

## Introduction

### Police Ethics after Ferguson

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Killings by police in recent years sparked mass protests and put policing at the center of national debate. An initial turning point came in 2014. Questionable police force was to blame for the deaths of Eric Garner in New York City, Michael Brown in Ferguson, and Tamir Rice in Cleveland. Quickly, their deaths became national and even international stories. In the years that followed, many more—Walter Scott, Freddie Gray, Samuel DuBose, Alton Sterling, Philando Castile, Terence Crutcher, Breonna Taylor, George Floyd, and others—would become known to the public in their deaths, added to the long list of black lives killed by police.

This sudden interest in police practices marked a dramatic shift from the status quo. For decades, high rates of killings by police had made the United States an outlier but failed to generate much national concern. When high-profile killings by US police in 2014 prompted public interest into the scope of this problem, reporters and researchers found themselves in an embarrassing position: they could not even say how many of these killings occur annually. At the time, no entity maintained accurate US data on them (Zimring 2017, 23–40, 74–90). Media outlets began tracking killings by police (*Washington Post* 2015; *Guardian* 2016), scholars called for more research (Soss and Weaver 2017), a presidential commission was formed and investigations launched by the Department of Justice (President’s Task Force on 21st Century Policing 2015; United States Department of Justice 2015, 2017), and lawmakers and reformers championed proposals to limit police force (Police Executive Research Forum 2016; California Legislature 2018; Campaign Zero 2018).

Despite all this attention on policing, many departments and local governments resisted meaningful reform. The number of individuals killed by police each year in the US remained steady, at over a thousand a year (Mapping Police Violence 2020). With disturbing regularity, videos of questionable killings and police brutality kept coming out, and little seemed to change. Things reached a breaking point in 2020 when video surfaced of a Minneapolis police officer putting his knee to George Floyd's neck for over eight minutes until he suffocated to death (Hill et al. 2020). Massive protests broke out across the US and the world, as frustration over the lack of change boiled over. In a development reminiscent of the civil rights movement, momentum for reform gained strength as video captured police arresting reporters and brutally attacking peaceful protesters (Hubler and Bosman 2020). These developments reiterated that policing in the United States was deeply broken and transformative change urgently needed.

Floyd's death and the subsequent protests also reshaped the debate over policing. Bills to criminally ban chokeholds and increase transparency of officer misconduct, which had languished for years, passed in state legislatures in response to the protests (Li and Lodhi 2020). Both congressional Republicans and Democrats rushed to introduce federal legislation to reform police practices (Cochrane and Broadwater 2020). And ideas once dismissed as politically impossible, such as reallocating funds from law enforcement to social services, gained traction in a number of local governments (Stockman and Eligon 2020). This combination of legislative action and grassroots protests came at a time of national reckoning with policing's role in systemic racism throughout US history, from slave patrols to the present.

This history has resulted in deep distrust of law enforcement, no more so than in communities of color. Beyond just decrying those actions by police that killed Garner, Brown, Rice, and Floyd, protesters have made clear that the sources of discontent run much deeper.

Killings by police are symptoms of entrenched patterns of discrimination. This discriminatory violence at the hands of the state hits black men hardest, but as Angela J. Davis (2017, xiv) points out, others suffer too: “Black women, Latino/a men and women, Native Americans, and other people of color also experience violence at the hands of the state and discriminatory treatment in the criminal justice system as do people who are gay, lesbian, and/or transgender.”

There is no shortage of investigations confirming discriminatory police practices. After police killed Michael Brown, the US Department of Justice’s Civil Rights Division investigated the Ferguson Police Department. It found a department focused on generating revenue that targeted poor black neighborhoods. As the report details, “many officers appear to see some residents, especially those who live in Ferguson’s predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue” (United States Department of Justice 2015, 2). Furthermore, this mindset fostered a climate where officers used excessive force largely with impunity. Other Department of Justice investigations found similar patterns of racial disparities and excessive force in the Baltimore, Chicago, and Cleveland police departments (United States Department of Justice 2017).

As these recent investigations illustrate, high-profile killings put a spotlight on a host of issues that threaten the legitimacy of police. In a democratic state, there is the expectation that police enforce the law fairly and protect basic rights. When officers fail to, there must be mechanisms to ensure meaningful accountability and prevent future abuses. Questionable killings by police and lack of accountability cast doubt on the legitimacy of current practices.

