death Files.
- Law Enforcements Bill of Rights Adoption Dates (Keenan & Walker, 2004).
- Crime and police employment are taken from the FBI's Uniform Crime Reporting dataset.
- Demographics are from the County and City Data Book (1944-1977).

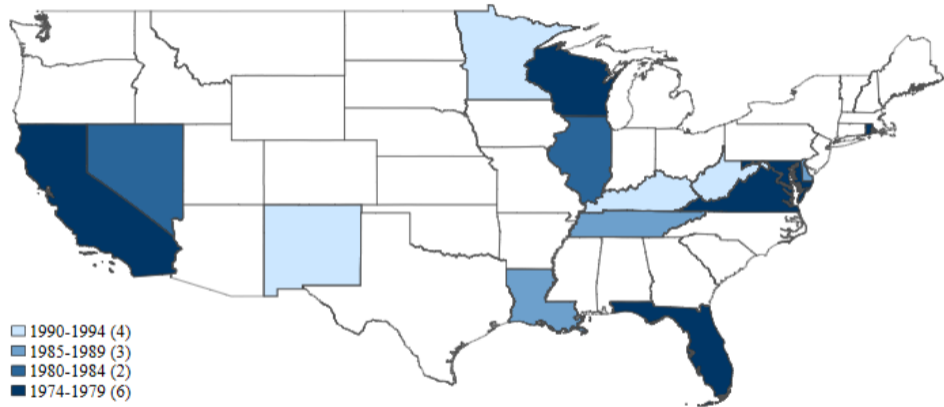


FIGURE: The Adoption of LEOBR Over Time

$$Y_{kgt} = \alpha_{kg} + \gamma_{gt} + \sum_{y=-5}^{-2} \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y) + \sum_{y=0}^7 \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y) + \epsilon_{kgt}$$

Empirical Strategy

- Use Callaway and Sant'Anna (2020).
- Focus on treated only sample. Therefore, future or yet to be treated locations serves as the control group.
- Focus on 5 years prior to treatment and 8 years after initial treatment.

$$Y_{kgt} = \alpha_{kg} + \gamma_{gt} + \sum_{y=-5}^{-2} \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y) + \sum_{y=0}^7 \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y) + \epsilon_{kgt}$$

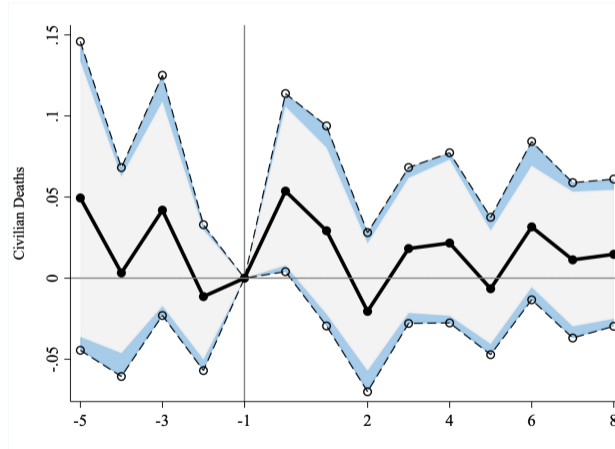
How to Calculate Treatment Effects?

- Stack k includes one treatment timing group, t_k^* , future-treated controls, and dates $t_k^* - 5$ through $t_k^* + 8$.
- Do this for all feasible treatment timing groups and then append "stacks".
- Collapse to means by treatment/control group (g), time (t), and stack (k).
- Then run event-study OLS (above).

$$Y_{kgt} = \alpha_{kg} + \gamma_{gt} + \sum_{y=-5}^{-2} \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y) + \sum_{y=0}^7 \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y) + \epsilon_{kgt}$$

- α_{kg} : “treatment group” indicator variables for every stack.
- γ_{gt} : Time indicator variables for every stack.
- $\sum_{y=-5}^{-2} \pi_y^{CS} D_g \mathbb{1}(t - T_g^* = y)$: Pre-treatment variables.
- $\sum_{y=0}^7 \delta_y^{CS} D_g \mathbb{1}(t - T_g^* = y)$: Post-treatment variables.
- **Inference:** bootstrap—resample counties, treated stacks, and re-estimate treatment effects (250 draws)

