A Decade's Tale: Consent Decrees and Police Use of Disproportionate Excessive Force With Communities of Color

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Abstract: *According to the U.S. Department of Justice (US DOJ, 2016), African Americans have experienced disproportionate instances of police use of excessive force as a result of discriminatory practices and insufficient training. Officers are permitted to use appropriate force in specific situations; however, when force is excessive and deemed unnecessary, it then becomes an issue of concern. The U.S. Department of Justice was invited to investigate police departments that participated in the use of excessive force and a consent decree was developed with those departments to remedy the DOJ's findings. The researchers conducted a consent decree analysis examining government investigations of police practices throughout the U.S. between 2008 and 2018 comprising the following terms: police reform, consent decrees, settlement agreement, investigation reports, use-of-force, and policy to determine how prevalent excessive force was used towards African Americans. Findings indicated that within the decade, 14 cities were investigated, 12 were identified as using excessive force, with nine having their use-of-force policies available, and four municipalities using excessive force against African Americans. Social work values, advocacy, and cultural training were also identified to aid in the decrease of excessive force complaints.*

Keywords: *African Americans; police; excessive force; policy; consent decree*

The use-of-force is a common and sometimes appropriate practice that occurs throughout the daily duties of law enforcement. Officers are initially trained and authorized to perform forceful tactics in specified situations (U.S. Department of Justice [US DOJ], 1999); however, it becomes troublesome when wrongful use of excessive force—unnecessary force that exceeds reasonable and lawful responses—is practiced and leads to either physical harm or death (Bureau of Justice Statistics, n.d.; Danilina, n.d.; DiBattista, 2017; Police Brutality, 2003). To give historical context, consent decrees were pioneered in 1994 under the Clinton Administration (Stolberg, 2017). Prior to 2008, six cities entered a consent decree agreement (Upper Marlboro, MD; Detroit, MI; Los Angeles, CA; Newark, NJ; Steubenville, OH; and Pittsburgh, PA) and three were found to engage in excessive force practices (Los Angeles, Pittsburgh, and Steubenville) (US DOJ, 2017). Studies from these cities have reported more effective policing as a result of the consent decree; although limitations existed (Davis, Henderson, Mandelstam, Ortiz, & Miller, 2002; Powell, Meitl, & Worrall, 2017; Stone, Foglesong, & Cole, 2009).

Heightened awareness of police use of excessive force has occurred within the last decade as the U.S. Department of Justice (DOJ) conducted several investigations regarding

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police practices across the United States. Discriminatory practices and unnecessary force, specifically toward African Americans, were identified in some of the investigations due to lack of training, which led agencies to enter a consent decree or settlement agreement (US DOJ, 2016). Swift (2004) indicated that a consent decree is an agreement between parties to remedy and resolve a query pertaining to a complaint or concern without either party admitting fault or guilt.

In 2016, the Center for Policing Equity conducted a study involving 12 agencies with approximately 600,000 city residents across the Mid-Atlantic, Midwest, South, and West regions of the United States (Goff, Lloyd, Geller, Raphael, & Glaser, 2016). Their findings indicated that, on average, for every 100,000 residents, excessive force was used on 108 individuals; however, the mean for Whites was 76 per 100,000, while the mean for African American residents was 273 per 100,000—a rate 2.5 times higher than the overall average and 3.6 times higher than Whites (Goff et al., 2016). Additionally, police shootings occur at a higher rate in disadvantaged, minority neighborhoods as well as cities with higher racial inequality (Correll et al., 2007; McElvain & Kposowa, 2008). Debates concerning the reasons for these disparities vary. For example, several researchers (MacDonald & Stokes, 2006; Meese & Malcolm, 2017) suggest that African American individuals are more likely to reside in neighborhoods with limited resources where crime is high, increasing the need for police presence, potentially increasing the likelihood of police-resident contact. Others have also suggested that police expansion occurred as a result of revitalization projects that attempted to rebuild those same neighborhoods as investors sought to protect their investment, the newly arriving consumers/residents, and their business partners, which granted more contact with officers as the frequency of police patrols were increased to protect the community (Van Sluytman, 2017). Still others have argued that both neo-conservative and neo-liberal ideological forces have engineered crime prevention as a vehicle to achieve individual responsibility and social welfare dependence deterrence in resource-poor communities (Gilling & Barton, 1997).