Such incidents point to the need to reevaluate the role of police, including the ethical and legal principles that should guide their work. Most obviously, recent killings raise questions about police use of force and what rules should govern it (see Jones forthcoming). There is a

strong case for reforms to prohibit tactics and force that threaten life unnecessarily. But such reforms alone cannot address the ethical concerns that loom over policing today. Even when the police do not use lethal force, they still enforce the law in unfair and discriminatory ways that erode public trust. That is especially true when officers operate under the shadow of historic injustices that create suspicions about their role. Past wrongs influence perceptions of policing today, and any analysis of police ethics must be sensitive to that history. The future of policing also deserves close analysis. As new technologies are created, they have the potential to make police more effective, but also augment their power in ways that exacerbate, and further entrench, existing injustices.

Making progress on these challenges requires perspectives from a wide range of fields—philosophy, law, history, the social sciences, science and technology, and law enforcement—in conversation with one another. This volume provides such interdisciplinary perspectives on the ethical challenges that face policing today. Events in Ferguson, Cleveland, New York City, Minneapolis and elsewhere make clear that policing too often falls short of our normative expectations for it. The contributions here aim to clarify what ethical principles should guide police, where current practices fall short, and what strategies hold the most promise for addressing these failures.

## The Philosophy and Role of Policing

The ethics of policing is a theme at the very foundation of political philosophy. Police has its etymology in the Greek term *politeia* (Knemeyer 1980), the Greek title of Plato's book known today as *The Republic*. A more appropriate translation of *politeia* would be “constitution” (see Menn 2006; Moore 1975). The dialogue of the *Politeia* features Plato's teacher Socrates, who

sets out to describe a completely just, beautiful, wise, and well-ordered city (Plato 2004, 427e). Notably, a key feature of this ideal city is the education and training of what some translators call “soldier-police” (Reeve 2004, xxx), who are tasked with securing the peace of the city and fending off external aggressors. These soldier-police are the city’s guardians, which Plato (2004, 374a–376d) compares to “noble hounds” due to their ability to discriminate between friend and foe. The guardians possess various virtues that help them excel in protecting the city: speed, strength, energy, courage, wisdom, and eagerness to learn. Interestingly, the philosopher-kings later described in the *Politeia*—the wisest members of Plato’s ideal city—are a subset of these guardians. By embodying a range of virtues, the guardians stand out as moral exemplars in their role of seeing after the city’s peace and security. So already in Plato’s foundational text, the role of guardian, the police-soldier, is entangled with ethical expectations and normative assumptions.

Further insight into the concept of policing comes from Franz-Ludwig Knemeyer, who traces the genealogy of the German word *polizei*. Noteworthy in this genealogy is that, from the fifteen through the eighteenth century, the meaning of *polizei* remained fairly stable as referring to the condition in which subjects “conducted themselves in an orderly, modest, courteous, and respectable fashion wherever human life was organized communally” (Knemeyer 1980, 174). The term *polizei* referred to a state or condition of society, while also referring to the means for securing, preserving, and augmenting that well-ordered state. In the former sense, it referred to what we call the social order or set of conventions that regulate interactions among citizens.

At times in the history of political and social thought, some have proposed less rich understandings of policing. As policing became the object of legal regulation, there was an attempt to downplay its moral role. This transformation makes the police an administrative arm of the state that ensures the “domination of Law” (Knemeyer 1980, 188). In many classical

theories of the state, the state's coercive power has this impersonal and terrifying aspect. Perhaps no thinker better illustrates this point than Thomas Hobbes (2012), who portrays the civil sovereign as a Leviathan—a biblical monster that strikes fear into whomever encounters it. This understanding of state power, though compelling in certain aspects, runs the risk of simplifying the complexities and nuances involved in interacting with actual agents of the state. The coercive face of the state remains in many contexts a *human* face, with the potential to exhibit the best or worst of human nature.

Didier Fassin in particular draws attention to the intimate ways we experience the state. He tellingly writes:

The proximity with the agents [of the state] reveals the warmer side of the state, so to speak. It is more than a bureaucracy with rules and procedures. Officers, magistrates, guards, social workers, mental health specialists also act on the basis of values and affects. Justice and fairness, concern or indifference, empathy or indignation, admiration or distrust are part of their experience in their relations, not only with their public but also with their colleagues, their superiors, and their institutions. They inform their daily decisions and actions but are also informed by the ethos of their profession and the ethical climate of the public sphere.

