

An Examination of Racial Disparities in Ohio Law Enforcement Employment

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Abstract

Racial disparities in law enforcement have been a point of contention since their origin in the middle of the 19th Century. Employment in law enforcement has frequently shown discriminatory treatment to females, minorities and other ethnic groups due to its white-male dominated, paramilitary origin. Deviation from this paramilitary structure has caused more widespread discrimination, prejudice, and racism. This thesis will examine the amount of racial disparity present in a selection of Ohio law enforcement. There have been many advances in minority employment but minorities are still underrepresented in law enforcement. There are still minority communities that don't see diversity in their police departments, courts, and correctional facilities. Data will be used from the 2016 Bureau of Justice Statistics survey, and the Law Enforcement Management and Administrative Statistics (LEMAS) database and information on six Local Police Departments in Ohio, namely Akron, Cincinnati, Cleveland, Columbus, Dayton and Steubenville. Statistics from the Pew Research Center and the Census Bureau will also be used to pull statistics from local police departments and their numbers of minorities amongst the ranks. This research will cover the hiring and the promotional processes that often disqualifies minorities. It will also proffer a solution that will allow for a more nondiscriminatory process.

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Proposed Research Topic: AN EXAMINATION OF RACIAL DISPARITIES IN OHIO LAW ENFORCEMENT

TABLE OF CONTENTS

ABSTRACT3

ACKNOWLEDGEMENTS4

 PROPOSED TOPIC5

CHAPTER 1
INTRODUCTION6

 IMPORTANCE11

CHAPTER 2
LITERATURE REVIEW.....12

CHAPTER 3
METHODOLOGY23

 DATA HISTORY AND COLLECTION.....23

 DATA ANALYSIS24

CHAPTER 4
RESEARCH HYPOTHESES.....25

CHAPTER 5
RESULTS.....27

CHAPTER 6
LIMITATIONS.....41

CHAPTER 7
CONCLUSION43

REFERENCES.....46

TABLES.....51

Chapter 1

Introduction:

Diversity continues to be an issue in the hiring process amongst law enforcement agencies. Although law enforcement agencies have been utilizing targeted recruiting methods and advertising employment opportunities to minority populations, minorities are still underrepresented in law enforcement. A 2019 survey completed by the Police Executive Research Forum shows that some police agencies show a “63 percent decrease in applying to become a police officer. Departments are also having trouble hiring non-white/minority applicants the most, followed by female officers” (Barr, 2020).

In the past, the least desirable and lowest paying jobs were occupied by minorities and or women. These jobs were domestic jobs like housekeeping, chauffeuring, childcare, laundry and other “low skill” employment. This was mostly due to their race, gender, level of education and language barriers. “For black women, however, domestic service did not serve as a bridge to social mobility in the way that it did for white ethnic women; instead black women remained in domestic service for generations due to the pervasiveness of racial discrimination, which limited all other occupational opportunities” (Branch & Wooten, 2012). The continual mindset of discrimination and racism is keeping many minorities out of mainstream and high-ranking jobs.

Racial discrimination in the workplace has been a cancer in society for hundreds of years. Racism can be subtle or it can be obvious. Whatever the case, there have been substantial strides and laws put in place to prohibit acts of racism in the workplace. Examples of this type of discrimination in the workplace are: (1) failure or refusal to hire based upon race, (2) paying less in wages because of race, (3) segregating or improperly classifying applicants or employees based on race, (4) failure to promote or offer benefits to employees because of race and (5) firing

or disciplining employees based on their race (U.S. Equal Employment Opportunity Commission). Many of these are difficult to prove because they are examples of more subtle racism or discrimination in the workplace but are just as substantial as blatant racism and discrimination.

Issues with diversity start from the top of the hierarchy of law enforcement and flows all the way down the ladder to those who enforce the law. For instance; out of the nine Justices currently sitting on the Supreme Court of the United States, there is one Black male, two White females and one Hispanic female. “Since the Supreme Court first convened in 1790, 113 justices have served on the bench of those, 107 have been white men” (Campisi & Griggs, 2018). This is the most diverse it has been in the history of the Supreme Court but it is still not diverse enough. There is a consistency with there being only one Black on the Supreme Court at any given time. In the history of the Supreme Court there has only been two Blacks who have served, Thurgood Marshall (1967-1991) and Clarence Thomas (1991-present). Sonya Sotomayer, appointed August 8, 2009, is the only Latino who has served.

The lower courts also have a problem with diversity, race, and gender. In 2016 the state of Alabama was sued by African American voters for its election’s discrimination against black voters. “Since 1994, every black candidate for the state’s 19 appellate judgeships has lost to a white candidate. At-large elections have been a common tactic across the country to minimize the political influence of voters of color” (Jawando & Anderson, 2016). Texas has also been sued for the same practices. This is a prime example of how the courts also lack in representing the communities and people they serve.

One substantial reason for the lack of interest in law enforcement employment for minorities is the negative perception felt about policing by society today. “Recruitment policies

that determine the racial and ethnic makeup of a police force can significantly affect the relationships between the police and minorities (Kelling & Whetstone, 2019). These policies don't work due to the majority of the Hispanic population in some of America's largest cities only speak Spanish which makes them unrecruitable. Other issues can derive from one ethnic group being in conflict with another ethnic group like the KKK (Ku Klux Klan) and African Americans during the 1950's and 1960's. This was largely due to white police officers belonging to this white supremacist organization (Kelling & Whetstone, 2019). Therefore, recruiting minorities into the police force was a futile effort.

The publicized ill treatment and killing of Blacks, Hispanics and other ethnic groups has hindered many people from seeking employment with any law enforcement agency. There is a trust issue between the public and law enforcement that should not be taken lightly. Trust issues and negative perceptions of law enforcement are what helped create the major societal breakdowns in public safety. "Law enforcement officers have accepted a position of visible authority within their communities and are held to a tremendously high standard of honesty, integrity, equity, and professionalism. Public trust in law enforcement may be fleeting if police executives do not continually reinforce sound ethical policies and procedures to agency personnel and to the public" (U.S. Department of Justice, 2018).

Racial discrimination in law enforcement is extremely problematic because of the disparities it causes the person entering into the criminal justice system. A encounter with law enforcement is most often the way a person enters into the criminal justice system. Law enforcement feeds the criminal justice system much like a river feeds into the ocean. When the river overflows it creates flooding and with flooding comes destruction. Because law

enforcement is the gateway into the criminal justice system, it is especially important that all races be represented equally in the ranks of law enforcement.

Minorities make up the majority of the population with arrests and criminal records. “The Bureau of Justice Statistics reports that 35 percent of state prisoners are white, 38 percent are black, and 21% are Hispanic. They are also the majority of the population of our prison systems. In twelve states more than half of the prison population is African American” (Nellis A. P., 2016). “African American adults are 5.9 times more likely to be incarcerated than whites and Hispanics are 3.1 times as likely. As of 2001, one of every three black boys born in that year could expect to go to prison in this lifetime, as could one of every six Latinos – compared to one of every seventeen white boys” (The Sentencing Project, 2018). This in itself disqualifies many of them from being hired into any type of government employment. Some crimes, no matter how long ago it was committed, will disqualify someone from employment in law enforcement.

An important factor in the necessity of minorities being employed by law enforcement organizations, is the need for the workers to represent the communities they serve. A diverse community is more apt to trust law enforcement agencies when they can see that some of the people sworn to serve and protect reflect themselves. Law enforcement agencies are strategically adding programs to attract more minorities into seeking employment with them. For instance: the Columbus Police Department in Columbus, Ohio, has a minority recruitment office and has also hired a consulting firm to “recruit a more-diverse police force while lengthening the probation time for new officers and creating a panel to review complaints about police” (Ferenchik, 2019).

Another factor that stands out in hiring minorities in Police Agencies is that minorities usually have a hard time passing the civil service tests as well as the oral boards. Former Columbus Ohio Police Officer Anthony Wilson stated: “At one point we (fellow recruiters)

determined that 25 percent of African American candidates were removed at every stage, every step of the process. That's from testing, to the polygraph, to the actual background investigation, to the oral board, to the Department of Public Safety's determination" (Columbus Free Press, 2020). Minorities who fail tests for law enforcement employment also wonder if their failure is because the questions are biased, if they are geared towards a specific race, or if it is what is inferred in the hiring process. For instance, in Michigan in 2018 a lawsuit was filed on behalf of more than 600 applicants who failed civil service exams. "The suit doesn't allege that state intentionally discriminated – just that the exam produced racially disparate results in ways that weren't necessary to determine which test writers could best do the job. The suit alleges there are alternative tests that could screen applicants just as effectively without producing discriminatory results" (Egan, 2018).

The Departments of Correction also have many challenges regarding minority employment. The population of corrections agencies is mostly Blacks and Hispanics, yet the ratio of Blacks and Hispanics who are employed by corrections agencies pales in comparison to the population of the people incarcerated. "The Bureau of Justice Statistics reports that 35 percent of state prisoners are white, 38 percent are black, and 21 percent are Hispanic" (Nellis A. P., 2016). There is a major racial discrepancy between the inmates and those who work in the correctional facilities. In 2012 the Department of Corrections in Albany, New York determined that, 3 percent of the prison system's 30,000-member staff identified as Hispanic, 11 percent identified as black and less than 1 percent identified as Asian American. "It all adds up to a staff that is about 85 percent white" (Santo, 2012). Because of this there may be a lack of commitment to the organization amongst the white male workers. Part of the reason for this lack of commitment is that some officers are unwilling to live near the facilities they work at because of

the location, which is usually in an impoverished, minority dense, neighborhood. “The large turnover of individuals moving in and out of prison created transient populations, a high rate of single parent households, and fewer dollars invested into community-based businesses. Low-income neighborhoods are plagued by this lack of economic development and social capital, which often translates into few employment opportunities available post-release, leading many back to prison” (Levere, 2018).