These systems of policing have social and economic implications. Families and communities experience adverse outcomes including a decrease in crime reporting out of fear, posttraumatic stress disorder, substance abuse, and other negative ailments that affect the health and behaviors of others (Lacoe & Stein, 2018). Further, when death occurs, human capital or individual sustainability, known as individual qualities, that aid in personal productivity is lost. Individuals are unable to work due to police-inflicted injuries and cannot contribute to the economic development of the community (Leibson Hawkins, 2005). Taxpayers are also subject to bear the payments of victims who experienced excessive use-of-force lawsuits and the city's legal fees due to frequent accusation of misuse of police force (Kelly, Childress, & Rich, 2015) therefore, potentially diverting funds from other city projects and budgets (Broadwater, 2017).

The findings of multiple consent decrees impacted the growth of scholarly interest involving police officers and the African American community (Carter & Corra, 2016). Advocacy, the value of human dignity, and engagement in social and criminal justice are core principles driving social work practice and scholarship (National Association of Social Workers [NASW], 2016b, 2017). Accordingly, social workers and the NASW called for police reform that does not compromise public safety but gains public trust (Wilson, 2015).

Recommendations were suggested to the DOJ to have national uniform standards and protocols on training models for use-of-force (NASW, 2016a).

The Importance of Use-of-Force Policies

Policy is a systematic way of addressing complicated issues that help individuals and groups to act in accordance with a set agenda or practice (Colebatch, 2009). Effective policy aids in overturning a system of inequity, systemic discrimination, and structural violence (Gupta, 2013; Hirschfeld, 2017). Policy builds on existing procedures to either heighten, replace, or specify evolving needs (Van Engen, Tummers, Bekkers, & Steijn, 2016). Community involvement is essential to constructing effective policy.

The consent decrees propose structural reform through the identification of problematic practices (excessive force) and offer a remedy to overturn or adjust these issues through policy revision or development while mindful of the community most affected (Swift, 2004). As cities undergo a consent decree, the public is often invited to provide feedback and suggestions during the development or amending of policies that directly affect their community prior to implementation (Davis, 2017). Additionally, by having policies in place to reduce the number of incidents that lead to police brutality (Klinger, 2012), increased community involvement may be instrumental to demonstrate governing bodies' commitment to correct practices that disproportionately target disadvantaged communities with excessive use-of-force (Chindarkar, Howlett, & Ramesh, 2017). Policy also serves as an important guideline for achieving social justice and increasing accountability; it can be legally binding by guiding police officers' use-of-force practices (US DOJ, 2003).

Research Aim

The current research explored existing use-of-force policies among municipalities across the U.S. that are facing scrutiny for excessive force practices. African Americans and other targeted groups are discussed along with the difference in policies, cost, and effectiveness. The intent of this analysis is to inform future social work practice and promote advocacy for reduced use-of-force against communities of color. First, we examined various documents that included investigation and consent decree reports that highlighted cities that engaged in excessive force practices. Next, we identified variations in the mentioned reports and identified the targeted populations along with police agencies use-of-force policies. Further examination then determined the cities that applied levels of force standards to their policy and demonstrated a decrease in complaints. Third, we explored the implications of these findings for marginalized communities and social work practice. Finally, we discuss recommendations for future social work advocacy and involvement within the community in relation to use-of-force policies.