(Fassin 2015, x)

The social and political institutions that make up the state, through which its force and administrative power are enacted, inevitably have a moral dimension. They comprise what Fassin calls the “moral world of institutions.” The police, perhaps unlike any other manifestation of state power, must articulate, present, and enact that moral world. They express the moral ideals not only of their profession, but also of the broader community.

Any analysis of police ethics thus must pay close attention to the moral world in which they exist. To quote Fassin again: “The work of law enforcement agents is inscribed within a moral economy, rests on moral arguments, constructs moral communities, engages moral subjectivities, and provokes moral conflicts—all elements that are indispensable when considering how to make sense not only what is standard practice in their interactions with their public, but also the forms of deviance like brutality and cruelty, racism and discrimination” (Fassin 2015, 94). The police are part of our moral world and, as such, should be more than simply the cold and violent face of the state. At their best, they are its beneficent and moral manifestation.

When speaking about the moral dimension of policing, we must remember the bidirectional nature of ethical obligations, expectations, and accountability. The moral climate of a society is gauged not simply by how the police interact with members of the community, but also in how the police is treated by that community. We find this idea, too, in Plato’s *Politeia*, which envisions the state providing its guardians with the education, training, and support necessary to become moral exemplars and carry out the difficult role bestowed upon them. In other words, the police help their community achieve its ideals and vice-versa. But that is only possible if both sides fulfill their obligations to each other.

### Police Ethics and Democratic Legitimacy

When police fail to be moral exemplars, are negligent in their duties, and abuse their powers, their action most obviously undermines the legitimacy of law enforcement institutions. There is extensive research showing that police lose legitimacy in people’s eyes if they act in ways that violate basic norms of fairness and procedural justice (see Tyler 2004; Meares 2013). But it is

important to recognize that such failures by the police pose even broader threats: they put in jeopardy the legitimacy of the state as a whole. For one important way people encounter and experience the state is through their interactions with police. If the police are corrupt, threats to fundamental rights, and forces of predation rather than protection, that inevitably influences how people understand the state's role and their relation to it. Unjust policing can transform the state in people's minds from a source of support and protection into a danger to be on guard against.

Police work presents no shortage of threats to government legitimacy. Notably, police exercise a great deal of discretion in their jobs that they can abuse. Discretion can transform the permission to use coercion in enforcing the law into a license for excessive force and police brutality. It also can lead to discriminatory enforcement of the law, in which police reserve harsh enforcement practices for certain groups and allow others to break the law with impunity. Such abuses of discretion often require democratic institutions overseeing law enforcement to step in and specify more precisely the boundary between discretionary powers and illegality, while holding accountable officers who cross these boundaries. But even after these interventions, police discretion will still persist. Officers confront such a wide array of circumstances and challenges that it is impossible to completely specify in advance how they should act. Policing, in fact, is one of the few professions where discretion tends to increase lower in the organizational hierarchy, with broad discretion exercised by cops working on the street (Manning 1977). That aspect of policing makes cultivating ethical judgment in officers all the more critical.

Because discretion is inextricably tied to police work, it is difficult to fully eliminate the risk of some officers abusing their power. But when widespread discontent over policing surfaces, it usually stems from deeper, more systemic ills than just a few rogue officers behaving



badly. The police reflect the society in which they operate, and it can put officers in situations where they have a chance to succeed or, conversely, situations where success is impossible. For instance, if society allocates grossly insufficient resources to care for those with intellectual disability and mental illness, it should come as no surprise when problems arise in police interactions with these populations. Underlying systemic injustices do not mean that individual officers are morally off the hook for violating their legal and ethical obligations. Stressful background conditions and a lack of resources can help explain such violations without excusing them. At the same time, if we see unjust police practices, it is important to keep in mind how they often reflect and exacerbate more widespread injustices within society.

That raises a question: how should we understand and develop ethical and legal principles for police who operate in a world far from ideal? The field of police ethics must engage in what political philosophers call nonideal theory. Whereas ideal theory outlines what normative principles should guide action under conditions of perfect justice, nonideal theory investigates how normative principles may look different under conditions of injustice (see Valentini 2012).