Importance:

As communities in the United States continue to grow, they have become more and more diverse. This is extremely important as a working and viable relationship between the community and law enforcement is critical. There are immense benefits in ensuring the diversity of law enforcement agencies. People feel more comfortable when they see officers policing who look like them, they feel more comfortable when they go to court and the judge or the bailiff looks like them, they feel more comfortable when they can speak with and hire lawyers who look like them. “A commitment to diversity by law enforcement agencies ensures that crucial public sector jobs are available to all eligible qualified candidates and therefore helps ensure equal opportunity for all” (Hyland & Davis, 2016).

The criminal justice system in the United States is one of the largest in the world. In 2015 “over 6.7 million individuals were under some form of correctional control in the United States, including 2.2 million incarcerated in federal, state or local prisons and jails” (The Sentencing Project, 2018). The importance of this research is to bring awareness to the racial disparities in law enforcement employment in Ohio and the potential exclusion of minorities in the hiring process of law enforcement and other government employment.

Law enforcement agencies have had to offer incentives, signing bonuses and other kinds of recruiting methods in order to entice citizens to seek employment with these agencies. It is important to know that even though these types of incentives are offered it still is not enough for minority recruiting. In order to recruit minorities whole campaigns are launched in their communities yet there is not enough follow up on these campaigns to know if they actually work.

Chapter 2

Literature Review:

Racial disparity in the criminal justice system affects many different areas. In an essay created by Hugh T. Fristoe, entitled *The Role of Race in the Criminal Justice System*, the court system is seen as a significant player in racism in the criminal justice system. Studies on diversity in the courts are usually done on the victim and the defendant, not on the judge, or the jurors. “Very few studies include details about the race of the other court actors such as prosecutors, defense attorneys, etc.” (Fristoe, 2014). Many of the courts across the United States still have no minority representation on the bench or in all of the other active roles in the court. There are many reasons for racial disparity in the court system, one was the effects from war on drugs which targeted mostly minorities and gave them higher level charges and longer prison sentences. Another was that if stopped minorities had a higher probability of being arrested.

The right that a person has to be judged by a jury of their peers is not so true when it comes to minorities. The truth is that there aren't enough studies to explain why the jury selection process is also biased. Not only is the selection process biased, the jurors themselves often show implicit bias. “Even in a community with a large number of African American

residents, there is still underrepresentation in key roles within the criminal justice system” (Fristoe, 2014). This underrepresentation is also felt in police, corrections, and court administration. Courts across the United States are still coming under fire for bias in jury selection 30 years after the Supreme Court ruled that it was illegal to excuse jurors because of their race in *Batson v. Kentucky*, 1986.

In Jackson Mississippi, a black man jailed for 22 years and tried for murder six times is in a fight over the fact that the district attorney, Doug Evans purposely excluded black jurors. “The Mississippi Supreme Court called Evans’ exclusion of 15 black prospective jurors as strong a prima face case of racial discrimination as we have seen in challenges to jury composition” (Amy & Sherman, 2019). This case on Curtis Flowers a now 48 year old inmate, gained interest because of the fact that two convictions were overturned by the Supreme Court, two ended in hung juries and the last in 2010 won a conviction after the biased actions of the district attorney. Four out of six of Flowers’ trials were proven to have racial bias in jury selection. This case was also heard in front of the United States Supreme Court in 2016. They “ordered Mississippi’s top court to re-examine racial bias issues in Flowers’ case following a high court ruling in favor of a Georgia inmate because of a racially discriminatory jury” (Amy & Sherman, 2019).

“A recent report on racial and gender diversity from the American Constitution Society found that white men comprise 58 percent of state court judges even though they make up less than one-third of the population” (Jawando & Anderson, 2016). Only 20 percent of judges are minorities and less than one-third are women. Women represent 25 percent of federal judges. “A mere 7 percent of federal judgeships are held by women of color (Jawando & Anderson, 2016). There is only and has been only one woman of color, Associate Justice Sonia Sotomayor, sitting on the Supreme Court of the United States. “When judges rarely look like the communities they

serve, individuals in those communities may develop a mistrust in the justice system's capacity to be just and fair to everyone, as demonstrated in communities such as Ferguson, Missouri, where the U.S. Department of Justice documented abuses against African Americans and low-income people in the municipal court system" (Jawando & Anderson, 2016).

The Departments of Correction have the same issues with diversity in their hiring process. "Less research documents systematic aims to diversity corrections agencies, but it is clear that correctional staff are much less racially diverse than the incarcerated communities they serve" (Mennicke, Gromer, Oeme, & MacConnie, 2018). The corrections corporations are desperately putting forth efforts trying to recruit minorities into the workforce. The recruitment efforts include but are not limited to "community-based organizations, such as NAACP, Urban League, and La Raza, as well as seeking applicants from churches and historically black colleges" (DiMarino, 2009).

The juvenile justice system also has very similar issues, where "minority youth disproportionately outnumber those who are white at every state in the nation's juvenile justice system" (NCSL, 2018). The other problem is that the employees who work in the juvenile justice system look very different than those who are imprisoned by the system. In Ohio in 2015 there were 98 whites placed into the juvenile justice system and 560 blacks (The Sentencing Project, 2017). This lack of diversity affects every facet of legitimacy of the system. Because there is also a disparity in hiring minorities in the juvenile system state had to create committees and commissions to address the racial and ethnic disparities. They had to require cultural competency model training, standardized data collecting and race neutral risk assessments. All of this had to occur due to the lack of diversity in the staffing who work with the juveniles.

While each area of the criminal justice system plays a role, it is especially important to focus on the processes by which law enforcement officers are hired to serve their respective communities. A person will not likely end up in a court or a correctional facility without interactive with law enforcement in some way.

Racial discrimination in law enforcement employment has a long history. Policing in the United States began during the slavery era. “The institution of slavery and the control of minorities, however, were two of the more formidable historic features of American society shaping early policing” (Kaeppler, 2014). The first police were called slave patrols and night watches. Later they named themselves Constables. Constables were Caucasian at first and later Native American men who were hired to police Black slaves and Native Americans. The St. Louis police were founded after that saying they were for protection of white residents from Native Americans. The first slave patrol was developed in 1704 in Carolina. “First formed in 1704 in South Carolina, patrols lasted over 150 years, only technically ending with the abolition of slavery during the Civil War” (Hansen, 2019). At this point, there were no African Americans policing African Americans or any other race of people.

Notable changes to hiring in law enforcement did not come until much later, but there were a small number of minorities and females who were working in law enforcement before social movements focused on encouraging minority and female hiring. Amongst the first female police officers, Alice Stebbins Wells, was hired by the Los Angeles police department in 1910. The first black police officer, Samuel James Battle, was hired by the New York police department in 1911. Amongst the first black female police officer, Georgia Ann Robinson, was hired by the Los Angeles police department in 1919. It should be noted that these officers were

the exceptions and were often not treated the same as other officers and even had different duties assigned to them in their capacity as a law enforcement officer.

An outcry from the Commission on Civil Rights for diversity in employment amongst law enforcement and criminal justice agencies has been going on since the late 70's. In 1981 public attention was called to the United States and its problem with diversity amongst the ranks in the nations' police departments. There is a lack of representation of minorities and women which undermines the effectiveness of law enforcement in the communities where they serve.

“Part of the problem for the discriminatory effect on law enforcement hiring is the lack of diversity amongst the existing police forces in communities where minorities make up the majority of the population. The dynamics in the minority neighborhoods in no way match the dynamics of their own community police” (Fields-Williams, 2014). According to the United States Census Bureau, in 2019, the City of Columbus's population of 898,553 was 59.5% white, 28.5% African American, .2% American Indian, 5.7 % Asian and 5.9% Hispanic or Latino. This census also concluded that of the population in Columbus, Ohio 51.2% were females (United State Census Bureau, 2019). In 2019 out of 1,862 officers in 2019, only 159 were black, 17 were Asian, 24 were Hispanic, and 3 were Indian (Landers, 2020). “In a 2019 study called the Matrix Report, it found that about half of the Police Division's 438 incidents involving use of force in 2017 were directed against black residents” (Matrix Consulting Group, 2019). This census and report information shows the strained relationship between law enforcement and the communities they serve.

The same issues that plague minority hiring in other areas of criminal justice are some of the same issues that arise when hiring police officers. The hiring process requires that applicants pass a civil service and polygraph test before hiring. There is also a background check. If there

any arrests on the background check, a letter for approval is sent to the state. There is an agency called the Law Enforcement Automated Data System (LEADS), that requires a synopsis of any applicant who has a criminal record so that they can determine if that person is eligible to use their system. It is mandatory that all applicants who are trying to become police officers are certified to operate this system. If they are not approved by LEADS administration the department cannot hire them. Civilians who also apply are subject to the same approval but they have the option to become practitioners and not operators therefore their process is a little more lenient. The fact that many minorities have criminal records is a large disqualifying factor when seeking jobs in law enforcement. “In 2016, black Americans comprised 27% of all individuals arrested in the United States – double their share of the total population” (The Sentencing Project, 2018).

In 2004, The Police Department in Rochester, Olmstead County, Minnesota hired their first full-time African American police officers. A full-time Asian American officer and their first full-time female officer were hired in 1992. The Missouri police department has been plagued with many instances of racist behavior and brutality towards its residents. When Police Chief James Franklin started, he stated that “the department had 22 women and people of color, or about 16.5 percent of the force. With the hiring of 10 new officers who began earlier this month, Franklin said the number has moved to 19.3 percent women and people of color” (Cutts, 2020). The chief is not only seeking diversity but also inclusion. The consensus is that just because they have hired minorities doesn’t mean that they will be accepted by others. This is the reason he is trying to also build an inclusive atmosphere. Executive Director of the Diversity Council, Dee Sabol, stated that “Research shows us that when people see themselves in authority

or in positions of authority or power, they are more likely to respond in a positive way” (Cutts, 2020).