Callaway & Sant'Anna Estimator: All Deaths



Specification Ceck

Callaway and Sant'Anna Estimator: Deaths by Race

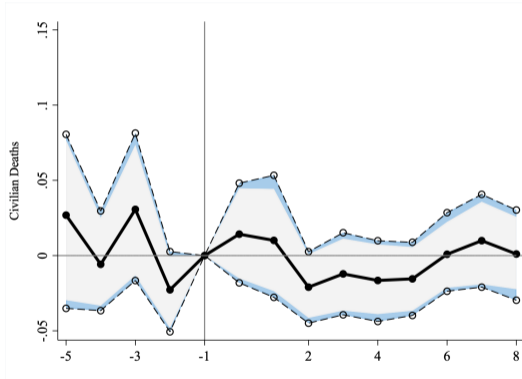


FIGURE: Non-White

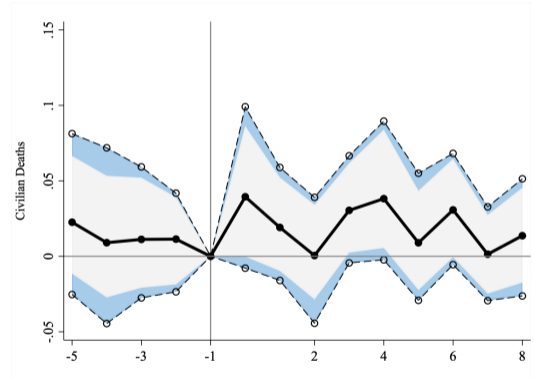
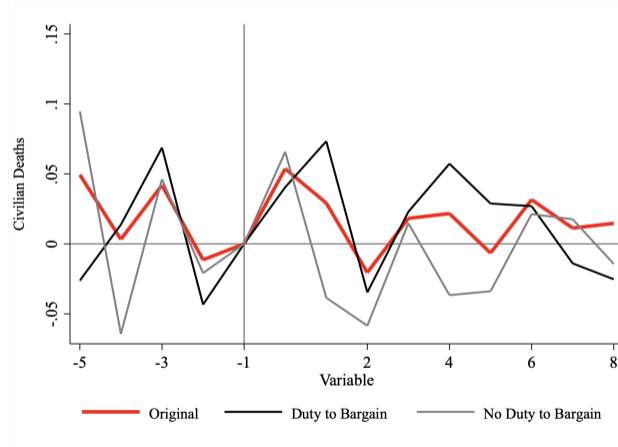