An example of the type of question nonideal theory takes up is how should police enforce unjust yet democratically approved laws. One can make the case that certain harsh drug and immigration laws fall in this category. Intuitions pull in different directions on how police should enforce such laws. On the one hand, the police ultimately are answerable to the people and have some obligation to carry out laws enacted by democratic institutions. On the other hand, unjust laws cause real harms—depriving people of liberty and tearing families apart. Officers often have the power to avoid or mitigate these harms depending on how they enforce the law. The discretion enjoyed by officers makes this ethical question particularly pressing. Since the many

laws in place render it impossible to fully enforce all of them, police cannot avoid prioritizing the enforcement of some laws over others. This fact complicates the relationship between police and the law. Even in a democratic society with legitimate political institutions, the idea that police should simply enforce the law proves insufficient as an overarching principle to guide their work. Police work, it seems, also comes with the ethical responsibility of evaluating the law and which aspects of it to prioritize (for more on this point, see Monaghan 2018).

Though nonideal theory is necessary for police ethics, it would be a mistake to treat all current injustices in society as fixed and restrict our normative ambitions for policing to those confines. The legitimacy of police is intricately bound up with the legitimacy of other institutions within society. Police ethics requires thinking through what other aspects society must change to create an environment where officers can fulfill the loftier goals associated with their role. To put officers in a position where they truly have a chance to succeed, it often will be necessary to pursue reforms beyond just those narrowly focused on law enforcement (e.g., more robust services for those with intellectual disability and mental illness). The field of police ethics has to allow space for envisioning policing under more ideal conditions and the societal transformations needed to move toward that goal.

For those engaged in the difficult work of reforming police and other institutions to remedy injustice and bolster their legitimacy, both the shadow of the past and specter of the future loom over these efforts. Historical injustice and rapidly changing technologies complicate the ethical challenges that face police and the institutions overseeing them. The next two sections consider each of these factors in turn.

## Policing's Past and Its Legacy Today

In public opinion surveys, most Americans express having “a great deal” or “quite a lot” of confidence in the police (Norman 2017). The police consistently rank near the top of institutions that Americans trust the most, far surpassing the media, schools, and Congress (Newport 2017). Such findings give the impression that concerns about lack of public trust in the police are overblown. A closer look at the poll numbers, though, reveals sharp divisions in society. Black Americans have more negative views of the police than white Americans. According to a 2017 Gallup poll, less than a third of blacks have much confidence in the police (Norman 2017). This gap in attitudes is not a recent phenomenon but longstanding (Weitzer and Tuch 2006). So though the police enjoy the trust of some segments of society, in others they clearly lack it.

This trust gap stems in part from disparities in how police enforce the law. Empirical research finds that police in the United States use more aggressive enforcement strategies against people of color, which cannot be explained by different levels of criminality between racial groups. African Americans are more likely to experience investigatory stops—where police pull over a driver or frisk a pedestrian in search of guns, drugs, or other contraband—and are less likely to be found with contraband during such stops (Gelman et al. 2007; Baumgartner et al. 2018; Epp et al. 2014). The use of SWAT teams and militarized policing also is more common in black communities, even after controlling for crime rates (Mummolo 2018).

How aggressive policing strategies came to be implemented is a complex story. Sometimes blatant racism had a role in motivating policy, as one official in the Nixon administration admitted was the case in the War on Drugs (Baum 2016). But a variety of other factors also contributed to the implementation of aggressive law enforcement measures. As James Forman Jr. (2017) documents in *Locking Up Our Own*, a number African American

leaders championed tough-on-crime measures because they saw them as remedies to high-crime rates in their communities. Though different motivations contributed to the development of aggressive policing practices, once implemented they resulted in racially disparate outcomes. People of color come in contact with the police and criminal justice system at higher rates. Such interactions, often perceived as harassment and unjustified, have the effect of eroding confidence in police and government institutions generally (Weaver and Lerman 2010; Lerman and Weaver 2014; Tyler et al. 2014).

Importantly, racial disparities in law enforcement do not occur in a historical vacuum. They take place against a historical backdrop where police played a central role protecting institutions that deprived groups of basic rights. This past can have profound effects on the meaning of police interactions today. Police ethics has to take into account the historical context in which officers do their work—otherwise it risks being grossly deficient.