The Equal Employment Opportunity Commission (EEOC), had to get involved in the hiring process for law enforcement agencies due to the data received and analyzed. The U.S. Department of Justice sanctioned and brought “civil actions against police departments, state correctional organizations and first responder agencies challenging unlawful, discriminatory employment, hiring, and promotion practices” (U.S. Department of Justice, 2016). There are more than 18,000 law enforcement agencies in the United States and few go without issues of diversity in hiring. Of these employees, 12 percent were females, 27 percent were ethnic minorities and 12 percent were African American and Latino and other minority groups made up only 3 percent.

In October of 2016, the U.S. Department of Justice, the Civil Rights Division of the EEOC and the Center for Policing equity partnered and created an initiative called the Advancing Diversity in Law Enforcement Initiative. This was created to produce common practices to be used by all law enforcement agencies across the country to hire, recruit, “address barriers, drive reform, and make progress in ensuring that their workforces better reflect the diversity of the communities they serve” (U.S. Department of Justice, 2016). This report highlighted 27 police departments in the United States that have been or are being accused of using selection processes that screen out qualified women and minorities for employment. The 27 departments included Austin, Texas; Wichita, Kansas; and Madison Wisconsin; Miami-Dade, Florida and Sacramento, California. These agencies successfully enacted policies and procedures in their respective departments to effectively recruit, hire, and retain minorities and women in

their agencies. This enabled these departments to repair their reputation as well as mend their relationship with their communities.

Systemic racism is also a problem in the criminal justice system. This type of racism is harder to track because it is not overt or blatant it is racism and discrimination behind the scenes. Law enforcement has been accused of using systemic racism since its inception. This type of racism hinders the hiring of minorities at the beginning phases. Minorities are reluctant to become employed in law enforcement because of how they have been treated by law enforcement in the past. It produces a lack of interest in the entire law enforcement system. “In any case, after more than a decade of covering these issues, it’s pretty clear to me that the evidence of racial bias in our criminal justice system isn’t just convincing – it’s overwhelming” (Balko, 2019).

The Rand Corporation did a study in 2012 that identified barriers to diversity in law enforcement employment. The study found that there were major obstacles in the recruiting phase, the hiring phase and the promotional stage. Recruiting barriers listed were the lack of women and minorities applying for jobs in law enforcement. One theory for this is that “the target population is disproportionately unaware, unqualified or uninterested” (Matthies, Keller, & Lim, 2012). Hiring barriers were more complex because the reasons were more diverse. Hiring barriers were due to educational requirements, fitness requirements, and background history. These are the major disqualifying events for women and minorities. The main promotional barrier was testing. Testing tends to deter people who don’t test well under certain circumstances. “A test can be biased against a particular group (such as women or racial/ethnic minorities) when it under-predicts how well those individuals will perform in the future” (Matthies, Keller, & Lim, 2012). Another barrier to promotions for minorities and women is that

they often feel that they don't have the support from their superiors. When these issues occur in a department the other problem becomes retention. Retaining officers is hard when the department is diverse and even harder when it is not. When a department is not diverse women and minority officers often seek employment elsewhere to gain a feeling of appreciation and acceptance.

Testing is a major drawback in employment diversity. Most local and government jobs require testing as part of their hiring process. There are civil service tests, oral board tests, fitness tests, psychological screening, drug testing and the polygraph test. The U.S. Supreme Court heard a case in 2009 where firefighters in New Haven, Connecticut, took a promotional Civil Service exam. "The only people who passed were white. When the results were thrown out, some white firefighters sued" (National Public Radio, 2009). The Supreme Court ruled that "to prevent such lawsuits, employers will have to consider the impact a test may have on protected groups as it is being developed rather than after it has been administered" (Nittle, 2020). In Towson, Maryland in 2019 there was a federal lawsuit filed citing that the tests they used to screen applicants did not coincide with the job. "The county has administered at least three versions of an exam for hiring police officers since January 2013, and black applicants passed each of them at a 'statistically significant' lower rate than white applicants" (The Associated Press, 2019).

Promotional exams are also part of the testing process that may hinder minorities from receiving promotions in law enforcement employment. The tests used are typically outdated and also use questions that are geared to a specific race, sex and or gender. The City of Boston Massachusetts's police department was studied in 2012 because of its history of discriminatory practices. It was determined that "the City's promotional processes have endangered controversy for nearly forty years, prompting numerous lawsuits alleging racial and gender discrimination by

such parties as the United States Department of Justice, the Afro American Police Association, and the white and minority officers” (Brodin, 2018). Testing for law enforcement positions have historically contained biased information which disqualified minorities from moving on to the next step in the hiring process. For example, accumulated knowledge which means what you learn and know from your childhood environment and the wording used that may be more familiar to a social group will predicate what answers are chosen.

Another key factor in the selection process for law enforcement employment is education. While many police departments don’t require a degree to become an officer, a Bachelor’s degree is required by many for an officer to be eligible for a promotion to the next rank. Having a degree is also more favorable when applying to become an officer even though it is not required in all departments. The problem with this for minorities is that many minorities either have no interest in obtaining a degree or don’t have the financial resources to afford college, or don’t possess the knowledge of educational opportunities. “Pervasive ethnic and racial disparities in education follow a pattern in which African-American, American Indian, Latino and Southeast Asian Groups underperform academically, relative to Caucasians and other Asian-Americans” (American Psychological Association, 2012). These educational disparities negatively influence minorities decisions to seek further education and deter their willingness to seek promotions in jobs where furthering their education is required.

Smaller police departments in America tend to have a longer history with discriminatory and racist hiring practices due to their ability to basically govern themselves. Many of these small police departments don’t apply for accreditation, don’t have resources for adequate job descriptions or the proper recruiting techniques. For example, the police department in Steubenville, Ohio which services a population of 24,012 in Jefferson County employs 48

officers. According to the United States Census Bureau, in 2019 the population in Steubenville, Ohio was approximately 17, 753. Of this estimation, 79 percent of the population is white, 14.9 percent is black, .2 percent is American Indian and 1.2 percent is Asian (United State Census Bureau, 2019). To date the City of Steubenville does not employ any minority officers.

The Department of Justice entered into consent decrees to resolve many of the accusations against the police departments including discriminatory hiring practices, police brutality, and a pattern of corruption. The City of Steubenville, Ohio's police department had an 8-year consent decree put in place by the Department of Justice in 1997. Consent decrees were also created for other departments that same year, Pittsburgh Pa, Ferguson, Mo., Los Angeles, Ca., Seattle, Wa., and Baltimore, Ma., just to name a few. In recent years, studies done on these same departments revealed that these decrees made little or no difference and the same patterns were still going on. The Cleveland, Ohio police department was issued a 5-year consent decree in May of 2015. This was the result of a federal investigation into the department in 2013. This decree was also instituted because of the department's excessive use of force and its discriminatory and racist practices. Even though major strides have been met in the wake of these decrees many of the departments still have not met the requirements laid out in the decrees by the expiration of the terms set. "The available data suggests that the men and women of the Division are engaging meaningfully with the new policies and trainings as they do their work on a daily basis; however, the City and the Division still have a long way to travel before in-depth quantitative and qualitative assessments to measure full and effective compliance with the Consent Decree will be possible" (McDonald, 2019).

My personal experience may also be a testimony of discrimination in law enforcement employment. I am a 21-year black female employee in law enforcement. Not only have I

witnessed the discrimination that plagues minority employment and promotion, I have been directly affected by outdated Civil Service standards on testing and promotions. I have been an employee in law enforcement for almost 22 years. I have applied and been denied positions in this field despite my years of service and my qualification with a Bachelor's degree. Four years ago, I applied for a promotion to a job with the same level as the manager I have who is directly over my position as a supervisor. I also complete, on a daily basis, the same functions in my current position. I was told that I would have to test directly into that position to be qualified even though the qualification is a Bachelor's degree and again my direct supervisor is in the same position. I tested and passed the test but was then told I would have needed to score in the 90th percentile in order for them to offer me the job because of the classification. Despite my experience, my years of service, my degree, passing the test, and numerous references as to my ability to do the job, the job was offered to and accepted by a white male from outside the police department. Being in this same supervisory position for the last thirteen years it seems as though there is no room for movement. This is the part of the promotional process that I feel is flawed and in my current department out of five slots, there are no minorities in this particular management position.

Chapter 3

Methodology:

Data History and Collection

The basis for this thesis is to show that there are marked disparities in those employed in law enforcement and the members of the communities they are tasked with serving. The impact of discrimination proves that all of the discriminatory practices in recruiting, hiring, promotions

and retention in all aspects of law enforcement employment keeps these agencies from representing the communities they serve adequately.

For the purposes of this research the minorities and ethnic groups include but are not limited to Blacks, Hispanics, Asians, American Indians, and women. These groups were chosen as they are the nationwide classifications listed on all data used in this study. These same groups are the standard for most studies, surveys, polls, and census information.

Other data being used for this research is data from the Bureau of Justice Statistics (BJS) who uses and investigates data collected by the Law Enforcement Management and Administrative Statistics (LEMAS). The LEMAS series is a survey that utilizes information from local and state law enforcement agencies in the United States. LEMAS collects data from more than 3,000 agencies who employ one-hundred or more sworn officers. Their data includes all employees, sworn and civilian, as it relates to salaries, demographics, policies, education, training, technology used, vehicles, community policing and any specialized units. LEMAS has been collecting this data periodically since 1987.

Data Analysis:

The data used in this research shows the effects of discrimination and bias that are paramount in the paramilitary structure known as law enforcement. All data was examined to point out the disparities in employment, promotion, and retention amongst minorities.