FIGURE: White

By Collective Bargaining Regime – All Deaths



By Collective Bargaining Regime by Race

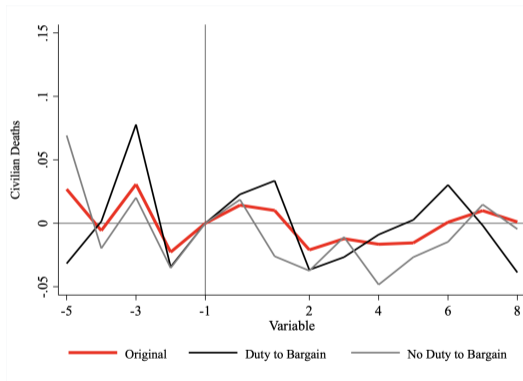


FIGURE: Non-White

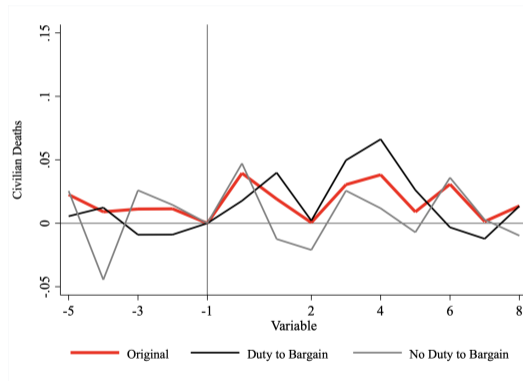


FIGURE: White

Officer Outcomes

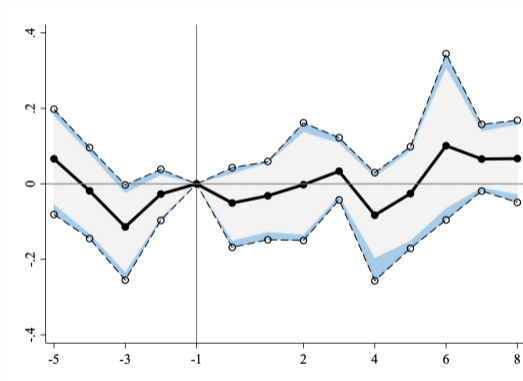


FIGURE: Officers Killed

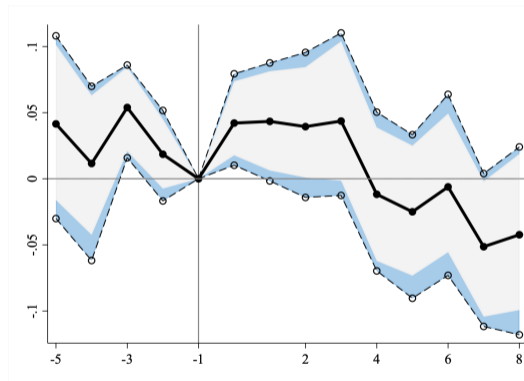


FIGURE: Sworn Officers

Annual Survey of Governments

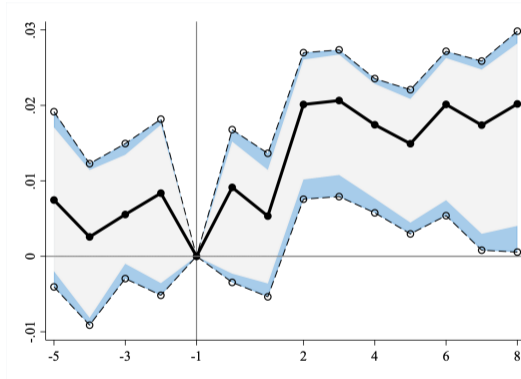


FIGURE: Police Expenditures

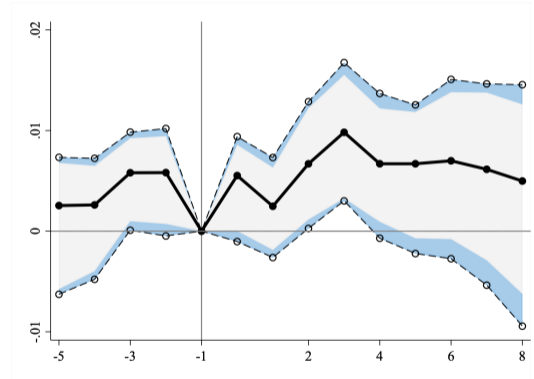


FIGURE: Fire Expenditures

Annual Survey of Governments

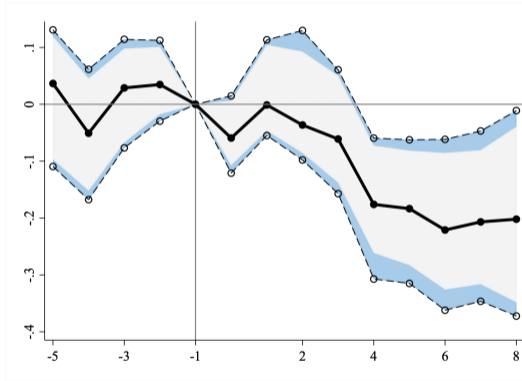


FIGURE: City Expenditures

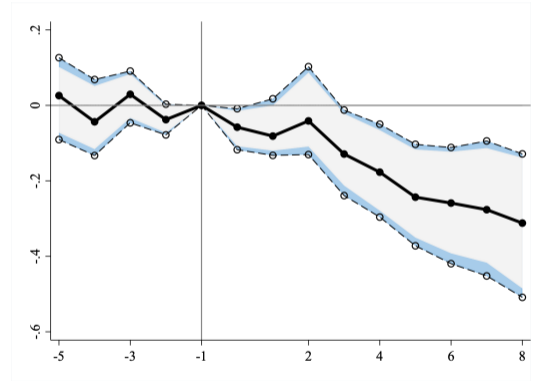


FIGURE: City Revenue