Consent Decree Analysis

Definition of Policy Documents

Policy is defined as formal procedures based on ideologies of a governing body or organization that alters or homogenizes behavior and performance of individuals (Chindarkar et al., 2017; Lomotey et al., 2016). Policy development is the outcome of

evaluation prefaced by a response to an event or crisis (Boehmke, Matthews Rury, Desmarais, & Harden, 2017; Gilbert, Ahrweiler, Barbrook-Johnson, Narasimhan, & Wilkinson, 2018). For this analysis, reviewed documents included use-of-force policies that resulted from a consent decree or settlement agreement with the DOJ—both referred to as "Agreement" in their reports. The primary analysis focused on the documents administered by the identified police departments and DOJ.

Collection of Documents

Police brutality or maltreatment against African Americans has been discussed nationally and internationally (DeBerry, 2016; Epp, Maynard-Moody, & Haider- Markel, 2016; Llana, 2015; Shane, Lawton, & Swenson, 2017). DOJ investigative reports were obtained for analysis. Further methods included an internet-based search on the DOJ website for documents that referenced consent decrees or settlement agreements, investigation reports, and police reform (US DOJ, 2017). A list of cities with consent decrees was created, with attention given to cities that entered an agreement between 2008 and 2018. A specific web search of each listed police agency was conducted including a direct search for their respective consent decree monitor's web page to examine their site for records of "policy" or "use-of-force." Additionally, the following key terms were used on the "Google" search engine: investigation reports, consent decree, consent decree costs, and excessive force. To retrieve the most accurate and reliable information, and to avoid the collection of documents from opinionated sites or blogs, the researchers reviewed only documents from police agencies, the DOJ, and national or local news sources.

Analysis of the Policy Documents

The analysis began by identifying cities and U.S. territories that entered a DOJ agreement. The researchers screened those cities by reviewing reports to determine the causes for a DOJ agreement. If excessive force was a factor, then further review was expended to determine if a target population was identified. Once police agencies who met the search criteria were recognized, a use-of-force policy search was then generated creating the content for this analysis.

Development of a Grid for Deconstructing Consent Decrees

An analysis grid was created to facilitate a comparison between agencies that had alleged patterns or practices of excessive force. The researchers developed the indicators used in the analysis grid from the consent decrees or settlement agreements, proposed use-of-force policies, community interest, cost of reform, and policy effectiveness.

 The following six characteristics were used for comparison:
- **Municipalities and territories:** locations identified to have violated the constitution and undergone an agreement to govern actions to protect citizens. All locations were identified in the U.S. and its territories.
- **Application plan:** further development of concepts that were identified during examination of all eligible consent decrees for analysis by the authors.
- **Publication date:** describes the timeframe of events mentioned throughout this analysis, such as the start of the DOJ investigation, the entering of the agreement, and the year of the published use-of-force policy.

- **Goals and purpose:** statements that mentioned the sanctity and value of human life as part of their decision-making for execution of force or the purpose of policy.
- **Application process:** involves the development of use-of-force policy and its effectiveness within each department.
- **Budget:** officially approved budgets were not always available for review under the abovementioned search methods. Therefore, the study employed reported, proposed, or estimated city budgets.
- **Evaluation:** annual assessments either by the DOJ and/or police department's own record-keeping of claims. Statements of decrease or increase in excessive use-of-force complaints were determined via official reports or documents.

Table 1. *Overview of the 14 Identified Cities with Consent Decrees Between 2008-2018*

Location	Year	Patterns of Excessive Force	Force Used Against	Use-of-Force Policy
U.S. Virgin Island	2009	X	General	-
Warren, Ohio	2012	X	General	-
East Haven, Connecticut	2012	X	Latinos	X
Seattle, Washington	2012	X	General	X
New Orleans, Louisiana	2013	X	African Americans	X
Puerto Rico	2013	X	African Americans and Dominicans	-
Portland, Oregon	2014	X	Mentally ill	X
Antelope Valley - L.A. County Sheriff's Department	2015	-	-	-
Albuquerque, New Mexico	2015	X	General	X
Cleveland, Ohio	2015	X	Mental Health Crisis	X
Maricopa County, Arizona	2015	X	Latinos	X
Ferguson, Missouri	2016	X	African Americans	X
Newark, New Jersey	2016	-	-	-
Baltimore, Maryland	2017	X	African Americans	X