In US history, several notorious features about policing stand out. Slave patrols emerged during the colonial period and represented an innovation in law enforcement. These patrols played a significant role in the development of the police, especially in the South. As Sally Hadden explains,

patrols ... function[ed] in many ways like police groups: breaking up nighttime gatherings, hauling in suspicious characters, trying to prevent mischief before it happened, or capturing the lawbreakers after the fact. The big difference was that in the South, the “most dangerous people” who were thought to need watching were slaves—they were the prime targets of patrol observation and capture. The history of police work in the South grows out of this early fascination, by white patrollers, with what African

American slaves were doing. Most law enforcement was, by definition, white patrolmen watching, catching, or beating black slaves. (Hadden 2001, 4)

Slave patrols ended after the Civil War, but continued to influence policing. Southerners understood law enforcement as the responsibility of whites, and police forces often were all white like the slave patrols preceding them. Imitating these patrols, some law enforcement officials after the Civil War engaged in brutal tactics to terrorize blacks and maintain white supremacy. It comes as little surprise, then, that freedmen often saw little difference between slave patrollers and the police: both brutalized blacks with impunity (Hadden 2001, 218–20).

During the Jim Crow era, lynching developed as a tool for maintaining white supremacy partly due to law enforcement's complicity. Lynchings lacked legal sanction and, in this sense, represented a challenge to formal institutions of law and punishment. Some in law enforcement decried lynchings, and there are examples of officials going to heroic lengths to prevent them. Sherriff Sherman Ely of Lima, Ohio, almost ended up lynched himself in 1916 when a mob demanded a black prisoner in his custody, but managed to save the prisoner and barely escape with his own life. Later the NAACP recognized him for his courage (Dray 2003, 222–23). Yet in other cases, law enforcement turned a blind eye to mob violence and allowed lynchings, making no attempt to stop them (see, e.g., *United States v. Shipp* 1906; Downey and Houser 1991). Most egregiously, some law enforcement played an active role in these acts of terror by seizing victims and delivering them to lynch mobs. As late as 1964, law enforcement cooperated with Klansmen to lynch three civil rights workers in Mississippi (Dray 2003, 446–56).

Police also employed other forms of violence beyond lynching to defend Jim Crow. Some of the most indelible images from the civil rights movement include police using dogs to terrorize, intimidate, and attack peaceful protesters. When called upon by local officials to

defend discriminatory laws with force, police rarely hesitated. In fact, as infamous figures like Birmingham police commissioner Bull Connor remind us, they often did so with enthusiasm.

This history inevitably impacts how policing is perceived today. When racial bias infects current police practices, they are not mere aberrations or isolated injustices. Instead, they are part of a much longer chain of harms that have fallen disproportionately on black people. This link between past and current wrongs can severely undermine trust in the police, as they come to be viewed as forces that perpetuate injustice and lack legitimacy.

Beyond just influencing others' perceptions of police, history can influence how police perceive those they encounter. Bryan Stevenson (2017, 4) calls attention to the “presumption of guilt and dangerousness” that burdens people of color—in particular young black men—in their interactions with police (see also Butler 2017). We see this presumption at work when police in a white neighborhood aggressively stop and threaten a black man with lethal force simply for being there—something Stevenson himself and countless others have experienced firsthand.

Stevenson makes a compelling case that, to understand policing's challenges today, we must understand the history of racial injustice preceding it. He urges an honest reckoning with this history and its legacy: “The issue of racially motivated police violence or racial disparities can't be viewed simply as a consequence of bad police officers or racially biased judges. There are deep historical forces that have created the problems so clearly seen in America's criminal justice system” (Stevenson 2017, 4–5). Past injustices reverberate today. We make a grave error ignoring this past, for such neglect renders any ethical prescriptions for policing incomplete.

A historically informed approach to police ethics places a high priority on officers being sensitive to how past injustices shape their and others' perceptions. History creates certain ethical obligations for officers, which include recognizing the real harms suffered by communities of

color and how they undermine trust in the police. Dismissing these concerns only entrenches already substantial barriers between the police and those they serve.