Crime Outcomes

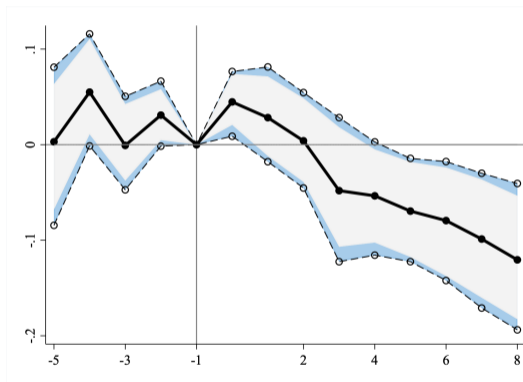


FIGURE: Total Crime

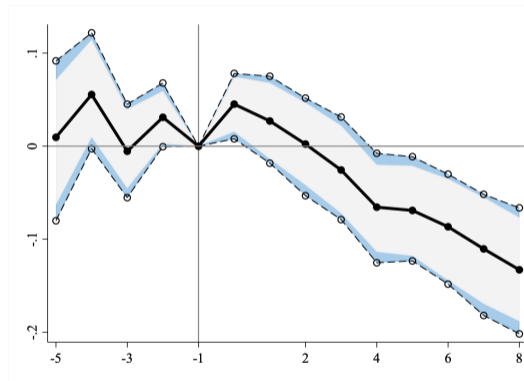


FIGURE: Property Crime

Specification Check

Crime Outcomes

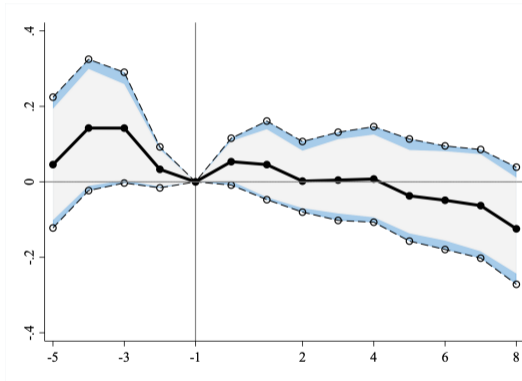


FIGURE: Violent Crime

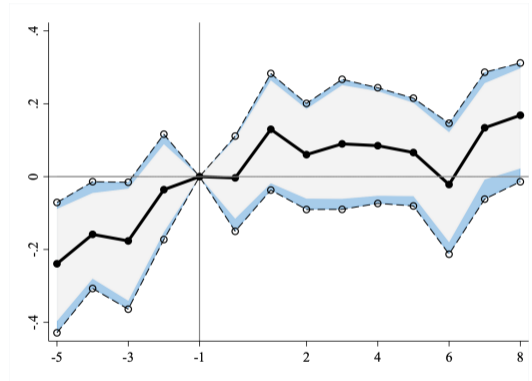


FIGURE: Murder

Specification Check

Arrests by Type

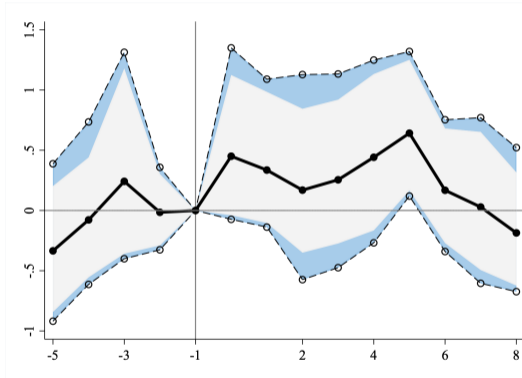


FIGURE: Violent

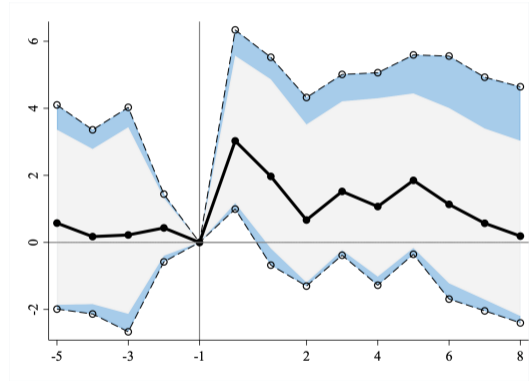


FIGURE: Property

Arrests by Race

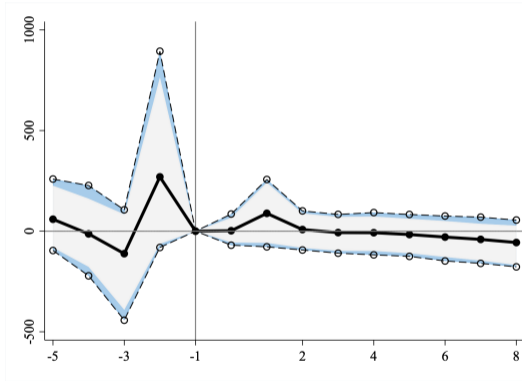


FIGURE: Black

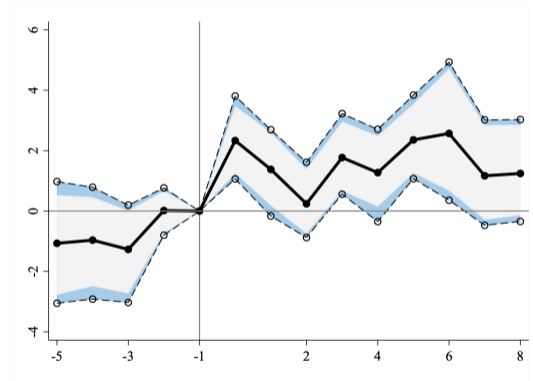


FIGURE: White

Black Arrests by Type

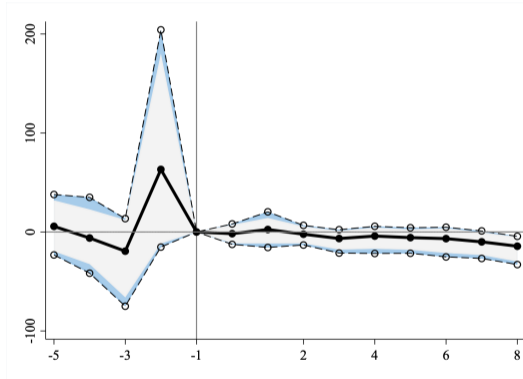


FIGURE: Violent

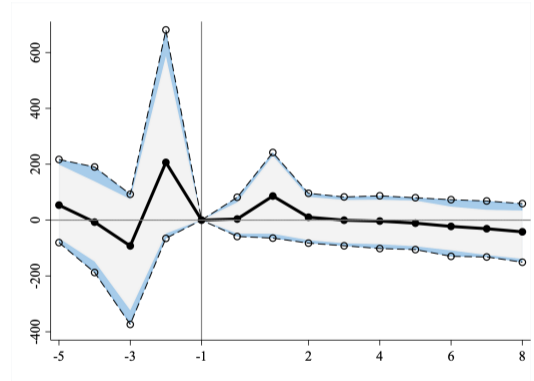