Overview of Collected Policy Documents

Between 2008 and 2018, the authors identified 14 consent decrees or settlement agreements that met the search criteria. Of those, two cities (Antelope Valley and Newark) did not meet the criteria for this analysis because their investigation revealed violation of the Fair Housing Act and discriminatory stop-and-frisk and arrest practices, respectively (National Council on Crime & Delinquency, n.d.; U.S. Department of Justice Civil Rights Division [DOJ-CRD], 2014b). The remaining 12 cities were identified to have alleged patterns or practices of excessive force. Of those 12, only nine policies were available that met the criteria for excessive use-of-force for the analysis; however, three cities (Baltimore, Ferguson, and New Orleans) and one U.S. territory (Puerto Rico) acknowledged using excessive force against African Americans (American Civil Liberties Union, 2012; DOJ-CRD, 2015, 2016; New Orleans Police Department [NOPD] Consent Decree Monitor, 2017). Puerto Rico's policy was not considered for additional inquiry due to the language barrier and the policy being published in Spanish. All other policies met the criteria to be examined for the consent decree analysis (See Figure 1). Table 1 provides an overview of

cities with consent decrees, the targeted population, and the availability of use-of-force policies.

Figure 1. *Flow Chart of Collected Documents Available for Analysis*
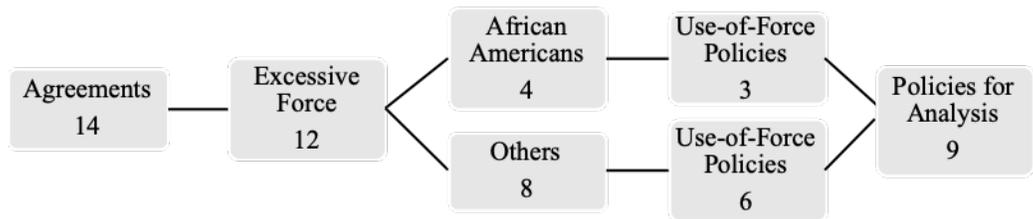
Findings of the Consent Decree Analysis

Municipalities and territories. The U.S. cities and territories that were identified allegedly engaged in excessive force. Force was either used towards the general population, those with mental illness or in crisis, Latinos, or African Americans. Specifically, findings of the DOJ reports indicated that African Americans were disproportionately represented among those who experienced excessive force. In Baltimore, African Americans were victims of excessive force in 90% of cases although they comprised 63% of the City's population (DOJ-CRD, 2016). In Ferguson, 90% of reported excessive force incidences were against African Americans, although they comprised 67% of the population (DOJ-CRD, 2015). In New Orleans, a reported 83% of excessive force cases were against African Americans, with no mention of their percent within the population (Adelson, 2017; DOJ-CRD, 2011). Additionally, there was no mention of the characteristics of the alleged officers involved in excessive use-of-force; the reports only provided a review of the victims involved in such instances. However, police officers who are involved in excessive use-of-force tend to be White (McElvain & Kposowa, 2008), younger, and less experienced (Harris, 2010).

Application plan. The outline for the analysis was established by the researchers based on the DOJ's suggestions listed in each city's consent decree use-of-force policy. During each read of the consent decree, the researchers continuously recorded the suggestions to identify any differences and overlapping concepts among each city. Once all of the documents were read, a comparison of the noted similarities and disparities was made leading to the 13 concepts for the analysis beginning with the timeframe that each city entered the consent decree and ending with reported evaluation as presented in Table 2. Since much attention was given to excessive force, a generalization of requirements by the DOJ gave cities freedom and the option to construct their own levels of reportable force and state what is permitted and prohibited regarding overall force. Furthermore, regardless of the differences in policy content, each document reported their goals or purpose and included the requirement to give a verbal warning before using force when appropriate and possible. All other application concepts such as budget, definitions, and training among other listed items varied with each policy (See Table 2).

