UNSETTLING SETTLEMENTS: EXAMINING POLICE MISCONDUCT LAWSUITS IN

THE CITY OF CHICAGO

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ABSTRACT

There is limited empirical research related to lawsuits involving the police due in part to limited accessibility to relevant data sources. This study aims to examine the relationship between citizen, situational, and lawsuit factors and police misconduct litigation in the city of Chicago. Data were collected from two separate databases: *The Chicago Reporter* and The Invisible Institute. The analyses in this study demonstrate that there is a relationship between lawsuit payout amounts, lawsuit misconduct type and various situational factors. Policy implications are discussed.

ACKNOWLEDGMENTS

DEDICATION

For all the Black girls who will come after me...

May the ancestors guide you

Faith keep you

God's love embrace and protect you.

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CHAPTER 1. INTRODUCTION

Egregious abuses of police power can have deleterious effects on police departments, local governments and communities. Police misconduct is a complex phenomenon, making it hard to articulate a clear definition of the term. Generally speaking, police misconduct refers to police officers' violation of state and federal laws or the violation of an individual's constitutional rights (18 U.S.C §242). In their classic piece, Roebuck and Barker (1974) state that police misconduct entails conduct that is deviant, dishonest, improper, unethical or criminal. Police misconduct ensues when officers use their authority to engage in job-specific malpractice (Kane, 2002). Further convoluting our understanding of police misconduct is the actual role that police officers are called to fulfill within society. Police officers' ability to lawfully take a person's life and use physical force authoritatively to protect society feeds into the complexity of police misconduct (Skogan & Meares, 2004). It is important to remember, however, that the same laws that place boundaries on the people within society are the same laws that apply to those who enforce it (Donner & Jennings, 2014). Regardless of definition, the underlying core component of police misconduct is the misuse of power.

Police misconduct erodes public trust and legitimacy. The public's perception of police officers' trustworthiness and legitimacy is paramount when seeking to build effective partnerships between the community and the police (Sunshine & Tyler, 2003). Since the police are a pivotal institution of social control within any society, a breakdown of community trust can impart a great divide between officers and residents (Sunshine & Tyler, 2003). After surveying New York City residents, Sunshine and Tyler (2003) found that perceptions of trustworthiness and legitimacy were not only positively associated with cooperating with the police but also connected to residents' compliance with the law. Trust and confidence in the police can also

impact procedural justice. Although conceptually distinct from trust and legitimacy, procedural justice can greatly inform the way that citizens interact with the police. The underlying tenets of procedural justice connect to the way in which people are treated at the hands of the police. Procedural justice research demonstrates the significance of the police treating citizens with dignity and respect, coupled with the cultivation of spaces that allow the public and police to genuinely listen to each other (Tyler, 2005; Tyler, 2003; Tyler & Wakslak, 2004). Hence, legitimacy is fostered within individual interactions with officers and also by the aggregated actions of the police (Worden & McLean, 2017).

Police departments have been plagued with misconduct issues since their inception (Walker, 1977). Unfortunately, many incidents are left unknown to the public. Citizen oversight through the use of personal recording devices has changed the landscape of what is known about police misconduct. More than 25 years ago, one of the first highly publicized citizen recorded cases of police abuse of power occurred with the beating of Rodney King by officers from the Los Angeles Police department. The brutal beating of unarmed Rodney King sparked much outrage and local rioting during that time. Since then, public confidence in the police has been greatly impacted by various incidents of police misconduct. The deaths of Freddie Gray, Walter Scott, Sandra Bland, Samuel DuBose, Alton Sterling, Eric Garner, Philando Castille and Laquan McDonald have all demonstrated how certain police/citizen interactions can result in precarious situations.

Inappropriate police behavior, along with disavowing the lived experiences of community members, can result in an array of incidents of police misconduct. Highly publicized cases of police misconduct have garnered much attention over the years. The toll that police misconduct takes on human lives can be devastating. Incidents of police misconduct can result

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in death and injury. Lack of data does not allow one to capture the full extent of how pervasive this issue actually is. Using data from emergency department visits between the years 2006 and 2012, Kaufman and colleagues (2017) found that injuries by police officers resulted in approximately 51,000 emergency room visits nationwide. Even with the statistics provided by Kaufman and her colleagues (2017), it is quite difficult to discern which injuries are justifiable and which are a direct result of police misconduct. Therefore, the pervasiveness of misconduct and the consequences of those actions are left undisclosed. Even though the exact police misconduct figures are elusive, the grave impact that inappropriate police behavior can have on human lives is undeniable.

In addition to the erosion of trust, loss of legitimacy in the eyes of the public and the human toll, police misconduct can be quite costly. Data have revealed the rising costs for police-misconduct settlements and court judgments across cities nationwide. The cost connected to police misconduct cases has appeared to surge in large cities in the recent years. According to data gathered by *The Wall Street Journal* through public-records requests, ten cities with the largest police departments paid out approximately $248.7 million in 2014 in settlements and court judgments in police-misconduct cases (Elinson & Frosch, 2015). The 2014 figure was nearly a 48% increase from the $168.3 million that was paid out in 2010 (Elinson & Frosch, 2015). Elinson and Frosch (2015) found that the ten cities with the largest police departments paid out $1.02 billion over those five years in such cases involving alleged beatings, wrongful imprisonment and shootings. When the authors added claims involving car collisions, property damage and other police incidents, the total over the five-year period rose to more than $1.4 billion (Elinson & Frosch, 2015). What is particularly troubling is that the financial burden of

these police misconduct claims often fall on taxpayers and not the individual police officers or their departments.

Some assume that the financial consequences for police misconduct can serve as a deterrent to abusive policing practices (Goodwin, Shepard & Sloan, 2018); however, this is often not the case. Settlements and judgments, including those a city or county cannot pay without going into debt, is an acceptable cost of business for police departments in cities and counties across the country (Goodwin, Shepard & Sloan, 2018). The qualified immunity legal defense essentially protects public officials, including police officers, from frivolous lawsuits that can occur due to the necessary responsibilities of the job (Schwartz, 2014). Thus, the Supreme Court has determined that the qualified immunity doctrine should protect against overdeterrence because the fear of being sued could inevitably impact the way in which police officers approach their duties (Schwartz, 2014). Qualified immunity makes it easier to disregard individual police officers' financial responsibility and instead leaves many cities and counties financially liable for the inappropriate actions of their officers.

In a national study of police indemnification that looked at forty-four of the largest police agencies and thirty-seven small and mid-sized agencies, Schwartz (2014) found that governments paid approximately 99.98% of the dollars that plaintiffs received in lawsuits alleging misconduct. Police officers "…never satisfied a punitive damages award entered against them and almost never contributed anything to settlements of judgments – even when indemnification was prohibited by law or policy, and even when officers were disciplined, terminated, or prosecuted for their conduct" (Schwartz, 2014, p.885). As a result, local governments that choose to take on this vicarious liability without holding their officers

accountable for their actions cultivate an environment in which police misconduct and resulting lawsuits run rampant.

Endemic issues related to police misconduct and the lawsuits that stem from this behavior has been a constant in the city of Chicago. Over the years, these issues have eroded public trust, put human lives in jeopardy and caused the city to amass a great deal of debt. From a historical standpoint, the Chicago Police Department (CPD) has grappled with many instances in which police officers violate the law but escape accountability. Systemic deficiencies and practices within CPD, coupled with citizen interactions that can be laced with much indignity and disrespect, has resulted in a breach of trust. "The Chicago Police Department has cycled in and out of the national consciousness, almost since its inception, and the last several decades have been no exception" (Black, 2015, p.18).

Over the years, there have been numerous events in Chicago that have called into question policing practices. In 1968, the City of Chicago hosted the Democratic National Convention. Chicago police officers physically clashed with protestors during the convention (Gonyea, 2018). Images of the police brutality taking place during the convention were displayed across television airways and national newspapers (Gonyea, 2018). After the incident, no officers were prosecuted for heinous acts (Black, 2015). During the 1980s, Detective Jon Burge and many police officers working under his authority, engaged in draconian interrogation tactics (Black, 2015). Burge and his officers used physical force, electric shock and suffocations in order to obtain confessions from predominantly black men living on the South and West Sides of the city (Black, 2015). Burge was fired from the force in 1993 but was never prosecuted for torture because of the lapse in the statute of limitations (Roberts, 2018). Burge was eventually convicted on federal charges of perjury and obstruction of justice in 2010 (Roberts, 2018). By

failing to hold Burge and his officers accountable, one could surmise that this weakened the relationship between the police and community members.

During the 1990s, Chicago experienced rising crime rates while also dealing with a tenuous relationship between their police officers and residents. The Chicago Alternative Policing Strategy (CAPS) was created in 1993 in an effort to not only reduce crime rates but to also build a stronger relationship between police and Chicago residents (Skogan & Hartnett, 1999). Differing from the traditional model of policing, the CAPS program focused on building bonds with community members. The CAPS program is defined by four key elements: (1) Expanded police presence on the beat; (2) Community involvement; (3) Support from other city agencies; and (4) Proactive problem solving (Skogan & Hartnett, 1999). CAPS was initially piloted in five of Chicago's 25 police districts. The Englewood, Marquette, Austin, Morgan Park and Rogers Park districts were selected because they had different demographic and socioeconomic characteristics as well as different crime issues and varying community resources at their disposal (Skogan & Hartnett, 1999). Early evaluations found CAPS-related success within physical decay problems (abandoned cars and buildings, garbage and graffiti) in three of the five prototype areas (Skogan & Hartnett, 1999). Citizens also reported seeing more community-oriented policing activity, which helped foster better relationships with community members. Surveys also uncovered that there was a decline in perceptions of excessive aggressiveness by the police in two of the five neighborhoods (Hartnett & Skogan, 1999). Although the CAPS program sought to ameliorate police/community relations, other ill-informed practices circumvented these efforts.

Despite the success of the CAPS program, a special program ran through the Patrol Division called the Special Operations Section (SOS) inappropriately stopped and searched black

and Latino residents while also seizing their cash and other property (Black, 2015). Numerous misconduct complaints were filed against many of the officers working in the SOS program during this time. When the public became aware of the inappropriate actions of the officers working within this unit, several officers were arrested and convicted of robbery and kidnapping (Black, 2015).