This research also shows the racial and ethnic breakdown of two city's police forces. It compared the underrepresentation of minorities who actually work in the criminal justice system versus the number of minorities incarcerated in the system. The research shows the relationship

between the numbers of minorities hired by the police departments and how these numbers reflect in the communities they serve.

This researcher used statistical data from two Ohio cities: Columbus and Steubenville. The Steubenville Police Department is one of the most racially divided police agencies in the United States even though it represents a population of a little over 18,000 people vs. Columbus' population of over 800,000. Data from these two departments was used to gather information on the employment practices and how they affected the minority population. This data also provides the reader with valuable information in reference to the effect of race and ethnicity on law enforcement employment.

The lack of up to date data on minority employment also raises a red flag on discriminatory hiring processes. The lack of data shows that this issue is still not being taken as seriously as it should be. The major unrest and distrust of police and law enforcement should increase the need to find a solution to a problem that has escalated out of control in recent years.

Chapter 4

Research Hypotheses:

The community's inability to identify with the officers that patrol their neighborhoods make for an environment of distrust. When there is no trust there is no peace in the community. The relationship between community and law enforcement is important and when the community can see no diversity within the ranks it makes it extremely hard to encourage people within the group to see employment with such an agency favorable. The variables chosen for this research

pertain to sex, race and gender employment within local law enforcement agencies by size of population. The following hypothesis will be tested:

1. Discrimination does exist in the law enforcement hiring process.
2. There is an imbalance in the numbers of minorities incarcerated vs. the number of minorities employed by the criminal justice system.

Since 2014 and the Ferguson Missouri death of Michael Brown and other racially spurred incidents across the United States, there has been a substantial outcry for diversity and an end to discrimination amongst state and local police departments. This has caused many departments to change their recruiting methods to fit the demographics of the communities they serve. “Despite their efforts, law enforcement agencies of all sizes have not always been successful in recruiting and attracting individuals that reflect the communities they serve. This is likely attributable to a number of factors that are present in the recruiting, hiring and retention phases” (Gupta & Yang, 2016).

Relationships between the community and law enforcement have been strained from past and present discrimination and police violence against minorities. Communities have developed a bias towards law-enforcement due to the discriminatory treatment of women, Blacks, Hispanics and other ethnic groups. There is a stigma amongst the communities of these underrepresented communities which makes it unfavorable for a person from that community to seek employment in law enforcement. For these reasons, the likelihood of these people being interested in law enforcement employment is slim. “Increased diversity within law enforcement agencies – defined not only in terms of race and gender, but also other characteristics including religion, sexual orientation, gender identity, language ability, background and experience – serves as a critically important tool to build trust with communities” (Gupta & Yang, 2016).

Chapter 5

Results:

The results of this research are to educate and re-evaluate the hiring process of law-enforcement as a whole. The study exposes some issues that plague the hiring process in law enforcement. The subject at hand is a crucial sociological problem that is at the height of race relations in policing. The racial divide in law enforcement employment has consistently been a factor in how the community views the justice system.

Minority Officers employed in all population sizes of local departments representative of 100% of the employees in 2016 with black officers 11.4%, Hispanic officers 12.5%, Other 3.6%, and unknown race/ethnicity 1.1%. The average of these numbers revealed that only about 1 in four officers were black or Hispanic in 2016. (Table 1) (Morin, Parker, Stepler, & Mercer, 2017) According to personnel statistics gathered by the U.S. Department of Justice in 2016, only twelve percent of sworn, full-time, female officers were employed by local departments in the U.S. This number remained consistent from 2013 through 2016. The research also shows that in three years there had been no real increase in the employment of female officers across the United States.

“The full 2-16 LEMAS sample included 3,499 state and local law enforcement agencies” (Hyland & Davis, 2016). The representation is of the sample of all law enforcement agencies with at least one full-time sworn officer. Local police departments and sheriff’s offices had independent samples collected. The excluded populations of police departments were agencies

who serviced tribal lands, schools, airports, parks and departments that held special duties.

Hawaii was also excluded from the other 49 states because it does not have its own primary state agency. Federal agencies and Sheriff's offices without primary jurisdiction were also excluded.

The categories surveyed that are important for this research were as follows: sex of full-time sworn officers; race or ethnicity among full-time sworn officers; percent of female chiefs, female intermediate supervisors and female first line supervisors; race or ethnicity of chiefs, female intermediate supervisors and first line supervisors; and fifty of the largest local departments by number of full-time sworn officers from 2016. "Consistent with previous LEMAS administrations, all agencies with the equivalent of 100 or more full-time sworn officers were selected" (Hyland & Davis, 2016). After non-qualifying samples were excluded the sample size eligible for use was 2,612. (See Table #3)

In the hierarchy of police departments across the United States in Chief's, intermediate and first line supervisors represented: Chief 2.9%, Intermediate Supervisors 7.5% and First Line Supervisors 9.7%. (Tables 2 & 3) (Morin, Parker, Stepler, & Mercer, 2017). This also shows that there are racial and ethnic disparities in the promotional process. Out of 100 Chiefs of Police 89.6 were white, 4 were black, 3.1 were Hispanic and 2.4 were considered other. Out of 100 Intermediate Supervisors 81.5 were white, 9.2 were black, 6.4 Hispanic and 2.6 other. First line supervisors showed much of the same dynamics, out of 100, 77 were white, 9.4 were black, 9.6 were Hispanic and 3.7 were categorized as other. (Table 3)

A study conducted in 2013 by the Bureau of Justice Statistics on personnel data gathered from local police departments found that minorities and women were greatly underrepresented. The report stated that "about 1 in 8 local police officers were female, including about 1 in 10 first-line supervisors and about 27% of local police were members of a racial or ethnic minority,

compared to 15% in 1987” (Reaves, 2015). This data was used in a study conducted by *Governing* who surveyed the local agencies whose population numbered at least 100,000 people. The racial breakdown of the communities did not reflect the racial breakdown of the law enforcement agencies who served those communities. The researcher chose Ohio cities with the largest populations and added the Steubenville police department who is, as of this writing, under a consent decree along with the Cleveland police department. Special interest was shown to the Steubenville Police Department since it has no minority police officers employed at this time.

Six local Ohio police departments and the populations they represent were surveyed for this study. They were Akron, Cincinnati, Cleveland, Columbus, Dayton and Steubenville with Columbus being the highest populated. In Columbus in 2013 the population was 822,762, there were 508,169 white people 61.7%, 224,394 black people 27.2%, 49,851 Hispanic people 6%, 37,879 Asian people 4.6% and 339 people who classified as Indian .19%. Of these populations the City of Columbus employed 1,849 police officers. 1,597 white, 209 black, 22 Hispanic, 3 Asian and 1 Indian. The ratio of the officers to the ethnic groups of the population they represented in Columbus are as follows: white 31.4%, black 9.3%, Hispanic 4.4%, Asian .07% and Indian .002%. (Tables 4 & 5).

In Akron, the population in 2013 was 198,095 of this population 59.7% were white, 32.1% black, 2.7% Hispanic, 2.65% Asian and .4% Indian. The Akron police department in 2013 employed 412 police officers, 80% white, 18.4% black, .2 % Hispanic, .97% Asian, and 0% Indian. The Cincinnati police department employs 66% white, 30.6 percent black, .5% Hispanic, .6% Asian and .10% Indian with a population of 297,498 people. The population of Cincinnati in 2013 revealed that 52.3% of its people were white, 41.5% black, 3.33% Hispanic, 1.84 % Asian and .17% Indian. The City of Dayton had a population of 143,355 in 2013 with 54.5% white,

39.8 % black, 4.5% Hispanic, 1.46% Asian and .23% Indian. While the police department showed that it employed 342 police officers with 88.5% white, 9.3% black, .87% Hispanic, .87 % Asian and .2 % Indian. (Tables 4 & 5)

The Cleveland police department and the Steubenville police department showed different dynamics in their ratios. In 2013 the Census Bureau showed that the city of Cleveland, Ohio had a population of 390,106 people. The population was made up of 42.9% white, 54.1% black, 10.7% Hispanic, 2.08% Asian and 1.4 percent Indian. Their Police Department employed 1,513 police officers in 2013. Of these officers 64% were white, 26% were black, 8.8 % were Hispanic, .9 % Asian and 0% Indian. Statistics show that the black population is the majority in Cleveland, Ohio with being 54 % of the population but still showing only 26% of the black officers on the police department. Cleveland PD has been under a consent decree from the U.S. Department of Justice since May 26, 2015 because of some of its policies and practices. The investigation into these practices started on March 14, 2013 stating that the DOJ needed to “determine whether CDP engages in a pattern or practice of the use of excessive force in violation of the Fourth Amendment of the United States Constitution and the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C 14141 (“Section 14141”) (United States Department of Justice, 2015). This consent decree also investigated the departments hiring process and its promotional processes. It also addressed the police department’s relationship with the community. To date, this decree is still in effect and although the Cleveland police department has made progress, the Department of Justice believes there is still more to be made. (Tables 4 & 5)

The city of Steubenville, in 2013 had a total population of 18,382 people. The Steubenville Police Department has been under a consent decree since August 28, 1997 for the

following: excessive force, failure to discipline, failure to supervise, failure to train, false arrest, inadequate citizen complaint investigations and procedures and racial profiling. This order was put in place to last from 1997 until 2005, and was closed in 2005 with no other ongoing procedures. The remedy of this consent agreement was an Injunctive-like Settlement which was approved by the DOJ. To date the City of Steubenville is still having problems with its police department. The City of Steubenville had a population of 18,382 in 2013. The demographics of its population was whites 14,400, 77.5%, blacks 2,950, 15.9%, Hispanics 688, 3.71%, Asians 90, .486% and Indians 26, .14%. The Steubenville Police department had 48 fulltime police officers in 2013 and none were women or minorities. In 2013 the Steubenville Police Department had 100% white male employees. The same is true today in 2020. (Tables 4 & 5)

The population of the law-enforcement agency in proportion to the population it serves is the statistical base for the ratio of officers per area in the community. The importance of this is that community relations with local law enforcement agencies in some areas depends on the diversity amongst their ranks. “Local police departments serving populations of 50,000-99,999 residents and 100,000-249,999 residents employed an average of 1.7 officers per 1,000 residents” (Hyland & Davis, 2016). The departments surveyed who served smaller populations employed more officers per 1,000 residents. They employed 2.3 officers per resident.