There are many concrete steps police can take to recognize historic injustices and participate in the difficult work of addressing them. For instance, the Equal Justice Initiative is engaged in the project of setting up markers to remember victims of lynching. Stevenson (2017, 25) calls on law enforcement leaders to be present at these dedications and apologize for police's failure to protect people of color threatened by racial terror. In recent years, some law enforcement officials have come forward to apologize for the police's role in historic injustices. Wellesley Police Department Chief Terrence Cunningham gave a statement on behalf of the International Association of Chiefs of Police (IACP) acknowledging that there have been times when police were "the face of oppression." The statement went on to apologize for "the role that our profession has played in society's historical mistreatment of communities of color" (Waxman 2016). In addition to such statements, some law enforcement agencies now support training programs focused on teaching officers about historic injustices. One program through the United States Holocaust Memorial Museum (n.d.) covers some of the most egregious police practices—those of Nazi Germany—with the goal of providing officers new perspectives on their role and ethical lines they should never cross.

But though police have taken some steps in recognizing, apologizing for, and learning from historic injustices, much work remains. Some in law enforcement are hostile to the idea of addressing past injustices. When Cunningham delivered IACP's statement apologizing for the police's role in historic injustices, he received a standing ovation from IACP's membership, but officials from other organizations—like the Fraternal Order of Police—quickly dismissed it

(Jackman 2016). This reaction highlights the resistance that efforts to address historic injustices face from some segments of the law enforcement community.

## The Promise and Peril of New Technology

Beyond looking at the past, a compelling account of police ethics also must consider how innovations will shape the future of law enforcement and their normative implications. New technology is having profound impacts on what policing looks like, a trend that shows no signs of slowing down. In the wake of concerns sparked by Ferguson and other high-profile incidents, some see technology as a remedy to many of the problems plaguing policing.

Without question, new technology provides law enforcement with tools they previously lacked. It now is feasible to equip police officers with body cameras to capture their interactions. The hope is that this technology will discourage excessive force, increase accountability, and build trust with communities by showing a commitment to transparency (Stoughton 2018). Other technology, like Tasers, gives police a tool to incapacitate uncooperative and dangerous suspects without having to use a firearm. More police agencies now also rely on predictive analytics to inform how they dedicate resources to fight crime (Joh 2014).

Not surprisingly, those designing and selling these new technologies often view them with great optimism. Rick Smith, CEO of Axon—which supplies Tasers and body cameras to law enforcement agencies—describes his company’s vision: “firing hot projectiles of lead shrapnel at people—we want to make that a ridiculous concept, because it’s a brutal, outdated, terrible thing to do” (Goodyear 2018). Companies like Axon have found increased demand for their products following Ferguson, in particular body cameras. When Michael Brown was shot and killed by Ferguson Officer Darren Wilson, witness accounts of the incident varied widely,



without video to verify what actually happened. Afterward, the Department of Justice began issuing grants for law enforcement agencies to adopt body cameras. Though only a handful of departments used body cameras before 2014, by 2018 over half of them did (Goodyear 2018).

Technologies like body cameras deserve consideration in the wake of Ferguson and the concerns it raised, and evidence suggests they have some effectiveness in reducing officer use of force (Maskaly et al. 2017). But it is a mistake to expect technology to offer quick fixes—such expectations rarely are met. High-profile killings by police and the investigations they prompted brought to light systemic failures, which point to the need to transform the culture of many police agencies. Introducing new technology into institutions that otherwise remain the same is a recipe for failure. Consider the problem of excessive force. Equipping officers with Tasers by itself fails to fix the problem, and in fact introduces another weapon with the potential for abuse. The adoption of less lethal weapons like Tasers only succeeds if part of a more robust framework of training, guidelines, and systems of accountability that prioritize protecting life and avoiding unnecessary force (Alpert and Dunham 2010).

Moreover, technology often raises new ethical concerns. If these concerns are overlooked or dismissed, adoption of new technology can backfire by undermining police legitimacy rather than improving it. Equipping officers with body cameras has been a popular reform to strengthen accountability, but it also raises worries about more intensive surveillance and policing, especially in marginalized communities. Similar concerns also apply to the growing use of predictive analytics by police agencies. It is essential to consider the potential harms of new technology and take steps to mitigate them, while also leaving open the option of avoiding certain technology if appropriate safeguards cannot be put in place.

In short, the field of police ethics must pay close attention to new technology and whether it advances normatively worthwhile goals. Other fields, like just war theory, have had to develop with the emergence of new technology, as philosophers, ethicists, and legal scholars have grappled with what role (if any) the technology should have in war. A similar task faces those studying police ethics, especially now as technology reshapes law enforcement in dramatic ways.