Recently, Chicago Police officers have been involved in several fatal shootings. The deaths of Rekia Boyd, Quintonio LeGrier, Bettie Jones and Laquan McDonald have generated much national media attention and protests (Black, 2015). Many of these misconduct incidents have been inextricably tied to large lawsuits. The city of Chicago's financing of police-misconduct payouts catalyzes an even greater division between the police and citizens and also places an enormous financial burden on the city's taxpayers. Chicago spent approximately $360 million on police-related settlements and judgments between 2010 and 2016 (Goodwin, Shepard & Sloan, 2018). It is estimated that since 2004, Chicago has spent more than $800 million on police misconduct cases (Goodwin, Shepard & Sloan, 2018). What is even more disconcerting is that Chicago has continuously debt-financed legal costs for police misconduct cases for many years (Daniels, 2018). In 2017, Chicago borrowed $225 million to cover financial settlements and judgments which brought the 2010-2017 total to $709.3 million (City of Chicago General Obligation Bonds Report, 2017). Some estimate that borrowing done at this rate will cost taxpayers more than $1 billion in interest that the city will eventually pay to investors over the life of the bonds (Goodwin, Shepard & Sloan, 2018). According to the City of Chicago's Office of Budget and Management (2016), the city sets aside approximately $19 million a year to cover police misconduct settlements. Unfortunately, Chicago has consistently exceeded this budget (Goodwin, Shepard & Sloan, 2018).

The city of Chicago has attempted to implement many of the Department of Justice recommendations of police reform such as reviewing use of force policies and providing refresher courses and trainings for police officers all in hopes of reducing the amount of misconduct settlements. The rate at which the city pays out settlements, however, shows no signs of abatement (Goodwin, Shepard & Sloan, 2018). Many recent examples showcase how much money is paid out on an annual basis. For example, in 2017, Chicago paid $44.7 million to Michael LaPorta who was disabled after being shot in the head by an off-duty police officer (St. Clair, Coen & Meisner, 2017). In the Laquan McDonald case, five million dollars was awarded to his family (Crepeau, Hinkel, Meisner & Gorner, 2017). A staggering $31 million was awarded to four men, "The Englewood Four", who were pressured into confessing to a rape and murder that they did not commit and spent 17 years in prison before being exonerated (Spielman, 2017). Consequently, police misconduct not only harms communities but certainly impacts the bottom line, leaving many taxpayers responsible for the inexcusable crimes committed by those called to protect and serve. What is even more unsettling is that much is left unknown about the extent of police misconduct lawsuits because many police departments fail to systematically capture this information, and those that do collect this information are reluctant to share this information with the public (Cheh, 1995).

The purpose of the current study is to examine police misconduct lawsuits in the city of Chicago. More specifically, the research questions to be addressed are: (1) How are citizen characteristics, type of lawsuit, and situational factors related to lawsuit payout amount? and (2) How are citizen characteristics, lawsuit payout amounts, and situational factors related to type of lawsuit? The current paper adds to the paucity of research related to police misconduct lawsuits.

The following review of the literature will examine previous research that has been conducted on litigation involving the police.

CHAPTER 2. LITERATURE REVIEW

What Do We Know About Police-Involved Litigation?

There is limited empirical research related to lawsuits involving the police. The scarcity of research focused on police misconduct lawsuits is due in part to limited accessibility to relevant data sources (Cheh, 1995). The distinctive police subculture fosters an environment in which secrecy, solidarity and social isolation are considered highly regarded norms (Kingshott, Bailey & Wolfe, 2004; Westley, 1970). The secrecy embedded within this subculture can often be used to protect police officers who are accused of wrongdoing (Kingshott, Bailey & Wolfe, 2004). Loyalty is needed within this line of work but it can be misused when the "blue wall of silence" protects police officers accused of misconduct (Kingshott, Bailey & Wolfe, 2004). In addition to this, agencies may be apprehensive to share sensitive litigation information, they may lack accessibility to pertinent lawsuit data or they may fail to keep accurate records pertaining to lawsuit and case outcomes (Archbold & Maguire, 2002; Kenney & Alpert, 1997; Pate & Fridell, 1993). Therefore, due to the lack of accessibility to appropriate data, there is limited research examining police misconduct lawsuits.

Reasons Why People File Lawsuits Against the Police

There have been a few studies that have focused on the most common reasons why lawsuits are filed against the police. Chiabi (1996) studied the Section 1983 civil damage remedy, which is the direct claim of the victim of official wrongdoing to obtain compensation for the denial of his or her Fourth Amendment rights (Chiabi, 1996). Findings from the study revealed that assault and battery, false arrest, and false imprisonment were the causes of action most often alleged by plaintiffs (Chiabi, 1996). Kappeler, Kappeler and del Carmen (1993) found similar findings. The researchers analyzed the content of police civil liability cases

handed down by the United States Federal District Courts from 1978 through 1990. Findings show that the claim that was brought forth the most against the police was false arrest/false imprisonment, excessive force and unlawful search/seizure and assault/battery (Kappeler, Kappeler and del Carmen, 1993). In a survey of Texas police chiefs, Vaughn and colleagues (2001) also found that top causes of action were assault and battery/excessive force, false arrest/imprisonment/detention and unlawful search/seizure (Vaughn et al., 2001). Archbold and colleagues' (2006) content analysis revealed a multitude of racial and gender discrimination issues in lawsuits involving the police (Archbold et al., 2006). These studies show the importance of taking a critical look at why lawsuits are filed against the police. By examining the causes of action, researchers uncover a pattern that is seen throughout many police districts. By providing context for these lawsuits, researchers were able to expand upon the literature by exploring the impact that lawsuits can have on police behavior.

Frequency and Settlements of Lawsuits Filed Against the Police

There have been a few studies that focus on the frequency at which lawsuits are brought against the police. The Human Rights Watch (1998) conducted research in fourteen large urban U.S. cities from late 1995 through early 1998. Data were collected from interviews with lawyers of individuals who alleged they were victims of police abuse; representatives from the police departments' internal affairs unit; police officers; citizen review staff members; various city officials; Justice Department officials; representatives from the federal U.S. attorneys' offices; local prosecutors' office representatives; experts of police abuse, and victims of abuse (Human Rights Watch, 1998). Although researchers were unable to gather accurate numbers from all police agencies, findings revealed that millions of dollars in damages are paid every year due to lawsuits brought forth against the police (Human Rights Watch, 1998). For example, in the city

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of Chicago, between 1992 and 1997, the city reportedly paid more than $29 million to settle

1,657 lawsuits involving excessive force, false arrest, and improper search allegations (Human

Rights Watch, 1998). Prior to 1992, figures reveal that the city paid $43 million in settlements

related to police brutality and false arrest cases (Human Rights Watch, 1998).

More limited in scope, Meadows and Trostle (1998) examined settlements and judgments

against one major Southern California police department. Data for this study were gathered from

the Los Angeles City attorney's office from adjudicated "closed" cases (Meadows & Trostle,

1998). The cases spanned from 1974 to 1986 and all had been filed against the City of Los

Angeles and the Los Angeles City Police Department (Meadows & Trostle, 1998). This study

revealed that between 1977 and 1986 there were a total of 3,041 cases brought against the Los

Angeles City Police Department. Subsequently, 1,130 cases had been adjudicated or settled

during this time (Meadows & Trostle, 1998). Of the 1,130 cases that had been adjudicated or

settled, approximately 70 percent had been found in favor of the plaintiff(s) and 30 percent

favorable to the municipality (Meadows & Trostle, 1998). The total cost of the successful

actions against the LAPD was approximately two million dollars annually with a mean cost of

$25,245 per incident (Meadows & Trostle, 1998). Meadows and Trostle's (1998) study revealed

not only the frequency of lawsuits for one police department, but also showed how costly

litigation can be for municipalities.

Legal scholars have also reviewed court case decisions to determine the extent of police

misconduct lawsuits. Through public records requests, Schwartz (2014) was able to gather

information related to the amount spent in settlements and judgments over a six-year period from

2006 to 2011. In conjunction to the information gathered from the 44 large and 37 small mid-

sized departments, Schwartz (2014) collected information through telephone interviews and e-

mails with many government officials and attorneys within various jurisdictions. Schwartz's (2014) study found that police officers rarely ever financially contribute to judgments and settlements derived from police misconduct lawsuits. Police officers employed by the 44 largest jurisdictions in her study were personally responsible for just .02% of the over $730 million paid to plaintiffs in police misconduct suits between 2006 and 2011 (Schwartz, 2014). This means that city governments' tax dollars are often used to finance many of their police misconduct lawsuits.

Although not empirical in nature, some journalists have examined the extent of police misconduct lawsuits. Farmer (2018) provided an in-depth analysis of 20 of the largest cities in the United States and expenses related to police misconduct lawsuits for the years between 2014 and 2016. For every case, the expenses were placed into three different categories: payouts, litigation and insurance (Farmer, 2018). According to Farmer (2018), payouts are payments made resulting from lawsuit settlements or judgments of claims settled prior to litigation. Litigation includes expenses that reflect total compensation for internal staff, outside counsel and any other costs that are associated with lawsuits. Insurance involves costs paid for liability or excess liability insurance (Farmer, 2018). When looking at payouts, $1,156,508,402 was the average payout amount for the 20 cities combined between 2014 and 2016 (Farmer, 2018). As for litigation fees paid across the 20 cities, the average cost was $127,541,734 between 2014 and 2016. Finally, when examining insurance payout amounts, all 20 cities combined paid an annual average of $24,293,544 in insurance premiums. Two jurisdictions, New York City and Chicago, paid the most between the years 2014 and 2016 (Farmer, 2018). In New York City, the average annual cost for police-related lawsuits was $710,608,666. It is important to note that this amount only reflects payouts and does not take into account litigation or insurance costs since

this information was not available for New York City. In Chicago, the city paid out

approximately $153,133,333. This figure does not include litigation and insurance cost since this

information was not available (Farmer, 2018). Despite the lack of research on this topic, it is

clear that the expenses associated with police-involved litigation is high.

Who Files Lawsuits Against the Police?