The hiring practices for the Steubenville Police Department and the Columbus Division of Police were also examined for this study. The salary for the Steubenville Police department for starting officers is \$42,546. The applicant must be at least 21 years of age and if at least 35 they must already be certified as a peace officer in Ohio. Which means that they have to already have graduated from the Ohio Peace Officers Training Academy (OPATA) governed by the Ohio Attorney General’s Office. All applicants shall be a citizen as well as a resident of the

Unites States, not have any convictions that are felony or immoral in nature, have a G.E.D or high school diploma and possess an Ohio driver's license. There are also four special qualifications listed that each applicant has to meet one of by the time they take the written exam. These qualifications include: either having a two-year associate degree in law enforcement from an accredited college or university, have a 60 credit semester hour or 90 credit quarter hour degree approved credit hours from an accredited college or university, have two-years-experience as a permanent and full-time officer with another police department or law enforcement agency including a degree. An applicant can also have two-years-experience as a part-time or full-time law enforcement officer with 30 semester or 45 quarter hours with an accredited college or university. All applicants must also pass a physical agility test, written exam, background check, polygraph, medical exam, drug screening and a psychological evaluation. The written exam is administered by the Civil Service Commission.

The Columbus Police Department has many of the same hiring practices as the Steubenville Police Department. The difference is, you must be 20 years old to apply. In the last 12 months you cannot have tried to purchase marijuana or any other illegal drugs in the past three years. Within the last five years you cannot have acquired any type of traffic violation of driving under the influence of alcohol or drugs. The Columbus Division of Police has removal standards and will not hire you if you have been convicted of a felony offense, committed domestic violence in the last ten years, violated probation in the last seven years, been non-compliant with court ordered child support in five years, violated a protection order within seven years or had four or more moving violations in the past three years. An applicant will be removed for any of the following: falsification, criminal activity, gambling, illegal substances, employment, traffic, family history and applicant non-responsiveness. There is also a polygraph,

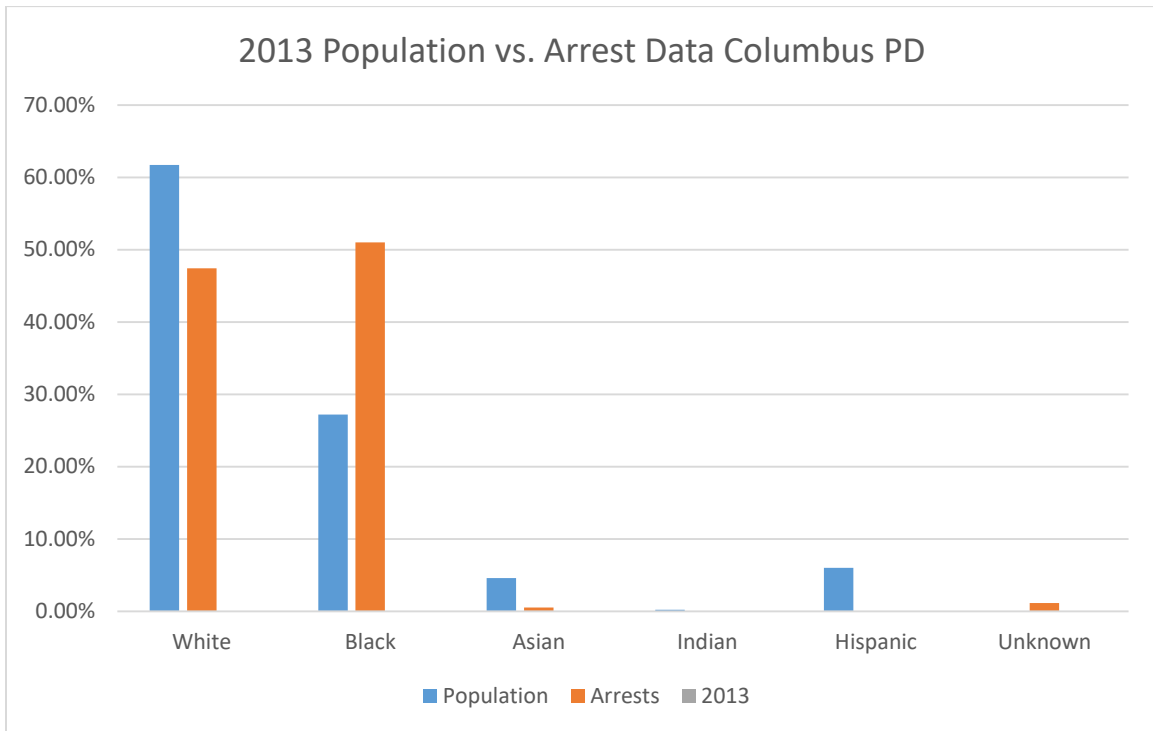
physical agility test, the written exam background check, psychological screening and drug screening. The Columbus Police Department also has an oral boards process where the applicant sits in front of a panel and answers questions specific to the job and themselves. For employment with the Columbus Police Department as a police officer you also have to have graduated from or enrolled in OPATA. If you are in the police academy and still need OPATA training the Columbus Police Department will pay for the training. The stipulation is that if you resign from the Columbus Police Department within two years the money will have to be paid back to the Columbus Police Department by the employee.

Once all aspects of the hiring process are satisfied for the candidate the decision to hire still lies with the individual City's administration and or the Safety Director's office. Some departments also include an interview with the Chief of Police to also help determine eligibility. Once hired here is still a retention process as well as an individual's aspiration for promotion.

Arrest Data for the Columbus Division of Police was obtained from statistical reports generated by the police department itself. There reports include the 2013 Annual report as well as statistical data from its report source Premier One. In 2013 the Chief of Police for the department was Kimberley Jacobs, the Division's first female Chief. During this year the hierarchy was as follows, there were 6 Deputy Chiefs and of these six, none were minority or female. There were also 19 Commanders and of these 18 1 (5.2%) was a minority and 5 (26.3%) were female. For the year of 2013 the gender breakdown of the Division was 88.5% male and 11% female. 86.4 % were white, 11.1 % black, 1.0% Asian and 0.1% Indian. (City of Columbus, 2013)

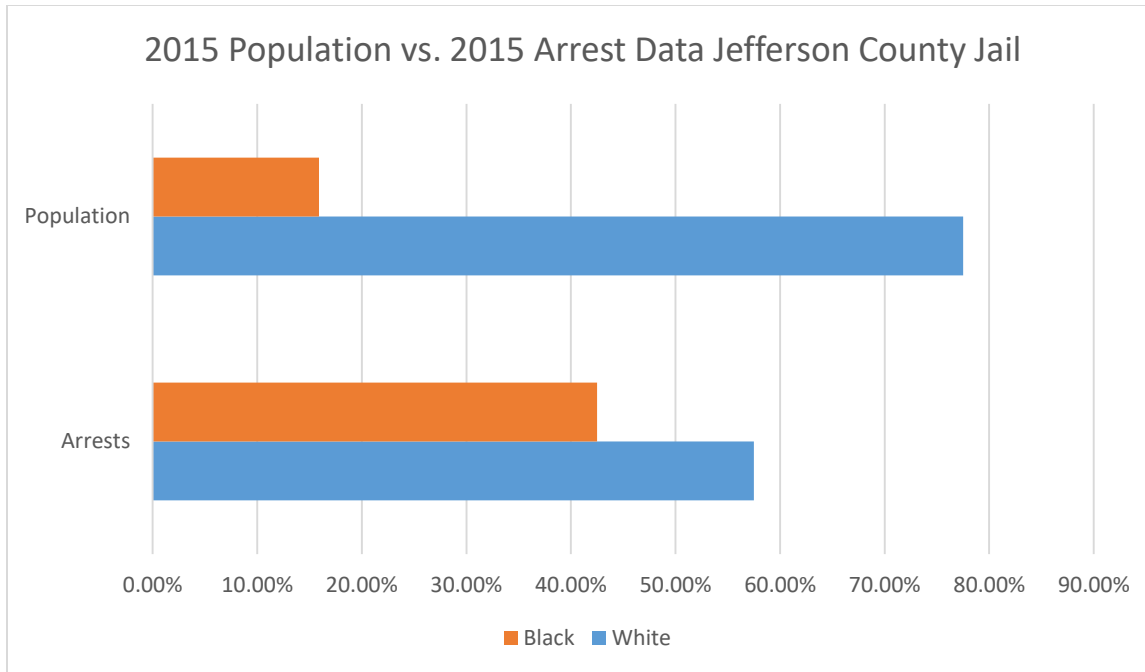
Out of 12,387 arrests by the Columbus Division of Police in 2013, 3,523 (28.4%) were female, 8,857 (71.5%) were male. The racial makeup of the arrests were white 5,873 (47.4%),

black 6,308 (51%), Asian 61 (0.50%), Indian 5 (.040%) and Unknown 140 (1.13%). This is in a population where whites make up 61.7%, blacks 27.2%, Asians 4.6%, Indians .19% and Hispanics 6%. (Police, 2013)



(Police, 2013)