Table 2. *Overview of Policies Included in Consent Decree Analysis*

	Albuquerque	Baltimore	Cleveland	East Haven	Ferguson	Maricopa County	New Orleans	Portland	Seattle
Timeframe	2015	2017	2015	2012-2017	2016	2015	2013	2014	2012
Budget in millions	2.3**	10.0	11.0	No Report	5.8-9.8*	13.2**	6.28	3.86	13.3*
Cost in dollars per 1,000 residents	4,105	16,597	28,661	-	279,787-472,744	2,992	16,070	5,910	17,853
Goals	X	X	X	X	X	X	X	X	X
Definition of force	-	X	-	X	X	X	X	X	X
Definition of other terms	-	X	-	X	X	X	X	X	X
Incorporates Use-of-Force Model	X	X	-	-	-	-	X	X	X
Prohibits chokehold unless authorized	X	X	X	X	X	X	X	-	X
Expectation to perform de-escalation techniques	X	X	X	X	-	-	X	X	X
Aerosol Irritant-Oleoresin Capsicum	X	X	X	X	X	X	-	X	X
Give verbal warning for lethal force	X	X	X	X	X	X	X	X	X
Annual use-of-force training requirement	X	X	X	-	-	-	-	-	-
Evaluation	Effective	Effective	-	Completed	-	-	Effective	Effective	Effective

Note. *estimated budget ** proposed budget. Budgets reported from Broadwater, 2017; Bush & Gallagher 2014; City of Albuquerque, 2018; Cleveland City Council, 2016; Kiefer 2016; Madhani, 2016; NOPD, 2018; Portland Police Bureau [PPB], 2015

Publication date. Table 3 summarizes the dates of the sample including the start of the DOJ investigation, the entrance of consent decree, and the year of the use-of-force policy implementation. This shows the length of time taken before policies are updated after a city enters a consent decree. Six of the cities updated their policy within a two to three-year timespan from inception of a consent decree except for Ferguson, Baltimore, and Maricopa County. Ferguson held the oldest use-of-force policy that was in effect before the entry of an agreement compared to the other cities that updated their policy either during the DOJ investigation or after entering an agreement. However, at the start of 2019, the city was awaiting public feedback on a draft updated policy for final implementation (City of Ferguson, n.d.). Baltimore updated their policy during the DOJ investigation before entering a consent decree and Maricopa County revised their use-of-force policy one-year after the consent decree agreement.

Table 3. *Timeframe of Updated Use-of-Force Policies*

City	Start of Investigation	Enter Consent Decree	Effective Policy Date
Albuquerque	2012	2015	June 2017
Baltimore	2015	2017	July 2016
Cleveland	2014	2015	January 2018
East Haven	2011	2012	December 2015
Ferguson	2014	2016	July 2010
Maricopa County	2011	2015	February 2016
New Orleans	2010	2013	December 2015
Portland	2012	2014	August 2017
Seattle	2011	2012	September 2015

Goals and purpose. Each policy discussed the value, protection, and sanctity of human life including an emphasis on de-escalation techniques and methods that can be applied to ensure the safety of officers while protecting the public welfare (Albuquerque Police Department [APD], 2017; Baltimore Police Department [BPD], 2018; City of Ferguson, 2010; City of Portland, Oregon, 2017; Cleveland Division of Police, 2018; East Haven Police Department [EHPD], 2014; Maricopa County Sheriff's Office, 2017; NOPD, 2015; Seattle Police Department [SPD] Manual, 2017). However, none of the documents contained quantifiable goals regarding excessive use-of-force. For instance, none of the policies suggested to decrease use-of-force complaints or cases by a certain percentage within a specific timeframe.