Few studies have examined demographic characteristics of the citizens who file lawsuits

against the police because often this information is missing within data sources. Using

newspaper articles, Archbold and colleagues (2006) found that the majority of the people who

filed lawsuits against the police were men (55 percent). In the articles that mentioned the

race/ethnicity of the plaintiff, 46 percent were identified as African American, 36 percent were

identified as Hispanic/Latino, 6 percent were identified as Indian, 5 percent were identified as

Asian and 7 percent identified as multi-racial (Archbold et al., 2006). Through a content analysis

of 369 wrongful death lawsuits filed against the police, Fishel and colleagues (2007) found that

majority of the victims were male (71 percent).

Since so few studies have explored citizens' demographics as it relates to lawsuits

involving the police, citizen complaint research can be used to provide greater clarity. Hudson

(1970) examined 677 complaints and found that non-White citizens represented 70% of the

complaints filed. Through their national survey of police agencies, Pate and Fridell (1993) found

that African-Americans were overrepresented among citizen complaints relative to their

proportions in the general population. Lersch (1998) also found that non-White citizens were

more likely to file complaints against the police. Lersch and Mieczkowski (1996) found that

minority citizens made up 22.2% of the overall population in their study but accounted for 50.5%

of all citizen complaints against the police. Liederbach and colleagues (2007) found that

minority citizens accounted for 77.5% of complaints filed. Conversely, Terrill and Ingram (2016) found that slightly more than half of the complainants within their study were White.

When looking at gender, Pate and Fridell (1993) found that majority of the complainants in their study were male. Hudson (1970) also found that 76% of the people who filed complaints were male. Terrill and Ingram (2016) found that 53% of the complainants in their study were male. Contrary to previous studies, Liederbach and colleagues (2007) reported that 53.4% of the complaints in their study were women. The current study will utilize both sex and race variables in statistical models.

Situational Characteristics Related to the Disposition of Police-Involved Litigation

Video Recording of Incident

There is a scarcity of literature that examines how video footage can affect the dispositional outcome of lawsuits involving the police. Zamoff (2019) provided the first study of the evidentiary impact of body-cameras on the litigation outcome of cases involving the police. Zamoff (2019) tested the hypothesis that body-camera evidence would positively impact the way that cases involving the police are litigated and decided. By examining federal court data involving body-camera evidence, Zamoff (2019) found that complete video footage of the incident can actually improve the plaintiff's likelihood of winning their case against the police. However, when looking at complaint research, Katz and colleagues (2014) found that Phoenix police officers who wore cameras and received complaints were significantly less likely to have the complaint sustained when compared to a comparison group. Braga and colleagues (2018) conducted a randomized controlled trial with the Las Vegas Police Department and found that officers who wore body-cameras were less likely to have complaints filed against them be sustained.

Police Witnesses

The presence of multiple officers on the scene could also be related to the outcome of police-involved litigation and dispositional outcomes. Using content analysis, Fishel and colleagues (2007) found that multiple officers were involved in 52.4 percent of the wrongful death lawsuits that they reviewed. The authors also found that litigation cases where multiple officers were present on the scene were more likely to be found in favor of the plaintiff. When looking at the complaint literature, Worden (1989) and Terrill and Mastrofski's (2002) work found that the presence of multiple officers on the scene increased the likelihood that a citizen would experience force. This use of force could possibly lead to more complaints being filed against the police. Conversely, Hassell and Archbold (2010) found that when only one officer was on the scene of the incident in question, the complaint was more likely to be sustained. The authors argue that due to the lack of supporting evidence from a lone officer and the possibility that multiple officers can corroborate their story could impact complaint outcomes (Hassell and Archbold, 2010).

Civilian Witnesses to Misconduct

Although yet to be explored within the police-involved litigation literature, citizen complaint research provides some information about the presence of civilian witnesses on the outcome of citizen complaints. Kerstetter and Van Winkle (1989) studied police complaints in the city of Chicago. The authors found that 32 percent of the witnesses were directly connected to the complainant. Findings also revealed that 28 percent of the witnesses were considered "independent" or not directly involved with the complainants (Kerstetter & Van Winkle, 1989). The authors found that one of the major contributing factors to determining the outcome of a complaint was the existence of independent corroborating evidence such as the presence of

witnesses. In conjunction to this, The Independent Commission of the Los Angeles Police Department (1991) found that sustained complaints of excessive force were rare unless there were witnesses on scene who could corroborate the complainants' claims. Weitzer's (1986) study attributed the low percentage of sustained outcomes in citizen complaints filed against the police to lack of witnesses.

Previous Complaints Filed Against Police Officer

There is a scarcity of research that explores the relationship between previous allegations of police misconduct and police-involved litigation. Rozema and Schanzenbach (2019) found a strong relationship between police misconduct allegations in the city of Chicago and future civil rights litigation. This was especially true for the officers who received the most complaints. The authors found that the worst one percent of officers, meaning those with the most allegations, produced almost five times the number of payouts and over four times the total damage payouts in civil rights litigation (Rozema & Schanzenbach, 2019). When examining the complaint literature, Lersch and Mieczkowski (1996) found that only a small group of officers (7 percent) accounted for over one-third of the total number of complaints filed over the three-year period of their analysis. When exploring the complaint literature connected to use of force, McElvain and Kposowa (2004) found that officers with previous use of force allegations were more likely to be subsequently investigated for alleged use of force.

Citizens Killed by Police Officer

Loss of life of citizen is another situational variable that could provide clarity when examining police-involved litigation. Meadows and Trostle (1988) found that there was a direct relationship between the dollar amount awarded to a plaintiff and incidents involving the use of firearms by the police. When examining wrongful death lawsuits against the police, Fishel and

colleagues' (2007) revealed that 61% of the deceased were innocent bystanders/victims. The authors note that courts will typically rule in the favor of the plaintiffs when the police engage in egregious behavior that results in the death of innocent bystanders and suspects (Fishel, Gabbidon & Hummer, 2007). All of these situational variables will be included in statistical models for the current study.

Data Sources Used to Study Police-Involved Litigation

Due to the lack of transparency by police departments and no systematic data collection nationwide on litigation involving the police, alternative data sources must be utilized by researchers. Archbold (2006) and Ouss and Rappaport (2019) have identified alternative sources that can be used to learn more about litigation involving the police including interviews, surveys, newspaper articles, liability insurance claims and newspaper articles. Each potential data source provides a unique set of advantages and disadvantages for researchers.

Interviews

Only a few studies have utilized interviews to examine police-involved litigation. Human Rights Watch (1998) conducted a two-year study focused on police accountability in the United States. To gain perspective about how police departments deal with police brutality lawsuits, researchers interviewed police officers, citizens, lawyers and other government officials in 14 large cities in the United States. Through in-depth interviews, researchers explored the various accountability mechanisms utilized within most departments. The interviews also gave the researchers an opportunity to examine the prevalence of lawsuits involving the police, along with the financial costs associated with them. Unfortunately, researchers were unable to gather information about police brutality lawsuits from all 14 cities because some government officials were reluctant to share that information or were unaware of the official numbers associated with

police-involved litigation (Human Rights Watch, 1998). As previously mentioned, Schwartz (2014) utilized interviews to examine police-involved litigation. The interviews revealed that police officers are rarely financially responsible for settlements and judgments in police misconduct cases.

This type of data is not without flaws. As seen with the study above, some individuals may be hesitant to share certain information. Some city officials and police executives may be unwilling to share information about lawsuits involving the police out of fear that it may have a negative impact on the public's trust in the police and potentially harm the department's reputation (Archbold & Maguire, 2002; Kenny & Alpert, 1997). In addition, interviews would be expensive if researchers wanted to draw a hearty sample and if they wanted to use multiple research sites to broaden their scope of generalizability.

Surveys

Studies that utilize survey data have focused on various aspects of lawsuits involving the police. Some of the past studies have looked at how the threat of possible lawsuits impacts police officer behavior (Garrison, 1995; Hughes, 2001; Novak et al., 2003), the specific information regarding the monetary awards associated with officer-involved lawsuits (Chiabi, 1996; Kappeler, 2001; MacManus, 1997), the frequency of officer-involved lawsuits (Dugan & Breda, 1991; Pate & Fridell, 1993) and the many ways that police departments can safeguard against lawsuits being filed by transforming police officer training and educational requirements (Carter & Sapp, 1990; Worrall, 1998).

Although the aforementioned studies contributed to what is known about police-involved lawsuits, there are some problems associated with using survey data. Police agencies may be reluctant to participate in the study due to fear of their reputations being tarnished if information

about litigation involving the police is released to the public. The lack of participation due to

their hesitancy can result in low sample sizes (Garrison, 1995; Worrall & Gutierrez, 1999). This

level of unwillingness can also result in surveys being returned with some questions related to

lawsuits left unanswered. For example, Pate and Fridell (1993) examined police use-of-force,

citizen complaints against the police, and lawsuits involving police departments using a sample

of 1,111 police agencies. Many agencies within the study provided information about their

departmental policies related to use-of-force but when asked about the number of civil lawsuits

and criminal charges pertaining to use of excessive force, a majority of the agencies stated that

these data were not available, they were unable to publicly release this information or simply left

the lawsuit question unanswered (Pate & Fridell, 1993).

Using Pate and Fridell's (1993) data, Archbold and Maguire (2002) examined how police

training, mandatory reporting policies and department size influence the frequency of lawsuits

filed by police departments. The researchers discovered that approximately 70% of the 1,111

police agencies included in the sample did not answer the question inquiring about the number of

lawsuits filed against them in 1991. The level of "missingness" in their dependent variable made

it difficult for them to conduct their analyses. The researchers conducted several tests to

determine if sample selection bias was an issue with the dataset and found that it was. The

researchers utilized the "Heckman two-step" to correct the sample selection bias; however, it did

not work (Archbold & Maguire, 2002).

Archbold and Maguire's (2002) study highlights the problem associated with missing

data related to police involved litigation and provides several potential explanations for the

missing data problem. First, questions related to civil suits asks agencies for sensitive data that

they may not feel comfortable sharing. Second, the civil lawsuit data may not be accessible due

to this information being housed in different municipal offices, such as the city attorney's office. Finally, police agencies may be unable to provide pertinent information about civil lawsuits due to early settlement offers or dropped lawsuits (Archbold & Maguire, 2002).

In addition to police officers' disinclination to discuss lawsuit information, many police administrators may not have the appropriate data to share to fully discuss the prevalence of officer involved lawsuits. In one study, researchers noted that 38% of the police departments that were contacted for their study could not participate because their agencies did not keep track of any information related to litigation or simply did not collect these data (Kenney & Alpert, 1997). These studies demonstrate the difficulty of using survey instruments to collect data associated with police-involved litigation.