### Overview of What's to Come

The chapters that follow explore in further depth the ethical challenges that loom over policing in the aftermath of Ferguson. The volume tackles these ethical questions in four parts: I. The Role of Police, II. Lethal Force, III. Race, Bias, and Resistance, and IV. Policing's Past and Future.

Part I examines what the proper role of police is in a democratic society, and how certain practices and developments today can distort understandings of police work. Law professor Tracey Meares, a member of President Barack Obama's Task Force on 21st Century Policing, opens this section with her chapter "Clashing Narratives of Policing? The Quest for Lawful vs. Effective Policing and Possibility of Abolition as a Solution." In response to persistent racial disparities in policing and excessive force, especially in marginalized communities, calls to abolish or defund the police have become a rallying cry for many progressives. Meares explains that police abolitionism is more nuanced and compelling than how it is often portrayed. The legacy of racial violence and oppression influences policing and other criminal justice institutions today. Many aspects of these institutions *need* to be uprooted and abolished. But abolition—whether of slavery at an earlier period or policing today—also requires building new structures to address community needs that will persist even after dismantling the old structures.

As Meares understands police abolition, it involves the transformation of the police into an institution that cooperates with communities in ensuring their safety and is truly a public good.

The next chapter of Part I, “Legitimate Policing and Professional Norms” by philosopher Jake Monaghan, focuses on cultivating epistemic and improvement norms in law enforcement. Monaghan attributes some failures in policing today to inadequate attention to reforming practices in light of new evidence. Using the medical profession as a comparison, Monaghan argues that law enforcement agencies have ethical obligations to evaluate themselves in light of the latest research, as well as to support ongoing research on best practices. Though some groups and agencies have taken steps in this direction, much work remains for policing to become a profession that is truly self-critical and committed to self-improvement.

Sociologist Michael Sierra-Arévalo closes Part I with his chapter “Reward and ‘Real’ Police Work.” In it he presents and analyzes new data that offers insights into what activities police agencies value most. Consistent with popular narratives of what real police work entails, Sierra-Arévalo finds that departmental awards place an emphasis on recognizing dangerous, stereotypically masculine actions related to fighting crime and making arrests. Such findings raise questions about current incentives within police departments and how they influence officers’ understandings of their roles. If we hope to promote a guardian rather than warrior mentality in policing, which prioritizes compassion and respect in community interactions, Sierra-Arévalo suggests that incentive structures in departments need to change.

Part II turns to an issue at the center of many recent debates over policing—use of lethal force. In “Soldiers and Police,” political theorist Michael Walzer draws on his extensive work on just war theory to highlight key distinctions between the military and law enforcement. Walzer expresses grave concerns over the militarization of the police and how it transforms their

relationship with society. Though police investigate and sometimes witness brutal crimes, Walzer cautions against officers viewing suspects and criminals as enemies they are in war against. On his view, officers take a dangerous step when they see themselves as part of a war, for that mindset opens the door to abusing the very rights liberal democracies aim to protect.

Then in “When Police Do Not Need to Kill,” criminologist Franklin Zimring makes the case that hundreds of killings by police each year in the United States are avoidable. In almost half of these incidents, suspects have no firearm and are circumstances when officers rarely need to use lethal force. Zimring also presents evidence showing that mortality rates increase dramatically the more times a suspect is shot. In light of this evidence, Zimring calls on police administrators to implement more stringent “don’t shoot” and “stop shooting” rules, which could significantly lower killings by police without putting officers at greater risk.

The last chapter of Part II, “Prioritization of Life as a Guiding Principle for Police Use of Deadly Force” by criminologist and former police officer David Klinger, situates the role of lethal force within an ethical framework of protecting life. Klinger finds efforts to completely eliminate killings by police dangerous, since they fail to recognize that lethal force is sometimes necessary to protect innocent life against unjust threats. To illustrate, he examines several recent incidents involving police use of force and how reluctance to use lethal force can result in avoidable officer and civilian casualties. For Klinger, police cannot always avoid lethal force, but they need clear ethical principles to guide them when deciding whether to use it. In particular, he recommends wider adoption of the prioritization of life framework used by SWAT teams—which prioritizes the lives of (1) innocent citizens, then (2) police officers, and finally (3) suspects—in programs that train officers on use of force.