The Steubenville police department does not have to readily report their crime and arrest date. Arrest data from the Steubenville Police Department are slated by the Jefferson County Jail in Steubenville, Ohio. In 2015, the Jefferson County Jail had a total jail population of 113, of this population, 22 (19.4%) were female and 91 (80.5%) were male. The jail housed 65 (57.5%) whites and 48 (42.5%) blacks. (County Office, 2015) The population in Steubenville, Ohio is comprised of 18,382 people with 14,440 (77.5%) whites and 2,950 (15.9%) blacks. This data shows that although black people only make up 15.9 percent of the population they make up 42.5 percent of the arrests. (County Office, 2015)

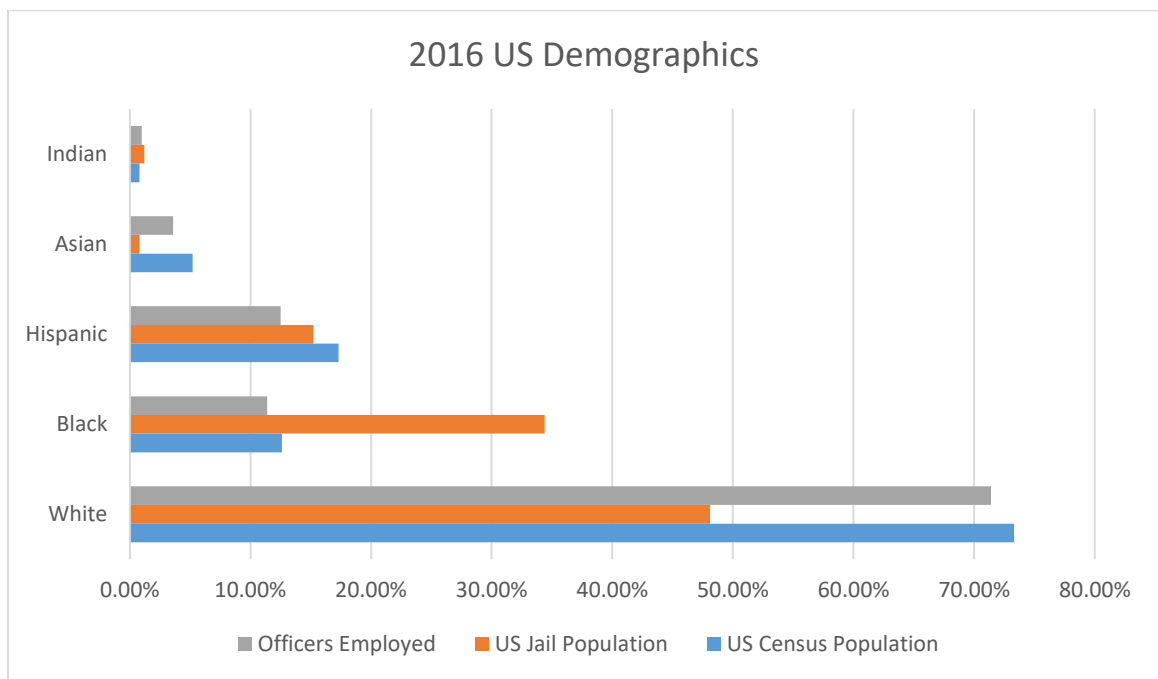


(County Office, 2015)

The first part of researching this information was to gather demographic data from local police departments in the United States from a 2016 study completed by the United States Department of Justice. (Table 2) This data collectively shows the race and ethnicity and sex of police officers from reporting police departments where a population of over 100,000 was represented. 64.4% of the officers represented were white males while white females were represented as 7%. Black male officers represent 8.7% while only 2.7% are black females. Hispanic male officers were represented by 10.4% and female Hispanic officers 2.1%. This data was then compared to data from the census in 2016 where males were 49.2% of the population and females represented 50.8%. Of this population in 2016 whites represented 73.3%, blacks 12.6%, Hispanic 17.3%, Asian 5.2% and Indian 08%.

This data was then compared to data from the Bureau of Justice Statistics on the local jail population in 2016. It showed that in 2016 “there were 229 jail inmates per 100,000 residents by

midyear” (Zeng, 2018). Females were 14.5% of the jail population and males were 85.5%. Of this jail population whites were 48.1% blacks were 34.4%, Hispanics 15.2%, Asians .8% and Indian 1.2%. The findings are that while blacks only make up 12.6% of the total U.S. population they make up 34.4 % of the total jail population. The number for Hispanics is average while the numbers for Asians is below the average and Indians slightly above.



(Morin, Parker, Stepler, & Mercer, 2017) (Zeng, 2018)

(United States Census Bureau, 2013)

The data from Table 2 was combined to show the total ethnic representation in the local police departments. This data was then graphed by subject matter in percentages to convey the differences in the numbers of minorities incarcerated, employed and the population if the United States in 2013. The analysis of the data shows that there is a significant under representation of

Black and minority officers employed in correlation to the percentage of the blacks, Hispanics, Asians and Indians arrested. The total percentage of minorities arrested is 51.6% with the total percentage of minorities in the population is 36.3%. These numbers show that while minorities are the least represented in the population and amongst police officers employed in the United States they are arrested at around twice the rate of Whites.

Blacks make up 12.6% of the population but 34.40% of the arrests and only 11.40% of police officers in the United States are black compared to 71% of white officers employed. This data shows that our nations' police departments do not adequately represent the communities they serve when it comes to minorities and it also shows that blacks are arrested more than any other ethnicity in relation to where they fit into the population. The Asian and Indian populations more closely represent a more equal ratio when looking at the data for their specific ethnic group. It is not likely that a minority who calls the police will see someone who looks like them answer that call. This is substantiated by the fact that minority officers only make up 28% of the local departments in the United States. In 2016 full time officers in the United States local police departments also showed that minorities were greatly under represented. Hispanic officers employed were represented at 12.5% and outnumbered Black officers by 1.1% with Black officers making up 11.4% of the police departments. (Table 1) The data on women employed in local police departments in the United States in 2016 showed that only 12.3% of the nation's police departments are women 7% were White, 2.7 % Black, 2.1 % Hispanic, and .4 % were listed as other (Table #2). This data analyzed supports Hypothesis 2 – there is an imbalance in the numbers of minorities incarcerated in local jails vs. the number of minorities employed by the law enforcement system.

When analyzing the six Ohio police departments it was discovered that these departments exemplified the same trends in low numbers of minorities employed in relation to the minority population. These departments with the exception of the Cleveland Police Department all showed higher white populations and an equally as high number of white officers employed by their respective departments. Cleveland police showed a higher population of Blacks but still a low number of officers employed compared to the population. In Cleveland in 2013 Whites represented 42.9% of the population and officers employed in comparison was 64%, while Blacks represented 54.1% of the population and black officers employed were 26%.

The second part to this research was analyzing journal and peer reviewed articles on the hiring processes on the existence of discrimination in the hiring process itself. Two Ohio police departments were analyzed, Columbus and Steubenville. Both of these departments use the civil service exam as a part of their hiring process. Research has shown that civil service tests have a propensity to be biased. Columbus police has a history of losing minority recruits during the hiring phase because of the test itself, the polygraph, the background investigation and even the oral board phase (Columbus Free Press, 2020). The Steubenville police department to date does not currently employ, and has never employed, any minority officers. The Steubenville police department currently employs 48 white male officers. (Table #5)

Analysis of different local police departments and their lack of adequate minority officers employed sheds a light on the problem of discrimination within the hiring process. Other police departments in the United States have also had issues with discrimination in their hiring processes. Missouri and Michigan police departments have been sued and found liable for discrimination in their hiring and promotional processes (page #20). This paper has multiple examples of discrimination and bias in law enforcement employment. Because these practices

often disqualify minorities who are going through the process, it can be determined that Hypothesis #1 – Discrimination may exist in the law enforcement hiring process.

The law enforcement system needs a re-start. It needs to first take a look and the questions on the testing that civil service provides in order to determine where the actual bias lies. A new test should be created that directly references the job being tested for. The polygraph testing needs to be modernized with questions that coincide with how people live today, for instance; questions about terrorist group affiliations need to include all hate groups and interest groups affiliated with violence or hate. It should also include whether the individual's family is involved in these groups and not just the individual. The screening process needs to be adhered to for every candidate and juvenile violence should be included.

The screening process should also include questions asking the candidate if he/she holds any type of bias or anger towards people of a particular race, sex, gender, ethnicity or religion. These questions should be included on the polygraph test. Exposing the problem is the first step in acknowledging that there is a problem. The knowledge that racial disparity in law enforcement exists is there but the willingness and/or the ability to remedy the problem seems to be lacking.

Effective leadership is the key to effective policing. Change is promoted by proactive and effective leaders. When leadership in the local police departments is stagnant or inactive, change is less likely to happen. Change often starts at the top and has a trickle-down effect. When the leadership of a department is ineffective it is felt within the community it serves. This results in a negative effect on the community and on the police department as a whole.

One of the main obstacles in recruiting minorities into law enforcement employment is that there is no trust for police within the community. Until trust is repaired and maintained,

there will always be a barrier between officers and the communities they serve, regardless of the race of the officers. More strict policies on bad policing must be put in place. More meaningful diversity training must be enacted. There is a link between the initial screening process and the weeding out of people who would be no good for the job.

More effective recruiting should also be implemented. Many people in the minority community don't know the process for working in law enforcement. There needs to be more effort towards community recruitment. Recruiting efforts should include community forums, social media ads, television advertisements and media blitz recruiting events. There should be an awareness in the minority communities as well as in diverse areas. Schools are a major pivoting point when choosing a career. I volunteer once a year, along with personnel from the Identification Unit, Human Resources and Minority Recruiting at the Downtown High School in Columbus, Ohio in their criminal justice program to promote law enforcement employment. Another great tool is our Explorer's program and the police cadet program, all which are geared to attracting minorities as well as others into wanting to achieve a career in law enforcement. "It is paramount to develop working relationships with minority organizations, and to enable leaders in minority communities to assist in the recruiting effort" (Cain, 2019).