Newspaper Accounts

The utilization of newspaper articles to examine lawsuits involving the police is a relatively new approach. Archbold and colleagues (2006) explored lawsuits involving the police using newspaper accounts from three large US cities. The researchers conducted a content analysis utilizing nearly 700 newspaper articles from the New York Times, Chicago Sun-Times and Los Angeles Times spanning 1993-2003. Findings from the study revealed the pervasiveness of racial and gender discrimination issues in lawsuits involving the police. These discrimination issues were found within and outside of police organizations. Also, the authors discovered that majority of the lawsuits filed against the police were filed by citizens (as opposed to police personnel).

Newspaper accounts offer a unique approach for researchers to explore police-involved litigation since there is no national repository for data focused on this topic (Archbold, 2006). This source comes with a plethora of advantages. The ease at which a researcher can access

newspaper articles is a major strength. There are various electronic databases such as Lexis-Nexis and ProQuest, which capture news accounts from all over the world (Archbold, 2006). Also, most newspapers are digitally archived and easily accessible. In addition to the accessibility factor, this data collection approach is inexpensive and time efficient and allows researchers the opportunity to conduct longitudinal studies. Since many newspaper websites and databases archive data going back several decades, researchers can track lawsuits involving the police over a longer period (Archbold, 2006). This is a distinct advantage since it is not always feasible to conduct longitudinal studies with interview data, court records or surveys. In addition to this, the retrieval of newspaper accounts allows for multiple cities to be included in studies.

As with any data source, it is important to identify some of the problems related to using newspaper accounts to study police-involved lawsuits. Newspapers may choose to only report celebrated cases in order to capture the attention of their readers. This approach could create a space in which selective reporting becomes the norm. Certain cases may never garner any attention because they may be deemed not newsworthy (Archbold, 2006). In conjunction to this, newspapers may only report on police misconduct lawsuits that result in a large monetary awards or settlements (Bailis & MacCoun, 1996). Some newspapers may fail to accurately report the final agreed upon settlement or award amount (Green, Goodman & Loftus, 1990-1991). Finally, newspapers may fail to cover cases where the lawsuits are considered to be "frivolous" by the court (Archbold, 2006; Robbennolt & Studebaker, 2003). Thus, this data source comes with many advantages but the disadvantages of this approach must also be considered.

Liability Insurance Claims

In recent studies, Rappaport (2016, 2017) and Ouss and Rappaport (2019) discuss the use of liability insurance claims as a data source for examining lawsuits involving the police.

Through information gathered from members in the insurance industry, Rappaport (2016) created a typology of police misconduct based on information gathered from liability insurance claims information. First, he considered the dollar values of the police misconduct legal claims. He argues that low-dollar amount claims are of little threat to insurers, so there is little incentive to regulate the behavior of police officers connected to these types of claims. In contrast, high-dollar amount claims push insurers to seek change in departments since they pose a greater financial threat to their companies. Second, he argued the length of time between the police misconduct incident and the filing of the lawsuit matters. "Short tail" claims are those that are brought relatively quickly after the police misconduct incident, while "long tail" claims are those which are brought years after the police misconduct incident (Rapport, 2016). Based on these two criteria, size of claim's payout and length of time between incident and filing of the lawsuit, four typologies of police misconduct were created: (1) high-dollar, short tail, (2) high-dollar, long-tail, (3) low-dollar, short-tail, (4) low-dollar, long-tail. High-dollar, short tail claims are those that involve allegations of excessive force since they usually involve serious injuries or death and subsequently, these types of lawsuits are brought forth immediately after the incident. High-dollar, long-tail claims involve wrongful convictions. Low-dollar, short tail claims are standard violations of the law such as those involving Miranda warnings. Finally, low-dollar, long-tail claims involve incidents of racial profiling since there may be a delay in these cases and usually the plaintiff, if successful, will only recover a small dollar amount in damage.

Taking his research a bit further, Rappaport (2017) argues that police liability insurers are capable of creating change within the police agencies that they insure. To manage their risk, insurers can push police agencies to adopt or improve written departmental policies, enhance police officer training and even fire problem officers (Rappaport, 2017). For example, insurers

can regulate police use-of-force by pushing for operational policy development, education, training, auditing and risk-responsive underwriting and rating (Rappaport, 2017). Therefore, insurers can act as regulators for police departments by pushing for higher standards in order to manage their companies' financial risk.

With a dataset containing 23 years of police liability claims brought against 350 small and mid-sized police agencies in one midsized state, Ouss and Rappaport (2019) examined police liability allegations. The authors found that the total number of claims against the police has not increased in the recent years. Also, Ouss and Rappaport (2019) found that the average payout amount has rapidly increased in recent years. Finally, the authors found that the number of successful claims has increased slightly within recent years. Therefore, the authors contend that based on the data, trends suggest that the incidence of police misconduct has not risen in their sample, nor has the nature of misconduct incidents changed in significant ways over the years. Instead, the researchers argue that citizens have become increasingly more aware of police misconduct and because of this, this has led to more successful claims and larger payout amounts (Ouss & Rappaport, 2019).

Although insurance claims data can provide unique information, using this data source for studying police-involved litigation comes with several limitations. Insurance claims do not include acts of police misconduct that are excluded under the insurer's policy, such as actions committed when officers are "off duty". Also, this data source is unable to capture incidents that were not reported to the insurer. Some police departments may not report certain incidents to control their insurance premiums. Finally, a payout does not necessarily mean that the insurer admits to any wrongdoing nor does the absence of a payout mean that nothing happened (Ouss &

Rappaport, 2019). This innovative data source offers another option for researchers; however, the limitations of this data source must also be taken into consideration.

Content Analysis of Court Records

Some scholars have examined the complexities of litigation involving the police by taking an in-depth look at cases that have been processed through the court system. Kappeler, Kappeler and del Carmen (1993) conducted a content analysis of state court decisions connected to the liability of the police when it comes to their failure to restrain drunk drivers. The case collection and classification system that the scholars created allowed them to determine specific longitudinal trends in the cases, defendant and plaintiff characteristics, situational variables and amounts of damages and attorney fees awarded to successful plaintiffs.

Police civil liability research has also addressed police misconduct issues specifically. Through content analysis of court cases, Littlejohn (1981) examined the impact that civil lawsuits may have on police behavior. The author explored the content of police misconduct court cases in the city of Detroit during the 1960s to see if the increased amounts of private litigation during this time deterred abuses of police power. Trends in the data showed dramatic increases in the number of police lawsuits filed, increases in the number of lawsuits in which plaintiffs were successful and increases in the payout amounts of police misconduct lawsuits. The author found that despite the large increases in frequency and payout amounts of police misconduct lawsuits, the Detroit Police Department did not change any policies or practices as a direct result of civil damage awards (Littlejohn, 1981). Specifically, the department did not institute any risk management practices, new disciplinary policies or new police officer training programs during this time. Therefore, Littlejohn (1981) determined that lawsuits did not appear

to have an impact on the conduct of police officers working on the street or their administrators who create department policies.

Meadows and Trostle (1988) also utilized content analysis when examining police liability litigation against the Los Angeles City Police Department. Cases collected from the Los Angeles City attorney's office covered a 12-year period, between the years 1974 and 1986. The authors selected a sample of 79 cases from which information about the nature of the incident, activity that precipitated the event, type of force used, location of incident and the financial impact of the incident was collected (Meadows & Trostle, 1988). The authors found that most misconduct claims originally escalated from misdemeanor or non-violent citizen-police encounters during night shifts. Specifically, the authors were able to determine that police-initiated actions, such as observing violations and suspicious persons, can lead to expensive litigation (Meadows & Trostle, 1988). Because of this, the authors note the importance of increased training in interpersonal communication in order to circumvent minor confrontations escalating to unnecessary police violence.

Although this data source could shed some light on litigation involving the police, there are a several problems related to the use of court records by researchers. First, the accessibility of court records within some jurisdictions is of concern (Chiabi, 1996). In some instances, there may be a settlement agreement reached outside of the courtroom and this agreement could include a promise not to disclose any information pertaining to the case (Archbold, 2006). Unfortunately, this issue will not be resolved by researchers regardless of the data sources used to study this subject. Due to restrictive access to some cases, this can create smaller sample sizes and potential sample bias (Meadows & Trostle, 1998). In addition, researchers may be confined

to look at court records only within certain jurisdictions in the United States due to the accessibility of the records (Chiabi, 1996).

The study featured in this dissertation will utilize two datasets. The first dataset was compiled by reporters for the Chicago Reporter, an online media outlet. All the information gathered for the dataset comes from court cases published online by the City of Chicago's Law Department. This database provides information about the complaint and situation leading up to the lawsuit, Chicago police officers involved in the lawsuits, and settlement/judgment amounts for each lawsuit. Stemming from civil litigation and Freedom of Information Act (FOIA) requests, the second dataset was compiled by the Invisible Institute's Citizens Police Data Project, a journalism production company. This database provides detailed information about the various complaints filed against Chicago police officers. The current study will examine the relationships that citizen characteristics, situational factors and lawsuit type have with settlement/payout amount of police misconduct lawsuits. How citizen characteristics, lawsuit payout amounts and situational factors are related to the type of lawsuit will also be explored. Conflict theory will be used to aid in the interpretation of the possible linkages between these variables.

<div align="center">**Theoretical Framework**</div>

Conflict Theory

Conflict theory is rooted in the idea that social inequalities are pervasive throughout society (Turk, 1969; Vold, 1958). These inequalities can be found when looking at race, gender and class. From this perspective, to understand crime requires one to scrutinize the power dynamics present within society and also explore how power is used to define and enforce the law. The central assumptions and propositions speak to the fact that social stratification allows

some to have dominance over others. It also speaks to the fact that laws are not equally applied to everyone. Therefore, those in power can determine what happens to the powerless (Black, 1976; Turk, 1969; Quinney, 1970; Vold, 1958). Turk (1964) explained that those in power ultimately determine who will be deemed as "criminal." Conflict theorists contend that rather than wonder why certain people commit crimes, one should instead consider why some behaviors and acts are deemed criminal while others are not (Chambliss, 1975). Since the powerful can use the law to control the powerless, criminal law is a direct reflection of the interests and ideologies of the dominant class (Chambliss, 1999).