All but three departments clearly identified the purpose of the policy at the start of the document. The police departments described their use-of-force policy as a guideline and expectation for officers to follow concerning all types of force—lethal and less lethal (APD, 2017; City of Ferguson, 2010; Cleveland Division of Police, 2018; EHPD, 2014; Maricopa County Sheriff's Office, 2017; NOPD, 2015) . Baltimore and Portland did not have a distinguished "purpose" section within their policy compared to the others but shared the same purpose in the general content. Seattle was the only department that did not clearly identify the purpose of its policy.

Application process. The policy documents were examined to ascertain the influence of the DOJ agreements, policy formation, and their effectiveness. In this analysis, effectiveness was determined by whether there was a decrease in the number of excessive force complaints or cases that involved force according to the police, DOJ reports, or the city's local news. Five cities reported a decrease in excessive force complaints. According to both New Orleans' and Albuquerque's monitor reports, there was a decrease in the number of excessive force complaints; however, the cities reported that officers were not fully compliant with reporting such instances (Ginger, 2017; NOPD Consent Decree Monitor, 2017, 2018).

Specifically, New Orleans reported a decrease in complaints from 413 to 203 (51%) between 2014 and 2015 (NOPD Consent Decree Monitor, 2017). Albuquerque saw a nearly 64% decrease in complaints from 756 in 2014 to 274 in 2015 (Ginger, 2017). Baltimore's Commissioner reported a 36% decrease in complaints from 146 in 2015 to 93 in 2016 (Davis, 2017). Seattle Police Department (SPD, 2019) provided a detailed report of complaints by force levels. From 2017 to 2018, there was an increase of Level 1 force (1,272 to 1,818) that was attributed to the increased complaints of pain and discomfort with handcuffs (SPD, 2019). However, SPD (2019) reported a decrease in force Levels 2 and 3 force including officer-involved shootings (358 to 348 and 33 to 25, respectively) within the same time period. Portland (PPB, 2017; 2018) did not report the number of complaints, but rather the number of cases that involved force. The annual reports from 2016 and 2017 indicated that PPB saw a decrease in cases involving force from 755 to 721 (PPB, 2017; 2018). East Haven was the only city that terminated its consent decree due to full compliance, deeming its use-of-force policy to be effective (East Haven Police, n.d.).

Conversely, three cities were not assessed for effectiveness. Cleveland, Ferguson, and Maricopa County city officials, local news, and affiliates did not report or provide information to the public indicating their use-of-force policy's impact, or number of excessive force complaints at the time of analysis; hence, the effectiveness of their policy's outcomes was undetermined. However, a consistent and stark difference among the three cities was the lack of incorporated use-of-force models. Although East Haven police did not incorporate a use-of-model, they met the requirements to end the consent decree. Most of the cities that remain in a consent decree and have reported a decrease in use-of-force complaints or cases have similar content in their policies. The exceptions are Albuquerque, which does not define force and affiliated terms, New Orleans, which does not use an aerosol irritant, and Portland, which does not prohibit the chokehold. Only Albuquerque, Baltimore, and Cleveland require annual use-of-force training, though Cleveland did not provide any record of effectiveness. A summary of the policies' similarities and differences are presented in Table 2.

For the cities that demonstrated a decrease in excessive force complaints and cases, a closer examination of their use-of-force policy model was assessed. The level/type of force model is used as a tool for investigative purposes, police documentation, and reporting data. The researchers assessed the types of reportable force at each city's level (n = 5; see Table 4). The remaining four cities have not adopted this model, nor published their updated policy for public review. However, Ferguson did agree to commit to a use-of-force

model according to their agreement with the DOJ (*United States of America v. The City of Ferguson,* 2016).