FIGURE: Property

White Arrests by Type

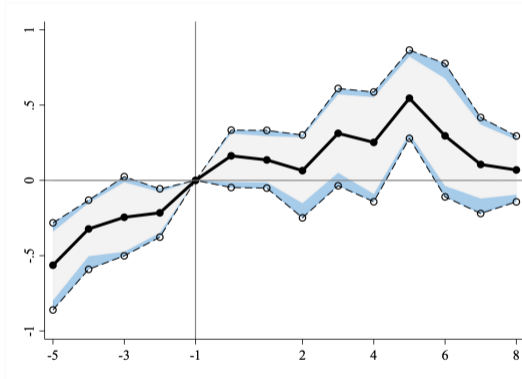


FIGURE: Violent

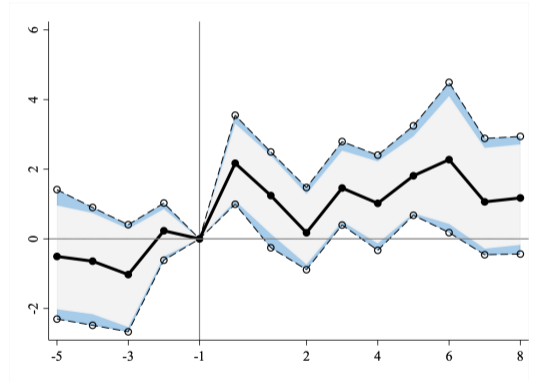
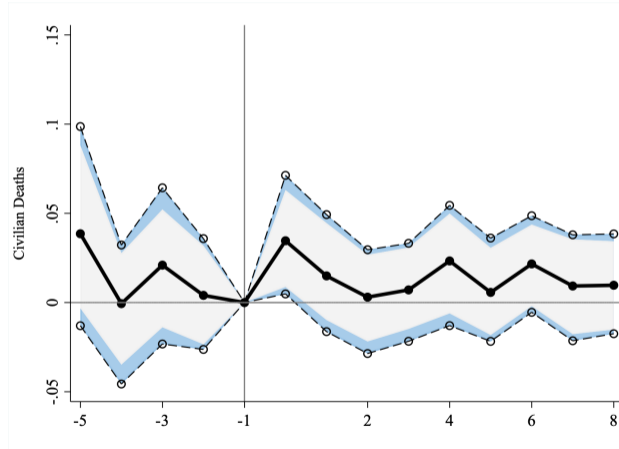


FIGURE: Property

- **Primary Results:** LEOBRs do not have a substantial impact on the use of lethal force in the short or medium run, although are associated with long run increases.
- **Secondary Results:** LEOBRs appear most strongly related to financial bargaining power, increasing expenditures and possibly officer employment. Potentially as a result, crime levels fall.
- **Interpretation:** Collective bargaining for law enforcement, rather than LEOBRs, appear largely responsible for influencing officer use of lethal force.