This idea of "threat" is inextricably tied to the conflict framework (Petrocelli, Piquero & Smith, 2003). Within a capitalist society, there is a competition over scarce resources such as money and power. Subsequently, this leads to inequalities in the distribution of power and resources throughout society. Those who harness the power seek to maintain the structures that have been built (Chambliss, 1975; Quinney, 1970). As this economic disparity grows, the more likely the dominant class will use the law as a way to maintain control over the powerless (Quinney, 1974).

This ideological leadership over subordinate groups is quite pervasive and continues today in various forms (Wacquant, 2002). The construction of law and the way that the law is enforced serve as a way to dominate an already stigmatized group of people (Wacquant, 2002). The police serve as a very powerful tool within this theoretical framework. According to this perspective, the police serve as social control agents of the state and they are used to surveil and control subordinate groups in society (Fielding, 1991). Conflict theorists purport that the police are used to protect economic resources and the social position of those in power (Fielding, 1991; Lersch, 1998). Petrocelli and colleagues (2003) argue that "If the law can be seen as the nails

that hold society together, then the police can certainly be viewed as the hammer of the state" (p. 2). Therefore, if the police are used as tools by the dominant group, they will be pushed to enforce the laws that only seek to serve the prevailing class while further marginalizing the powerless (Petrocelli, Piquero & Smith, 2003). This could then lead to communities of color and those without economic and political power being subjected to stricter enforcement of the law (Leinen, 1984; Lersch, 1998).

Conflict Theory and Citizen Complaints Against the Police

The theoretical underpinnings of the conflict framework has been empirically tested by examining citizen complaints filed against the police. In line with conflict theory, Holmes (2000) found that percent Black, and percent Hispanic in neighborhoods and income inequality were positively related to the number of complaints brought forth against the police. Similarly, Kessler (1999) found that the total number of citizen complaints was connected to the percentage of Black citizens living within an area. From an economic inequality standpoint, Lawton and colleagues (2001) found that the number of complaints brought against Philadelphia police officers increased in areas that contained a large amount of unemployed males and female-headed households. Using citizens' complaints of misconduct filed against officers working in a large southern police department, Lersch (1998) examined if citizens of color and those with fewer resources and less power would be more likely to file complaints against the police. Lersch (1998) found that there was a higher percentage of complaints lodged against the police from individuals who lived in communities with lower educational levels, lower incomes, fewer White residents and higher levels of unemployment and poverty. As Lersch (1998) states, these findings are consistent with the conflict framework since it demonstrates that greater use of harsh police tactics can be a tool used against the powerless to maintain the status quo.

The Link Between Citizen Complaints Against the Police and Police Misconduct Lawsuits

As evidenced in previous studies, greater use of coercive power and authority against marginalized communities can lead to an increase of citizen complaints filed against the police. Hoping to find justice through the complaint process, some citizens may be left unsatisfied. The relationship between a complainants' race/ethnicity and disposition of police misconduct complaints has been examined by a few scholars. Pate and Fridell (1993) found that even though there was a large number of complaints filed by minorities, they were less likely to have their complaints sustained when compared to their White counterparts. Similarly, Terrill and Ingram (2016) examined 5,500 citizen complaint allegations across eight U.S. cities and they found that Black complainants were less likely to have their complaints sustained.

Using one of the same databases used for the current study, the Citizens' Police Data Project (CPDP), Headley and colleagues (2020) examined whether race and ethnicity of the complainant matter when looking at the dispositional outcome of the complaint. Possible outcomes for police misconduct complaints in Chicago include: (1) sustained, (2) not sustained, (3) unfounded or (4) the accused police officer is exonerated. Results show that Hispanic complainants were 1.6 times less likely to receive a sustained outcome. African-American complainants were 4.7 times more likely to receive a not sustained outcome, 3.6 times more likely to receive an unfounded outcome and 4.2 times more likely to have the police officer at the center of their allegation exonerated from any wrongdoing.

These studies demonstrate that if the police are used as social control agents for the powerful, they may view people of color and the economically disadvantaged as a potential threat and posing as increased risk of criminality (Petrocelli, Piquero & Smith, 2003; Quinney, 1970; Turk, 1969). To placate those in control, the police may be more apt to use more forceful,

coercive and violent strategies to control the mounting "threat" of a powerless group. Harmful

practices and harsher enforcement of the law could lead to an increased amount of complaints

filed against the police. However, if marginalized citizens find that the dispositional outcome of

those complaints fall in favor of the police, they may use litigation as a way to obtain justice and

restitution.

Current Study

This study contributes to the existing body of policing literature by focusing on citizen

characteristics, situational characteristics, and lawsuit factors when it comes to police

misconduct litigation in the city of Chicago. Specifically, the research questions to be addressed

include: (1) Are citizen characteristics, type of lawsuit and situational factors related to lawsuit

payout amount?; and (2) Are citizen characteristics, lawsuit payout amounts and situational

factors related to the type of lawsuit?

CHAPTER 3. METHODS

There is limited empirical literature related to lawsuits involving the police. There have been few studies that examine the frequency and settlement/payout amount of lawsuits involving the police (Farmer, 2018; Human Rights Watch, 1998; Meadows & Trostle, 1998; Schwartz, 2014). There have also been few studies that explore lawsuit type (Chiabi, 1996; Kappeler, Kappeler & del Carmen, 1993; Vaughn et al., 2001, Archbold et al., 2006). The purpose of this study is to examine the relationship between citizen, situational, and lawsuit factors and police misconduct litigation in the city of Chicago.

Research Site

The site of interest for this research is Chicago, Illinois. Chicago has a population of 2,695,598 (United States Census Bureau, 2010). According to 2010 Census figures, racial composition of the city includes 44.99% White, 32.93% Black and 22.07% other races (including American Indian, Asian, Hispanic/Latino or some combination of races).

Data

Data for the current study derived from two separate databases: *The Chicago Reporter* and The Invisible Institute. *The Chicago Reporter*, an online monthly investigative publication, created an interactive database that tracks how much the city of Chicago spends on lawsuits involving the police. Founded in 1972 by John A. McDermott, *The Chicago Reporter*'s main mission was to document issues of race and poverty in the city of Chicago. During its infancy, the publication was recognized for its groundbreaking data-driven stories about discrimination against African Americans in corporate hiring, city services and governmental affairs. Currently, *The Chicago Reporter* covers a wide range of news stories that seek to shed light on the racial and economic inequalities experienced in the city of Chicago ("Our History," n.d.). In line with

their mission, *The Chicago Reporter* routinely publishes stories and information related to police accountability issues.

Initial case information was obtained through the Chicago Law Department that publishes a list of payments made as a result of judgments and settlements. The police lawsuit information acquired through the city's Law Department is based on civil complaints filed against police officers and/or the city of Chicago, other federal and state court records and City of Chicago records ("Settling for Misconduct", 2017). The current study includes cases from 2000-2017 (Table 1). All cases that were marked "Police" were reviewed. Cases related to employment discrimination or other wrong doing between police officers while on duty, such as motor vehicle accidents, sexual harassment, and cases where the primary cause of damage was property damage were excluded. Cases where a jury decided against the plaintiff but the city still paid some of the plaintiff's legal fees were also excluded.

Upon closer review of Table 1, the stark increase in lawsuits filed against Chicago police officers between the years 2008 and 2014 is quite apparent. The reasoning behind this increase is unknown but some possible conjectures can be made. First, the Independent Police Review Authority (IPRA), an independent agency staffed by civilian investigators, replaced the Office of Professional Standards in 2007 because it was not meeting the expectations set to properly investigate police misconduct claims (Headley et al., 2020). When the transition to IPRA happened, it took on a multitude of backlogged cases which continued to grow for a number of years after its inception (Black, 2017). This could all help to explain the increase in cases between 2008 and 2014. Unfortunately, insufficient resources attributed to investigative deficiencies and cases being closed prematurely by IPRA investigators. Due to the ineffectiveness of IPRA and the highly publicized Laquan McDonald case, Chicago's City

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Council voted to create the Civilian Office of Police Accountability (COPA) and the Office of Inspector General (Leven, 2017). The Civilian Office of Police Accountability officially replaced IPRA in 2017. During this time, the Office of Inspector General was also given authority to review the Chicago Police Department's data, policies and procedures (Leven, 2017). Hence, the stark decline in cases after 2014 could be due in part to the mounting anticipation of the impending police accountability successor in conjunction with the lack of resources given to IPRA.

Leadership changes during this time could have also attributed to the increase of cases between 2008-2014. Phil Cline served as the department's superintendent from 2003-2007. Cline's term as the superintendent was marred with a few controversaries in 2007 when Officer Anthony Abbate was caught on surveillance video attacking a female bartender after she refused to serve him more drinks (Harrington and Feurer, 2019). In a separate case, six police officers were caught on video beating up a group of men at a bar. Also, six officers from the now defunct Special Operations Unit were charged with various crimes for their illicit activities. Cline soon resigned and Mayor Richard Daley selected Jody Weis to take on the role. Weis made it publicly known that he would not tolerate police misconduct (Harrington and Feurer, 2019). Therefore, the change in leadership could possibly help to account for some of the increase in cases during this time.

Weis resigned in 2011 after his contract ended. Garry McCarthy was soon selected to replace Weis by the newly-elected Mayor, Rahm Emanuel. McCarthy became embroiled in controversy in 2014 after the police-involved shooting death of Laquan McDonald. In 2015, Mayor Emanuel fired McCarthy due to the mounting civilian unrest surrounding the McDonald case. In 2016, Emanuel appointed Eddie Johnson to serve as the superintendent (Harrington and

Feurer, 2019). The multiple leadership changes could explain the decrease in cases seen after

2014. Although the aforementioned reasons are purely speculations, they could possibly help to

explain the ebb and flow in cases seen during this time.