Consent decrees are an effective way of monitoring police departments and their practices. They are also a good way of ensuring that new and effective ways of policing are instituted. They can be positive in implementing fair and non-discriminatory hiring. Since first initiated in 1994, there have been 23 investigations into police departments in the United States by the Department of Justice's Civil Rights Division. Some have been issued Consent Decrees put forth by the United States Department of Justice for their patterns of corrupt activity, use of force, racism and discrimination. "Under former president Barack Obama, the Justice's Civil

Rights Division opened 25 investigations into law enforcement agencies and enforced 19 agreements, including 14 consent decrees and similar directives” (Davidson, 2020). Many of the department who were issued consent decrees like Cleveland, Ohio and Ferguson, Missouri are still in litigation. These decrees are designed to correct behavior and promote change within law enforcement agencies.

Chapter 6

Limitations:

Law enforcement agencies who serve populations under 100,000 people are not required to report or participate in surveys or official counts that detail minority and or gender details. Some are not governed by a civil service statute at the local level, nor are they linked to any type of accreditation service that would require written regulations on minority hiring, recruiting and minority employee retention. Departments with populations over 100,000 may still opt out of taking the survey but they must report their information to the FBI and any other agency they seek accreditation with.

Many law enforcement agencies cover racial and ethnic bias instead of correcting it. These entities are aware of the drastic difference in the number of minority employees vs. white employees, yet they overlook finding a remedy for the problem. There is great mention of the problem and many studies and surveys are analyzed but there is not much evidence as to how the problem was remedied. The same issues are recorded each year with a potential solution with many departments showing almost the same exact statistics the next year. According to an article in *Police Chief Magazine*, entitled *Creating a Multicultural Law Enforcement Agency: An Intentional Priority*, the recruiting programs don’t work because they are:

1. Not thoroughly planned out
2. Not marketed correctly
3. The selection process is not adequate
4. The target audience is not interested



Perceptions of law enforcement are different amongst black people and white people. White people believe black people commit crime out of laziness and black people believe society and unemployment are the reasons for turning to crime. There is also the belief by whites that crime is caused by individuals and blacks believe that the cause of crime is structural. These perceptions and others are main reasons why whites choose to work in law enforcement and blacks do not. The ultimate goal of the criminal justice system is that justice is equal for all races,

which is called the implied abstract of color-blindness. “In this way the criminal justice system as a whole, is being used as a means to perpetuate racial disparities” (Shah, 2019).

Consent decrees can be a help to the plight of today’s police departments where race and discriminatory practices are causing pause, but they can also be a hindrance. Pittsburgh, Pennsylvania was the first police department to receive a consent decree in 1997 by the Department of Justice. Consent decrees enforced on small police departments often fall short due to monetary restrictions. The drawbacks of consent decrees are mostly due to funding and the practices not being in place long enough to render the desired effect. Another problem is that in recent years since the United States administration change the emphasis on managing the consent decrees have kind of fallen by the wayside citing that “Federal intervention in local police agencies is disruptive, expensive, and often occurs after a high-profile incident that strains community relations and damages public perception of a department” (Crime and Justice Institute, 2019).

A limitation to this particular study is that it focuses only on a selection of cities in Ohio. Further work should be done on a state-by-state level to examine the disparities between those working in law enforcement, who is being arrested, and who lives in the community. Future work can also focus on examining the hiring practices of police departments and comparing how the presence or absence of certain criteria may affect the amount of minorities being hired.

Chapter 7

Conclusion:

Racial and ethnic discrimination in law enforcement employment impacts not only the workplace it also affects the people of the community. It impacts the very fiber of being an

American citizen. Communities today are not satisfied with the old adage of “that’s how it’s always been”, they are demanding more and more that the criminal justice system, mainly law enforcement, look like the people that they are supposed to serve and protect.

When people feel like they are not represented by the criminal justice system they have sense of being unvalued and unappreciated. Identifying with the people who are charged with your safety and well-being is an extremely important factor in law enforcement’s relationship with the community, especially today. This under-representation also makes for an environment of distrust. Distrust with the police, the justice system, lawyers, judges etc. Trust can only be reconciled if there is a solution to the problem. The solution to this problem is to put an end to the racial disparity in law enforcement by addressing both potential discrimination in hiring and targeting and supporting more minority interest in law enforcement careers.

Testing in both hiring and promotion have been shown to be a problem. “Black applicants to law enforcement agencies are often filtered out early through racially biased civil service exams, accusations spelled out in multiple lawsuits over the years” (Welsh-Huggins, 2020). These tests are commonly called Civil Service tests. These tests are supposed assess the applicants’ ability to handle the job fairly and without bias. The problem is that some tests have been proven to favor one ethnicity or race over another.

The impact of racial discrimination within the organization is equally as troublesome as it is in the hiring process. When this type of disparaging behavior occurs on the inside, employees tend to harbor feelings of anger, inadequacy and disappointment. When morale is low, it effects the employees’ personality on the job as well as in their personal life at home. When this occurs it also effects the person’s interaction with the people they come in contact with. When the

relationship between law enforcement employees and the public is strained the relationship with the community as a whole becomes problematic.

Certain Laws like the Title VII of the Civil Rights Act of 1964 had to be created because of the devastating impact discrimination plays in our working-class society. This law makes it illegal for employers to discriminate against a person for their religion, sex, race or national origin. It also makes it illegal for an employer to retaliate against a person who has filed a lawsuit, charges or a complaint of discrimination. These laws hold employers accountable for their blatant or hidden discrimination practices. Even though these laws have been in effect for years they are currently still being violated.

Too many police departments and law enforcement agencies tolerate discrimination and racism in the employment process. The case *Bruce Smith, et al. v. City of Boston*, Case No. 12-CV-10291 (D. Mass. Nov. 16, 2015), Judge Young of the U. S. District Court held that the City of Boston Police Department's lieutenant-selection process – ranking candidates for promotion based on their scores on a facially neutral exam administered in 2008 – had racially disparate impact and was not sufficiently job-related to survive scrutiny under Title VII of the Civil Rights Act of 1964” (Maechtlen, 2015). In this case it was proven in court that the testing phase of the promotional process showed more favorable for white officers than black officers.

Historically, minorities have dealt with law enforcement, heard stories, know people and have witnessed negative interactions with police and people who look like them from their childhood all the way up to their adult lives. This negative interaction often deters minorities from wanting to work in the criminal justice environment, especially law enforcement. Working to adequately represent the people living in a community is the first step to rebuilding the trust that has disintegrated between minorities and police. We can do this by addressing some of the

problematic hiring practices used by law enforcement. Once minorities start seeing themselves represented in law enforcement, that may encourage more to become interested in this field.