Thank You!

Callaway & Sant'Anna Estimator: All Deaths

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Callaway and Sant'Anna Estimator: Deaths by Race

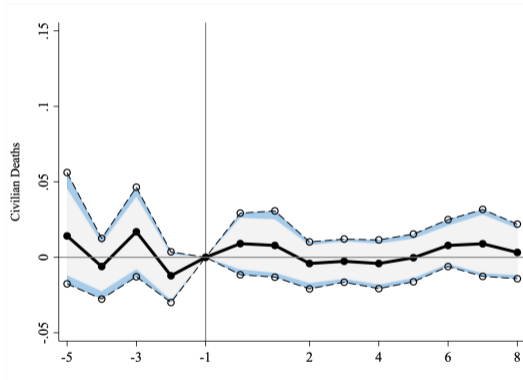


FIGURE: Non-White

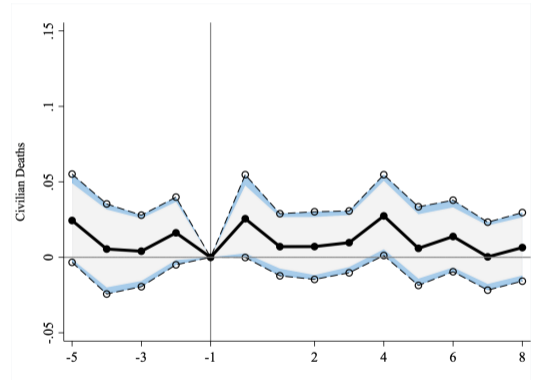


FIGURE: White

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Annual Survey of Governments