Table 1

Frequency of Lawsuits Filed Against Chicago Police Officers by Year, 2000-2017

Year	Frequency	Percent	Valid Percent	Cumulative Percent
2000	3	.3	.3	.3
2001	1	.1	.1	.4
2002	5	.5	.5	.8
2003	7	.6	.6	1.5
2004	15	1.4	1.4	2.9
2005	18	1.7	1.7	4.5
2006	27	2.5	2.5	7.0
2007	61	5.6	5.6	12.6
2008	113	10.4	10.4	23.0
2009	102	9.4	9.4	32.4
2010	123	11.3	11.3	43.7
2011	116	10.7	10.7	54.4
2012	154	14.2	14.2	68.6
2013	142	13.1	13.1	81.7
2014	122	11.2	11.2	92.9
2015	59	5.4	5.4	98.3
2016	16	1.5	1.5	99.8
2017	2	.2	.2	100.0
Total	1086	100.0	100.0	

To specifically identify the police officers named in the complaints, a Freedom of

Information Act (FOIA) request was made in order to obtain a complete list of police officers

from the Chicago Police Department (Kiefer & Smith, 2017). Under the Illinois Freedom of

Information Act (5 ILCS 140), information and records in possession of public agencies may be

accessed by the public through a written request (Kiefer, 2019). The officer information was

then loaded into an object-relational mapper program which allowed staffers to match each

defendant based on their names, badge numbers and dates of service to the legal case information

gathered previously (Kiefer & Smith, 2017). Once all the case details were properly matched

with the officers listed in the complaints, staffers compiled all the police misconduct lawsuit

information into an interactive database entitled, "Settling for Misconduct". ("Settling for

Misconduct", 2017). Several variables from the current study derived from this dataset

including: lawsuit payout amount, type of lawsuit, presence of video recordings, presence of

police witnesses, presence of citizen witnesses and loss of citizen life. These variables were

directly pulled from the already complied database created by *The Chicago Reporter.*

The Invisible Institute is a journalism production company located on the South Side of

Chicago. The primary mission of the organization is to provide citizens with the opportunity to

hold public institutions accountable. Through investigative reporting, civil rights litigation and

the curation of public information, the institute has been able to create a multitude of projects

centered on demanding justice and respect for human rights ("About the Invisible Institute",

2020). One such project is called the "Citizens Police Data Project" (CPDP).

The Citizens Police Data Project is an online public database containing disciplinary

information of Chicago police officers (Kalven, 2018). The database contains more than

240,000 allegations of police misconduct which involves more than 22,000 Chicago police

officers over a 50-year period. The database contains information dating as far back as the late

1960s (Kalven, 2018). Access to all the allegations was made possible through litigation under

the Freedom of Information Act. Several variables from the current study were obtained from

this dataset including: citizen sex, citizen race and previous complaints filed against police

officers. These variables were directly pulled from the already complied database created by

The Invisible Institute.

This study is the first of its kind to combine both of these databases in order to analyze

lawsuit, citizen and situational variables. The "Settling for Misconduct" database created by *The*

Chicago Reporter provides a plethora of lawsuit information. Specific details about each lawsuit and the officers involved are provided. Once information was gathered from the "Settling for Misconduct" database, The Invisible Institutes' "Citizen Police Data Project" was used to confirm the details of the incident and also provide a more a more in-depth look at the citizen complaint variable and the citizen race and sex variables. By utilizing both databases in this way, a wealth of information was obtained.

Variables

Dependent Variables

Two dependent variables were utilized in this study. The first dependent variable is the lawsuit payout amount. This is a continuous variable that is measured in dollar amounts ranging from $1 to $45,678,282. The second dependent variable is the type of lawsuit. This dichotomous variable includes lawsuits that do not involve physical violence (coded as 0) and lawsuits that involve use of physical violence (coded as 1). According to Meadows and Trostle (1988) and Farmer (2018), lawsuits that involve acts of violence are more likely to result in higher payout amounts.

Independent Variables

Citizen Characteristics

The first citizen characteristic examined is citizen sex. This is a dichotomous variable which includes female (coded as 0) and male (coded as 1). According to many scholars, the majority of people who file lawsuits and complaints against the police are men (Archbold et al., 2006; Pate & Fridell, 1993; Hudson, 1970; Terrill & Ingram, 2016).

Dummy variables were created for White, African-American and Hispanic citizens. For the dummy variables, 1 represents the presence of that particular race attribute and 0 represents

the absence. Lawsuit and citizen complaint research find that African-American citizens represent an overwhelming majority of people who filed lawsuits and citizen complaints against the police (Archbold et al., 2006; Hudson, 1970; Lersch, 1998; Lersch & Mieczkowski, 1996; Liederbach et al., 2007). This variable is of particular interest since conflict theory is used to explain variation in the type of lawsuits filed against the police, as well as the lawsuit payout amount. In line with the tenets of conflict theory, research has consistently demonstrated that communities of color are subjected to harsher enforcement of the law (Leinen, 1984; Lersch, 1998). Subsequently, citizens may file complaints against the police due to harsher police enforcement (Headley et al., 2020; Pate & Fridell, 1993; Terrill & Ingram, 2016).

Situational Characteristics

The presence of video recording is a dichotomous variable which includes no recording available (coded as 0) and yes, recording of incident is available (coded as 1). Zamoff (2019) found that when there is video footage of the incident in question, this can improve the defendants' likelihood of winning their case against the police.

The presence of police witnesses is a dichotomous variable which includes no police witnesses (coded as 0) and yes, police witnesses present (coded as 1). According to Fishel and colleagues (2007), plaintiffs are more likely to win their lawsuit cases when multiple police officers were found to be present on the scene.

The presence of citizen witnesses is a dichotomous variable which includes no citizen witnesses (coded as 0) and yes, citizen witnesses present (coded as 1). Citizen complaint research has established that the existence of witnesses can lead to a higher percentage of sustained complaints (Kerstetter & Van Winkle, 1989; The Independent Commission of the Los Angeles Police Department, 1991; Weitzer, 1986).

Whether or not there are previous complaints filed against a police officer named in a lawsuit is a dichotomous variable which includes no previous complaints (coded as 0) and yes, the police officer was named in previous complaints (coded as 1). Rozema and Schanzenbach (2019) found that police officers with the most citizen complaints were responsible for almost five times the number of lawsuits and over four times the total damage payouts within civil rights litigations.

The loss of a citizen's life during the police-citizen interaction is a dichotomous variable which includes no loss of life (coded as 0) and yes, loss of life (coded as 1). Research has demonstrated that lawsuits that involve instances where a citizen's life is taken are more likely to result in a higher payout amounts (Fishel, Gabbidon & Hummer, 2007; Meadows & Trostle, 1988). Descriptive statistics for all of these variables are also shown in (Table 2).

Table 2

Descriptive Statistics

Variable	N	Mean	SD	Range	N	Mean	SD	Range
Dependent and Independent Variables					Descriptive Statistics for Black Citizens			
Dependent Variables								
Lawsuits		.3720	.48356	0-1		.4311	.49571	0-1
Misconduct Type								
0=No Violence	682				293			
1=Violence	404				222			
Settlement Dollar Amount	1,086	234189.03	1635836.34	$1-$45,678,282	515	250176.97	2102311.13	$1-45,678,282
Independent Variables								
Citizen Characteristics								
Citizen Sex		.8202	.38420	0-1		.8291	.37676	0-1
0=Women	194				88			
1=Men	885				427			
Missing	7							
Citizen Race		.1151	.31944	0-1				
White	67							
Black	515							
Hispanic	98							
Missing	395							
Situational Characteristics								
Incident Video Recorded		.0451	.20766	0-1		.0505	.21916	0-1
0=No	1037				489			
1=Yes	49				26			
Police Officer Witness		.5870	.49259	0-1		.6078	.48872	0-1
0=No	446				202			
1=Yes	634				313			
Missing	6							
Citizen Witness		.4627	.49883	0-1		.4544	.49840	0-1
0=No	583				281			
1=Yes	502				234			
Missing	1							
Complaint Filed Prior to Lawsuit		.9770	.15015	0-1		.9814	.13528	0-1
0=No	15				8			
1=Yes	636				422			
Missing	435				85			
Citizen Death Involved in Lawsuit		.0463	.21022	0-1		.0467	.21119	0-1
0=No	1030				490			
1=Yes	50				24			
Missing	6							

Analytical Techniques

Utilizing SPSS version 26, the quantitative data analyses consisted of univariate, bivariate, and multivariate analyses. Descriptive statistics provide a snapshot of the citizen, lawsuit and situational variables. This was done by calculating frequencies and percentages for each variable. To determine if any of the independent and dependent variables are significantly related, bivariate correlations were calculated. To ensure that there is not a high correlation of at least one independent variable with a combination of the other independent variables, proper multicollinearity tests were conducted. If there is perfect collinearity between independent variables it becomes difficult to obtain unique estimates of the regression coefficients (Field, 2018). Tolerance statistics were used to test if there was a multicollinearity issue. There could be a problem is if this value is below 0.1 (Field, 2018). Conversely, Menard (1995) states that a tolerance statistic below 0.2 could indicate a potential problem. The variance inflation factor (VIF) also indicates whether an independent variable has a strong linear relationship with other independent variables. Walker and Maddan (2008) states that a VIF of 4 or less signifies that there is not a problem with multicollinearity in the model. No multicollinearity problems were found within this dataset.

Ordinary Least Squares (OLS) regression was used to examine the relationship between citizen characteristics, situational characteristics, lawsuit type and the payout amount of lawsuits. This statistical technique was used because the dependent variable is continuous in nature (Field, 2018). To determine the relationship of the independent variables on the type of lawsuit, binary logistic regression was used due to the dichotomous nature of the dependent variable (Field, 2018). This resulted in predicted probabilities between zero and one. The Hosmer and Lemeshow test was used to determine if the models correctly fit the data (Field, 2018). Test

statistics greater than .05 and close to 1 indicates a good logistic regression model fit (Field,

2018). In the current study, the model is a good fit.

CHAPTER 4. RESULTS

Descriptive Statistics

The quantitative analysis consists of univariate, bivariate and multivariate analyses. Information related to type of lawsuit, lawsuit payout amount, citizen characteristics and situational factors are presented in Table 2. Regarding lawsuit characteristics, 62 percent of the lawsuits were non-violent in nature. The settlement dollar amount of the lawsuits ranged from $1 to $45,678,282. When examining the citizen characteristics of those who have filed lawsuits against the police, 82 percent were male and 88.5 percent were African American.