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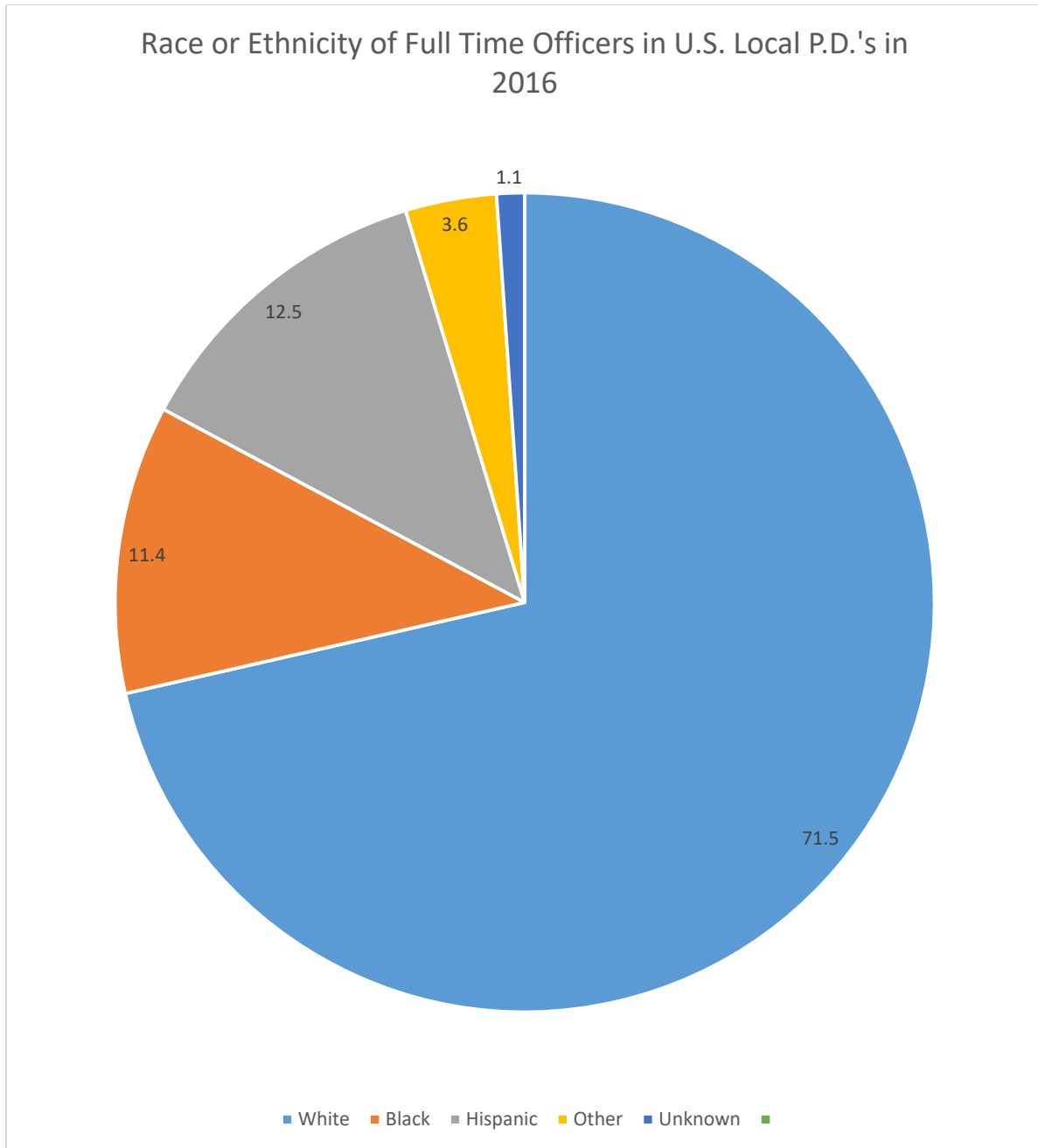
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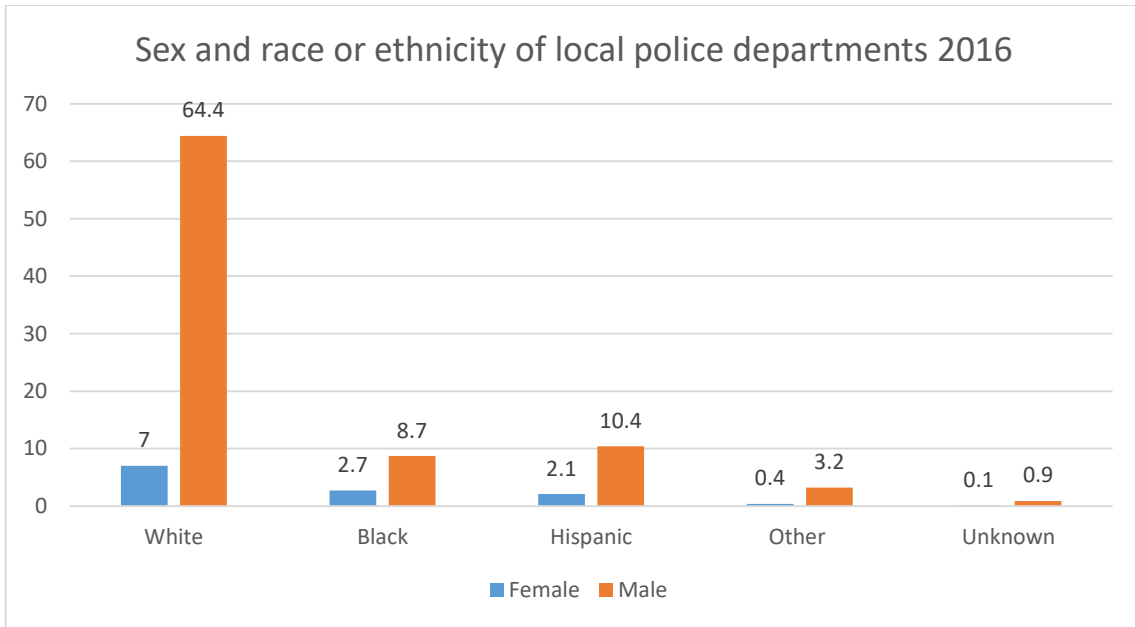
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Table 1



(Morin, Parker, Stepler, & Mercer, 2017)

Table 2



(Morin, Parker, Stepler, & Mercer, 2017)

Table 3

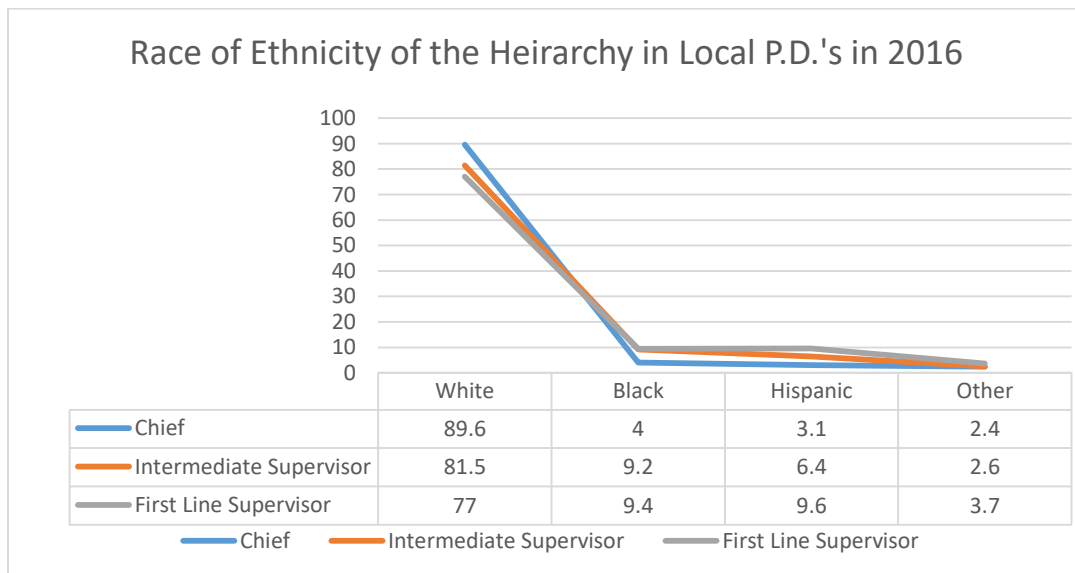
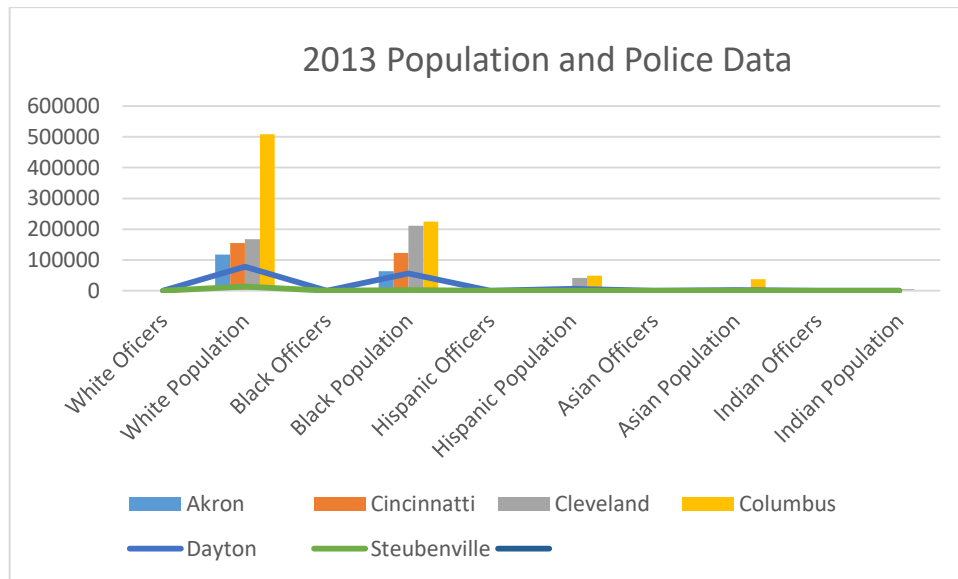


Table 4

2013 Census and Officer Employment Data by City

	White Officers	White Population	Black Officers	Black Population	Hispanic Officers	Hispanic Population	Asian Officers	Asian Population	Indian Officers	Indian Population
Akron	331	118,338	76	63,736	1	5,290	4	5,252	0	952
Cincinnati	652	155,675	302	123,578	5	9,924	6	5,499	1	517
Cleveland	971	167,380	394	211,106	134	41,976	14	8,148	0	5,554
Columbus	1,597	508,169	209	224,394	22	49,851	19	37,879	1	1,585
Dayton	303	78,149	32	57,086	3	6,426	3	2,100	1	339
Steubenville	48	14,400	0	688	0	90	0	26	0	26



(United State Census Bureau, 2019) (Maciag, 2015)

Table 5

2013 Data on Population and Police Demographics

	White	Black	Hispanic	Asian	Indian
<u>Akron Police Department:</u>					
Population	118,338	65,736	5,290	5,252	952
Officers Employed	331	76	1	4	0
Population %	59%	32.1%	.0267%	.0265%	.004%
Officers Employed %	80%	18.4%	.2%	.97%	0%
<u>Cincinnati Police Department:</u>					
Population	155,675	123,578	9,924	5,499	517
Officers Employed	652	302	5	6	1
Population %	52.3%	41.5%	.033%	.0184%	.0017%
Officers Employed %	66%	30.6%	.5%	.6%	.10%
<u>Cleveland Police Department:</u>					
Population	167,380	211,106	41,976	8,148	5,554
Officers Employed	971	394	134	14	0
Population %	42.9%	54.1%	10.7%	2.08%	1.4%
Officers Employed %	64%	26%	8.8%	.92%	0%

	White	Black	Hispanic	Asian	Indian
<i><u>Columbus Police Department:</u></i>					
Population	508,169	224,394	49,851	37,879	1,585
Officers Employed	1,597	209	22	19	1
Population %	61.7%	27.2%	6%	4.6%	.19%
Officers Employed %	86%	11.3%	1.8%	1.0%	.1%
<i><u>Dayton Police Department:</u></i>					
Population	78,149	57,086	6,426	2,100	339
Officers Employed	303	32	3	3	1
Population %	54.5%	39.8%	4.5%	1.46%	.23%
Officers Employed %	88.5%	9.3%	.87%	.87%	.2%
<i><u>Steubenville Police Department:</u></i>					
Population	14,400	2,950	688	90	26
Officers Employed	48	0	0	0	0
Population %	77.5%	15.9%	3.71%	.486%	.14%
Officers Employed %	100%	0	0	0	0

(United States Census Bureau, 2013)

(United States Bureau of Justice Statistics, 2013)