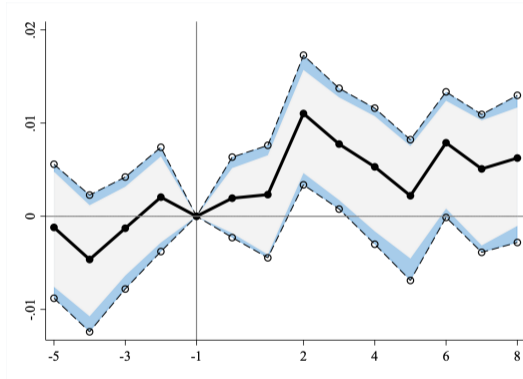


FIGURE: Police Expenditures

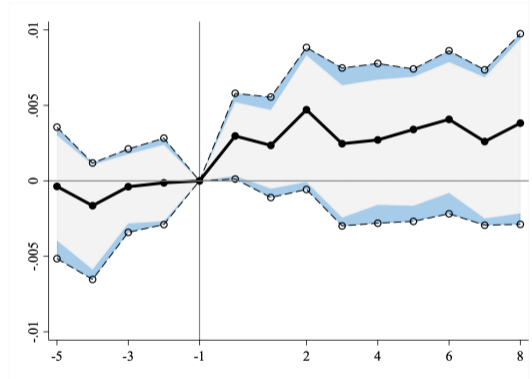


FIGURE: Fire Expenditures

Annual Survey of Governments

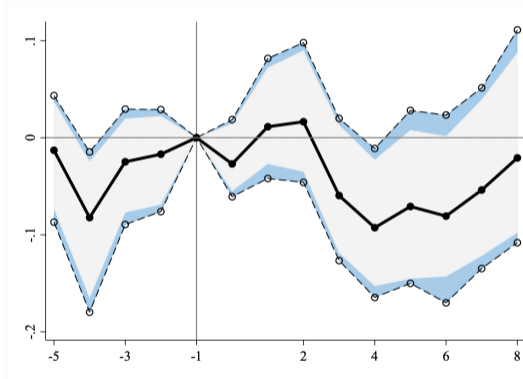


FIGURE: City Expenditures

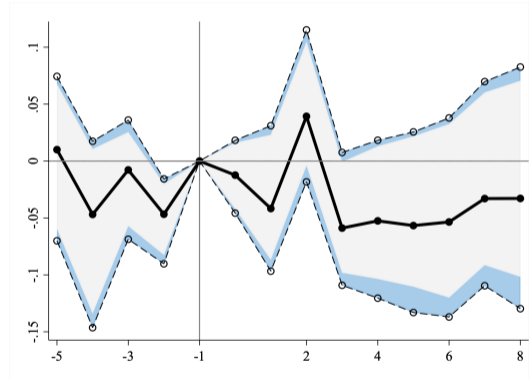


FIGURE: City Revenue

Crime Outcomes

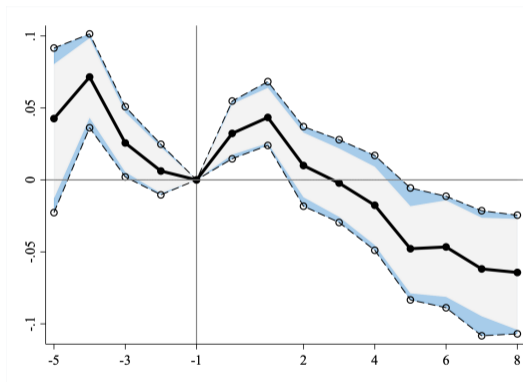


FIGURE: Total Crime

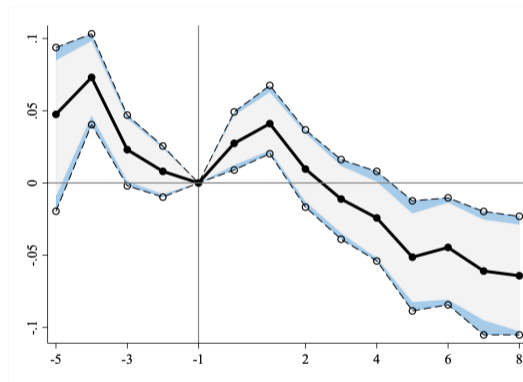


FIGURE: Property Crime

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Crime Outcomes

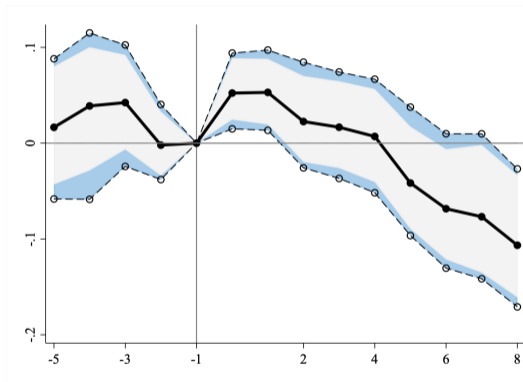


FIGURE: Violent Crime

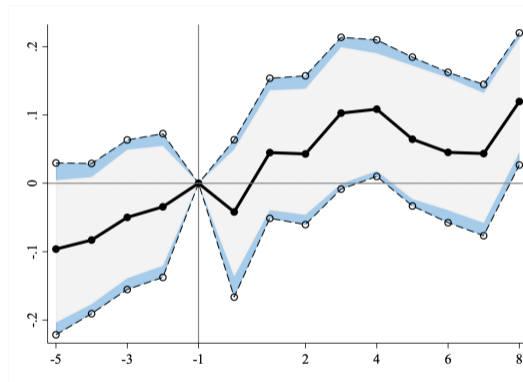


FIGURE: Murder