Regarding situational variables, 95.5 percent of the incidents were not video recorded. Over half of the incidents did have multiple police officers present on the scene (58.7 percent). When examining the presence of citizen witnesses, over half of the incidents did not have a citizen witness on the scene (53.7 percent). When reviewing whether the police officer involved in the lawsuit had any prior citizen complaints, 97.7 percent had prior citizen complaints. Finally, regarding if there was a loss of a citizen's life during the police-citizen interaction, a majority of the citizens were not killed by the police (95.4 percent).

To provide a more in-depth view of the race variable, univariate analysis for Black citizens (N=515) is provided in Table 2 also. Regarding lawsuit characteristics when examining Black citizens, 57 percent of the lawsuits were non-violent in nature. The settlement dollar amount of the lawsuits for Black citizens ranged from $1-$45,678,282. Majority of Black citizens involved in the lawsuits were male (82.9 percent). In regards to situational variables and Black citizens, 95 percent of the incidents were not recorded. Over half of the incidents did have multiple officers on the scene (60.8 percent). Slightly more than half of the incidents did not involve the presence of citizen witnesses (54.6 percent). When examining whether the officers

involved had prior citizen complaints filed against them, 98.1 percent had prior citizen

complaints. Finally, majority of Black citizens were not killed by the police (95.3 percent).

Table 3

Correlation Matrix of Variables in Analysis

		1	2	3	4	5	6	7	8	9
1.	Settlement Dollar Amount	1								
2.	Lawsuit Misconduct Type	.056	1							
3.	Citizen Sex	-.001	.067*	1						
4.	Citizen Race	-.002	-.071	-.005	1					
5.	Incident Video Recorded	.037	.016	-.014	.031	1				
6.	Police Officer Witness	.004	-.005	-.058	-.029	-.029	1			
7.	Citizen Witness	-.014	-.023	-.165**	.04	.056	.083**	1		
8.	Citizen Death Involved	.338**	.195**	.057	-.005	.079**	.025	-.028	1	
9.	Complaint Filed Prior	.028	-.05	.028	.043	-.009	.049	.041	-.079*	1

*(Pearson) Correlation is significant at the 0.05 level (2-tailed)
**(Pearson) Correlation is significant at the 0.01 level (2-tailed)

Bivariate Analysis

The correlation matrix revealed a number of significant relationships between variables

(see Table 3). When examining the dependent variables of the study, one variable was

significantly associated with the lawsuit settlement/payout amount. Higher lawsuit

settlement/payout amounts were correlated with lawsuits that involve the death of a citizen. Two

variables were significantly associated with lawsuit misconduct type. First, violent misconduct

type was positively correlated with lawsuits involving the death of a citizen. Also, the positive

correlation between citizen's sex and lawsuit misconduct type indicates that male citizens are

more likely to be involved in lawsuits involving physical violence.

Multivariate Analysis

The first research question inquires about which factors are related to lawsuit payout amount. To examine how citizen characteristics, type of lawsuit and situational factors are related to lawsuit payout amount, an OLS regression analysis was performed (see Table 4). The results of the OLS regression indicated that 38.7% of the variance in settlement amounts can be predicted from all the independent variables included in the model. Results indicate that lawsuit settlement amounts are greater for lawsuits that involve citizens killed than lawsuits without the death of a citizen. This variable was highly significant. Results also show that lawsuit settlements are higher for lawsuits where a citizen complaint was filed against the police officer named in the lawsuit. Additionally, lawsuit settlement amounts are greater for lawsuits that included a recording of the interaction that led to the filing of the lawsuit. Finally, results show that lawsuit settlement amounts are greater for lawsuits involving acts of physical violence.

Ordinary Least Squares regression analysis was also performed to examine which factors are related to lawsuit payout amount specifically for Black citizens (see Table 5). The results of the OLS regression indicated that 42.2% of the variance in settlement amounts can be predicted from all the independent variables included in the model. Results reveal that lawsuit settlement amounts are greater for lawsuits that involve Black citizens who are killed than lawsuits without the death of a Black citizen. This variable was highly significant. Results also indicate that lawsuit settlement amounts are greater for lawsuits where there was a recording of the interaction that lead to the filing of the lawsuit.

Table 4

Ordinary Least Squares Regression Analyses of Lawsuit Settlement/Payout Amount

Variable	B	SE	Beta	t	p
Lawsuit Characteristic					
Type of Lawsuit	98397.04	40039.36	.083	2.458	.014*
Citizen Characteristics					
Citizen Sex	-82147.09	49850.42	-.055	-1.648	.100
White Citizens	44017.71	174405.47	.023	.252	.801
Black Citizens	8788.04	165063.85	.007	.053	.958
Hispanic Citizens	-27187.59	171760.83	-.016	-.158	.874
Situational Characteristics					
Incident Video Recorded	218748.89	86992.78	.085	2.515	.012*
Police Officer Witness	10572.26	39247.85	.009	.269	.788
Citizen Witness	-20923.38	39059.27	-.018	-.536	.592
Complaint Filed Prior	531903.25	156997.04	.113	3.388	.001***
Citizen Death Involved	1922281.08	111916.72	.589	17.176	.000***

*p≤.05   ***p≤.001
R^2 .387

Table 5

Ordinary Least Squares Regression Analyses of Lawsuit Settlement/Payout Amount for Black Citizens

Variable	B	SE	Beta	t	p
Lawsuit Characteristic					
Type of Lawsuit	80409.245	50180.438	.061	1.602	.110
Citizen Characteristics					
Citizen Sex	-41017.118	63449.367	-.024	-.646	.518
Situational Characteristics					
Incident Video Recorded	223215.555	107530.660	.079	2.076	.039*
Police Officer Witness	16416.743	49592.101	.012	.331	.741
Citizen Witness	-43719.586	49284.953	-.034	-.887	.376
Complaint Filed Prior	325563.424	180089.703	.068	1.808	.071
Citizen Death Involved	2124369.23	131778.392	.618	16.121	.000***

*p≤.05   ***p≤.001
R^2 .422

The second research question inquires about which factors are related to the type of lawsuit. Binary logistic regression was used to determine which factors predicted the lawsuit misconduct type (see Table 6). Prior to interpreting the data, all of the independent variables were entered in the model and the regression model analytics were reviewed to confirm the

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model was a good fit for the data. The statistic of the Hosmer and Lemeshow test was not significant. A non-significant chi-square indicates that the data fit the model well (Lance & Vandenberg, 2009).

Two characteristics were predictive of the lawsuit type. For every dollar of settlement/payout amount, the odds of the lawsuit involving physical violence increases by a factor of 1.0. Results also indicate that lawsuits where a complaint was filed against the police officer prior, were more likely to be lawsuits involving acts of physical violence by a factor of 5.44. It is important to note that the variable of interest, race, was not statistically significant within either of the models.

Additionally, a binary logistic regression analysis was performed to determine which factors predicted the lawsuit misconduct amount as it relates to Black citizens (see Table 7). All variables of interest were not statistically significant within this model. Possible reasons for this finding will be explored within the upcoming chapter.

Table 6

Logistic Regression Model Estimating Effects of Citizen Characteristics, Lawsuit Payout Amounts and Situational Factors on the Type of Lawsuit

Variable	B	SE	p	Exp(B)
Lawsuit Characteristic				
Settlement Dollar Amount	.000	.000	.013*	1.000
Citizen Characteristics				
Citizen Sex	-.442	.237	.062	.643
White Citizens	.455	.792	.566	1.576
Black Citizens	.054	.744	.942	1.056
Hispanic Citizens	.162	.775	.835	1.175
Situational Characteristics				
Incident Video Recorded?	-.083	.415	.842	.920
Police Officer Witness?	.102	.180	.569	1.108
Citizen Witness?	-.140	.178	.433	.869
Complaint Filed Prior to Lawsuit?	1.687	.828	.041*	5.405
Citizen Death Involved in Lawsuit?	-.522	.806	.517	.593
Constant	-.231			
Nagelkerke R_2 = .082				

*p≤.05

Table 7

Logistic Regression Model Estimating Effects of Citizen Characteristics, Lawsuit Payout Amounts and Situational Factors on the Type of Lawsuit for Black Citizens

Variable	B	SE	p	Exp(B)
Lawsuit Characteristic				
Settlement Dollar Amount	.000	.000	.099	1.00
Citizen Characteristics				
Citizen Sex	-.136	.266	.610	.873
Situational Characteristics				
Incident Video Recorded?	-.203	.465	.663	.817
Police Officer Witness?	.110	.207	.594	1.117
Citizen Witness?	-.126	.206	.541	.882
Complaint Filed Prior to Lawsuit?	1.486	.835	.075	4.419
Citizen Death Involved in Lawsuit?	-1.142	.937	.223	.319
Constant				
Nagelkerke R_2 = .082				

*p≤.05

CHAPTER 5. DISCUSSION

This study is instrumental because it is the first of its kind to use a combination of two unique datasets and multivariate analysis to examine the relationship between citizen, situational, and lawsuit factors and police misconduct litigation in the city of Chicago. Specially, when examining police-involved litigation, this is the first study to gather situational variable information. The quantitative analyses revealed several significant findings. Regarding settlement/payout amounts, results show lawsuit payout amounts tend to be higher when the alleged police misconduct involved physical violence. Since allegations of police misconduct involving physical violence could possibly result in serious injuries or death to citizens, this result is consistent with expectations. From a conflict theory perspective, marginalized communities could be subjected to stricter enforcement of the law (Leinen, 1984; Lersch, 1998). Conflict theorists argue that those who are marginalized and powerless could be more likely to experience serious acts of police misconduct (Lersch, 1998). These egregious physical acts of police misconduct could lead to citizens enduring serious injuries. If this type of injustice is endured, when litigation is brought forth against the police, higher payout amounts are granted due to the severity of the police misconduct.

The findings also revealed that lawsuit settlement/payout amounts tend to be higher when the police misconduct incident has been recorded. As mentioned in Zamoff's (2019) research, presence of video footage of the incident can help to improve the plaintiff's likelihood of winning their case. From a conflict theory perspective, to overcome the injustice experienced, powerless groups could use this video evidence to subvert the power given to police. When objective video evidence of police misconduct is presented, the court system is forced to

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confront the wrongdoing. In doing so, plaintiffs may be given higher lawsuit settlement amounts simply because of the mere presence of video recorded evidence.