Part III takes up the ethical challenge of how to confront the problem of racial bias in policing. Political scientist Vesla Weaver opens the section with “Policing Narratives in the Black Counterpublic,” which explores what she terms race-class subjugated communities and how they experience police. Standard survey methods often fail to capture the views of marginalized communities, those most impacted by aggressive police tactics. Weaver reports on the findings of an innovative methodology designed to overcome this obstacle: the use of Portals, which allow people in race-class subjected communities to communicate with each other about their experiences with police. Drawing on these and other data, Weaver argues that police fail poor communities of color by both *overpolicing* and *underpolicing* them. Police aggressively enforce minor violations in these communities—often to generate revenue—while seeming absent when needed to protect lives and solve serious crimes.

The other chapter of Part III features a contribution by critical race theorist Joy James. In “The Contributions and Contradictions of Abolitionists Erica Garner and Angela Y. Davis,” James looks at advocacy against police violence in communities of color in the wake of deep personal loss. The chapter focuses on the advocacy of Erica Garner after her father was killed by a police chokehold in 2014. Garner refused to be coopted by politicians and others whose cozy relationship with police, in her view, prevented them from calling out their abuses. As a result, Garner often received little institutional support for her advocacy. James contrasts Garner with more established figures like Angela Davis, and raises concerns with diluting radical messages so that they gain broader acceptance. Such an approach, James worries, risks rendering advocacy impotent in the face of unjust police practices that destroy communities of color.

Part IV concludes the volume by considering the ethical challenges that both policing’s past and future pose. In “Police and Slave Patrols: A History of State-Sponsored White-on-Black

Violence,” historian Sally Hadden traces the emergence of slave patrols and their impact on policing’s development in the American South. After slavery, the Ku Klux Klan drew on slave patrol practices to terrorize blacks, often with the cooperation of local law enforcement. Hadden closes the chapter by calling on officers to study more closely police’s role in furthering racial oppression in the United States, so as to better understand how this history contributes to distrust of police today.

Philosopher Nicolas de Warren examines another episode from policing’s past in “From Protection to Predation: Policing as the Pursuit of War by Other Means in the Third Reich.” De Warren uses Nazi Germany as a case study in how policing can become utterly corrupted. Echoing themes from Walzer’s opening chapter, de Warren explains the transformation of the Nazi police into a tool of war against enemies of the state. Germany’s police forces ceased to serve a protective function, becoming instead forces of predation in service of a totalitarian regime. De Warren’s case study stands as an instructive warning of the dangers that come with removing legal and ethical restraints on police as part of an effort to advance political ends.

The following chapter by philosopher Lisa Guenther, “Police, Drones, and the Politics of Perceptions,” also raises concerns over the predatory mindset in policing but with an eye toward the future. Specifically, Guenther explores the ethical implications of police using drones and other surveillance technology. Though framed as a less invasive tool, such technology represents for Guenther a dangerous expansion of state power, especially in marginalized communities most harmed by aggressive policing. Constant surveillance intensifies policing, which should prompt concern given that overpolicing and predatory practices to generate revenue *already* were problems before these new technologies became widely available.

In the final chapter, “Predictive Policing and the Ethics of Preemption,” data ethicist Daniel Susser examines the increasing use of machine learning technology by police. Such technology analyzes data to identify patterns in an effort to make predictions about future crime and how to limit it. Champions of this technology see it as a valuable tool that can help police prevent crime before it occurs. Susser, however, raises ethical concerns with using this technology for preemptive policing. Since the technology relies on historical data often infected by racial bias, it can reproduce this bias in its predictions and recommendations. An even more basic worry with preemptive policing, argues Susser, is that it makes harmful assumptions about individuals and fails to recognize them as ethical agents. Preemptive policing aims to reduce overall crime, but by treating suspects and at-risk individuals in an instrumental fashion. For Susser, predictive analytics belong in the hands of those with more direct obligations to at-risk individuals, who can use such tools to further their development (e.g., social workers).

As these contributions highlight, policing faces no shortage of challenges in the aftermath of Ferguson. High-profile killings by police, investigations of departments, and community protests have brought to light deep concerns over the legitimacy of many current police practices. Ignoring these concerns risks further undermining community trust in the police and, in turn, making officers’ jobs more difficult. Now is a critical time to reexamine what ethical principles should guide policing, identify where current practices fall short, and pursue remedies. It is the hope that the discussions below contribute to these urgent tasks.

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