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Arrests by Type

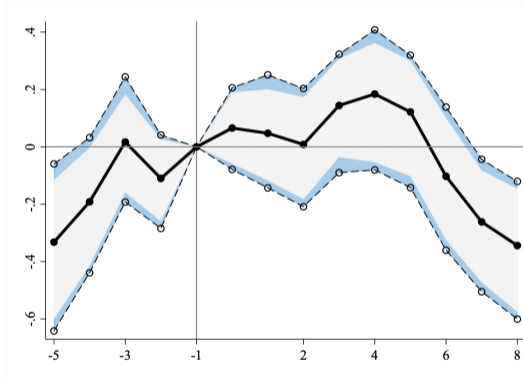


FIGURE: Violent

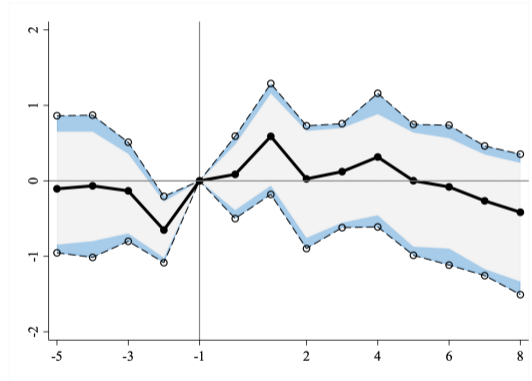


FIGURE: Property

Arrests by Race

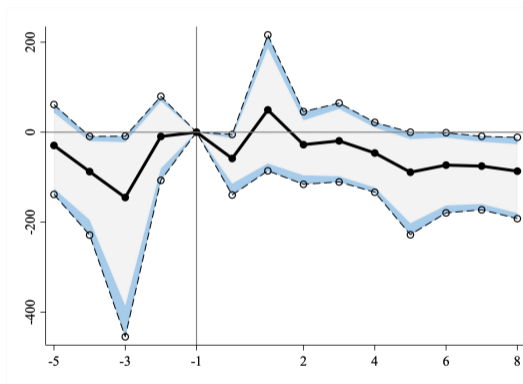


FIGURE: Black

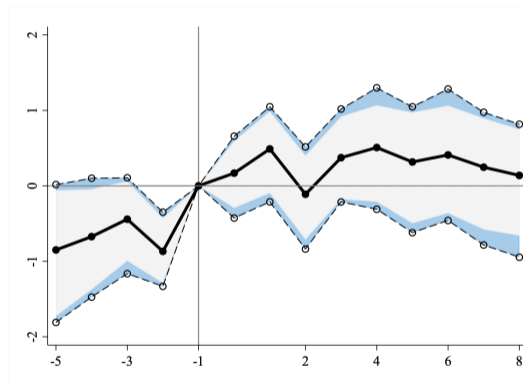


FIGURE: White

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Black Arrests by Type

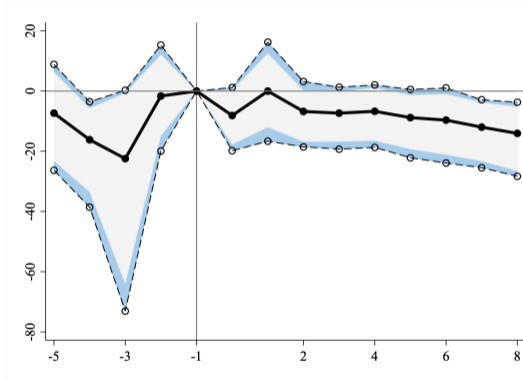


FIGURE: Violent

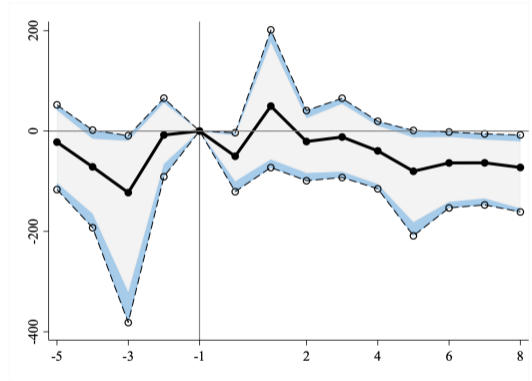


FIGURE: Property

White Arrests by Type

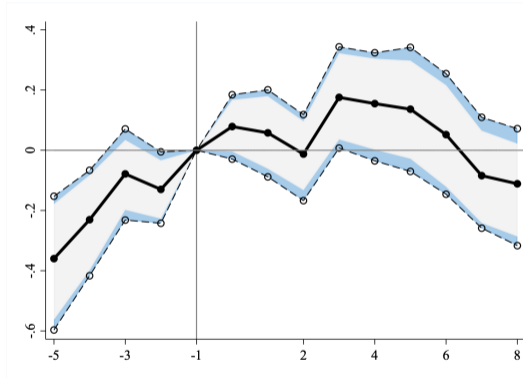


FIGURE: Violent

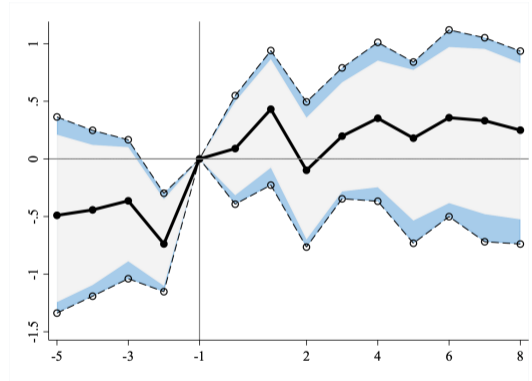


FIGURE: Property