The analysis also revealed that lawsuit settlement/payout amounts are higher when police misconduct incidents involve the death of a citizen. This result makes intuitive sense as it would be expected that litigation that involves the loss of life would generate a higher settlement/payout amount. Conflict theorists argue that those who are deemed powerless by society are more likely to experience serious acts of police misconduct, sometimes resulting in death (Chamlin, 1989; Jacobs & O'Brien, 1998; Lersch, 1998; Liska & Yu, 1992). In an effort to obtain justice, family members of those who were killed, may file lawsuits against the police. Due to the seriousness of the incident, family members are more likely to receive higher settlement/payout amounts than those incidents that did not involve the death of a citizen.

The results also revealed that if a citizen complaint was previously lodged against the police officer in question, the lawsuit settlement/payout amount tended to be higher than those that involved a police officer without previous complaints. This finding is in line with research since some scholars have found that police officers with the most citizen complaints are responsible for a significant amount of damage payouts within civil rights litigations (Rozema & Schanzenbach, 2019). In line with conflict theory, scholars have found that the total number of complaints brought against the police is inextricably tied to percent minority living within an area and income inequality (Holmes, 2000; Kessler, 1999; Lawton et al., 2001; Lersch, 1998). These findings suggest that if the police are used as tools by the dominant group to maintain the status quo, inappropriate police tactics could be employed which can lead to citizen complaints. If the dispositional outcome of the complaints favor the police, citizens may then seek justice through litigation. Previous complaints could signal to the court that these police officers have a

history of abusing their power. Therefore, litigants could be given higher payout amounts due to the pattern of abuse established from the previously filed citizen complaints.

Regarding settlement/payout amounts as it relates to Black citizens, results show that lawsuit amounts tend to be higher when the incidents are recorded and involves the death of a citizen. From a conflict theory perspective, the experiences of those who are continually oppressed can often be disregarded in an effort to maintain the very structures created to marginalize them (Chambliss, 1975). The presentation of video evidence and the death of Black citizens prominently showcases the grave injustices experienced at the hands on the police. With the presentation of this evidence, Black citizens can use the court system as a way to seek justice and demand equality.

In regards to the type of police misconduct, those cases involving higher settlement/payout amounts were more likely to involve physical violence. This finding is consistent with the main tenets of conflict theory (Lersch, 1998). Cases that involve physical violence will be considered more serious in nature than those that do not. This can then result in higher settlement/payout amounts for citizens involved in these types of police misconduct lawsuits.

Police officers with a record of previous citizen complaints were more likely to be involved in cases that involve physical violence. If the police are used as a tool for the powerful, officers may be more apt to abuse their authority in an attempt to control certain groups. This abuse can become increasingly violent if left unchecked. As demonstrated by previous studies, when subordinate groups file citizen complaints, often, dispositional outcomes favor the police (Headley et al., 2020; Pate & Fridell, 1993; Terrill & Ingram, 2016). Subsequently, police misconduct can become more violent in nature due to the lack of accountability.

It is important to note that although African-Americans comprised 88.5% of the citizens in this study, this variable of interest was not significant within any of the models. This non-significance could be attributed to the fact that there was a lack of variation within this variable.

When examining which factors are related to lawsuit type for Black citizens, no variables of interest were found to be statistically significant. The reason for these discrepant findings is somewhat unclear. The importance of the methodological approach could provide some explanation however. Since Black citizens comprise 88.5 percent of those who filed lawsuits, it can be argued that there is still a story to tell that quantitative data may have missed. It would be advantageous for future researchers to explore this topic from a qualitative standpoint. Qualitative methodology could help further understand how people, structures and processes work together within culturally-grounded contexts (Tewsbury, 2009). Qualitative methods would allow future researchers to look at the factors related to police misconduct lawsuits on a much deeper level. This approach could provide a great deal of value and understanding to the lived experiences of Black citizens.

Limitations

Although this study adds to the paucity of research about police misconduct lawsuits and found noteworthy statistical relationships, certain limitations must be considered. First, some scholars argue that cases that are selected for litigation do not necessarily provide a representative sample (Priest & Klein, 1984). Many cases may involve settlement agreements reached outside of the courtroom with the promise to not disclose any information pertaining to the case as a way to protect the reputation of the police department in question (Archbold, 2006; Ouss & Rappaport, 2019). Therefore, restrictive access to some cases, can create potential sample bias and smaller sample sizes (Meadows & Trostle, 1988). This study also exclusively

focused on police-involved litigation in the city of Chicago. This makes it difficult to draw inferences about the generalizability of these findings. Future research would benefit from replicating this analysis in other jurisdictions. Finally, lawyers may be more apt to represent clients involved in cases that could potentially generate high-dollar lawsuits rather than those that may result in low-dollar lawsuits. If this happens, this leaves low-dollar lawsuits undercounted (Oss & Rappaport, 2019).

Future Research

In addition to addressing the limitations of this study, future research should continue to explore how other factors may influence lawsuit settlement/payout amounts and type of police misconduct. For example, it would be beneficial to consider how officer-level variables connect to lawsuit payout amounts and misconduct type. Are police officer race and/or gender related to lawsuit characteristics? It is also worth exploring how neighborhood-level variables can influence lawsuit factors. Unfortunately, this approach was not possible in the current study due to an uneven distribution of sample sizes across neighborhoods. Future research should seek to mitigate this issue by gathering more neighborhood-level information. By gathering this information, one could examine if the racial and socioeconomic makeup of a neighborhood makes a difference when it comes to police-involved litigation. If possible, future researchers could then explore whether the legal representation obtained from those in higher socioeconomic neighborhoods are able to negotiate higher lawsuit payouts than those lawyers representing clients from indigent neighborhoods.

External factors such as political climate could be examined to determine how this may change the outcome of lawsuits involving the police. For example, it would be beneficial to examine how the winners of gubernatorial and mayoral elections change the way police

departments handle police misconduct lawsuits. From a national standpoint, presidential

elections can be examined to see if they have an influence on municipal police departments and

police-involved litigation.

The unique databases provided by *The Chicago Reporter* and The Invisible Institute can

provide additional variables for future research. For example, information can be gathered about

the dispositional outcome of citizen complaints. Future research could possibly determine if

there is a relationship between citizen complaint dispositional outcomes and the payout amount

of police misconduct lawsuits. It is also important to note that *The Chicago Reporter* recently

won a legal dispute over the Chicago Police Department's refusal to comply with a FOIA request

to release 2018 lawsuit data (Kiefer, 2019). Once the "Settling for Misconduct" database is

updated, future researchers could use this more recent data for various multivariate analyses.

Policy Implications

There is so much yet to be explored when it comes to police-involved litigation. This

study helps to shed light on the relationship between citizen, situational and lawsuit factors and

police misconduct litigation in the city of Chicago. Findings from this study demonstrate how

certain factors, especially when examining this topic from a conflict theory perspective, can

harm and marginalize those who are already deemed vulnerable. Police departments and city

officials should consider the relationships of these factors and implement appropriate policies

and procedures to reduce the number of lawsuits brought against them.

Some might assume that police misconduct lawsuits will deter officers from engaging in

abusive police practices while also helping police agencies reform (Goodwin, Shepard & Sloan,

2018). However, police departments and public officials should be hesitant to consider civil

litigation as a reform strategy (Walker & Archbold, 2019). Some agencies may be forced to

evaluate their practices in light of a highly publicized lawsuit, while other municipal governments and police departments may consider litigation costs as a normal part of doing business (Walker & Archbold, 2019). Therefore, reform can only happen if the gravity of litigation costs is taken seriously by all involved.

The impact that police misconduct lawsuits have on deterring future wrongdoing was examined by Schwartz (2012). Information garnered from various lawsuits could help police officials understand what changes need to be made to improve their departments overall. Schwartz (2012) found that police administrators are rarely given specific information about lawsuits. This lack of information is due to the scarcity of computerized data and the failure of departments to investigate lawsuits further. Even when information is accessible, many departments fail to use the information gathered for the sake of reform (Schwartz, 2012). Therefore, agencies must take concerted steps to ensure transparency when a suit is brought against a department. When a lawsuit is filed, police administrators should gather as much information as possible to determine if changes to policies and procedures need to be made.

The implementation of risk management can also help police agencies reform. Risk management is a tool that can be used to identify possible risks and liabilities within organizations (Archbold, 2005). This tool can be used to reduce litigation costs, diminish potential harm to citizens and officers and provide better service to the communities that they serve (Young, 2000). By identifying, investigating and managing potential risks, departments can implement effective strategies that can improve their agencies overall. Since risk and liabilities can change over time, the risk management tool must be adaptable to the constantly changing landscape (Archbold, 2005). By employing an effective risk management system, police administrators can take the appropriate steps to protect their departments from future

litigation. Proper implementation of this accountability mechanism could save municipal

governments millions of dollars.

To further improve police accountability and lessen the financial burden of police-

involved litigation, Early Intervention Systems (EIS) can be utilized. An EIS is a powerful

computer management tool that can help administrators control police misconduct issues. The

main goal for an EIS is to provide supervisors with timely information about those police

officers who are engaging in dangerous practices (Walker & Archbold, 2019). An EIS is a

proactive tool that can address problematic behavior before serious and costly police misconduct

takes place. Performance indicators such as, uses of force, officer's canine bite ratio, citizen

complaints, traffic stop data, sick leave usage and commendation and awards are all entered into

a computerized database. This comprehensive database allows administrators to intervene and

provide counseling, retraining or other options to their officers. An EIS has been considered the

centerpiece of police accountability because it can significantly reduce the number of use of

force incidents and citizen complaints (Walker, Alpert & Kenney, 2001). Through the utilization

of this tool, police departments can take proactive steps to safeguard against costly police-

involved lawsuits.

Concluding Remarks

The aforementioned policy implications can reduce the number of costly lawsuits filed

against police departments and ultimately paid and sometimes debt-financed by municipal

governments. Lawsuits can often be police departments' canaries in the coal mine, indicating

problematic policing practices. One's understanding of police misconduct lawsuits can be

further illuminated by taking into account the conflict theoretical perspective. The least powerful

and the most vulnerable must be considered when implementing new policies and procedures.

True police reform can only occur when their voices are heard. At a time when many cities are facing severe budget shortfalls, proper deployment of police accountability mechanisms can be used to protect against future litigation.

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