Albuquerque, Baltimore, New Orleans, and Seattle identified their lowest level of force as level/type one. As the use-of-force increased so did the categorization of force—levels coincide with the amount of force used. Portland's model used reversed numbering for the type of force used. For example, their lowest amount of force is categorized as level-4 and the most extreme use-of-force is considered level-1. New Orleans and Portland have four levels of force while the other cities have three. Except for Portland, each city's level-1 of reportable force included soft takedowns and/or a threatening police presence. Level-2 essentially used more physical force with non-lethal weapons that may or may not result in injury. Further, the top-tier level for most of the cities (level-4 for New Orleans) included discharge of weapon and lethal force.

Budgets. Litigation regarding police misconduct often leads to payouts that can range from several hundred thousand to several million dollars for one individual and can total to hundreds of millions overtime for multiple victims (Avila & Marshall, 2014). The cost to fully implement the recommendations by the DOJ in a consent decree varied widely by city. The needs and resources of cities were not universal; therefore, each city indicated a budget that included DOJ recommendations, associated special projects, equipment, maintenance of data for police practices and policies, and any other federally mandated programs to bring cities into compliance (Anderson, 2018; Broadwater, 2017; Madhani, 2016; NOPD Consent Decree Monitor, 2017).

Budgets ranged based on the needs and improvements of the departments including use-of-force initiatives and other programs and could fluctuate between $1 million and $13 million. Table 2 displays the cost for each city and cost per 1,000 residents based on the U.S. Census Bureau 2018 population estimates for each city (U.S. Census Bureau, 2019). Ferguson had a notably higher cost per 1,000 residents since its estimated population was 20,730 compared to the other cities whose population ranged from over 300,000 to over 4.4 million (U.S. Census Bureau, 2019).

Evaluation. Overall, all policies emphasized the importance of accurate record-keeping for use-of-force incidents to monitor the number of occurrences and determine additional training needs and levels (APD, 2017; BPD, 2018; City of Ferguson, 2010; City of Portland, Oregon, 2017; Cleveland Division of Police, 2018; Maricopa County Sheriff's Office, 2017; NOPD, 2015; Seattle Police, 2018). Since each city, apart from East Haven, is currently in partnership with the DOJ, cities are continuously evaluated for their policy compliance, its effectiveness, and areas of improvement. A noticeable trend in this analysis was the decreased counts of use-of-force complaints and cases with cities that used a level-of-force model, aside from Cleveland. Although use-of-force complaints and cases have decreased in most reported police departments, cities are bound to a consent decree until all concerns are resolved including issues outside of excessive force (i.e., technology updates).

Table 4. *Comparison of Use-of-Force Models Among Cities with Consent Decrees*

City*	Levels of Force			
	Level 1	Level 2	Level 3	Level 4
Albuquerque	1. Low-level control tactics. 2. Officer presence. 3. Verbal communication to de-escalate situations. 4. Escort techniques. 5. Application of handcuffs or any other approved restraints. 6. Show of force.	1. Intermediate force. 2. Empty hand tactics. Strikes, grabs, kicks, takedowns, distraction techniques & proper arrest techniques to control subject. 3. Use of leg sweeps, arm-bar takedowns, or prone restraints to prevent imminent bodily harm, overcome active or passive resistance. 4. Oleoresin Capsicum (OC) spray. 5. Baton or impact weapons using jabs or strikes. 6. Electronic control weapon. 7. Less than lethal impact munition.	1. Lethal force. 2. Discharge of firearm. 3. Strike to neck, head, or throat with hard object. 4. When lethal force is objectively reasonable & necessary to protect the lives of officers or others, officers may use any tactics or weapons available. 5. Neck holds are prohibited except when lethal force is authorized.	N/A
Baltimore	1. Physical force used to gain control of person demonstrating active resistance or aggressive behaviors that does not result in actual or perceived injury. 2. Pointing a firearm or Conducted Electrical Weapon (CEW). 3. "Cycling" a CEW as a form of warning. 4. Forcible takedowns without apparent injury or allegation of injury.	1. Physical contact that results in injury or complaint of injury with a suspect or arrestee. 2. Three or fewer CEW cycles during a single encounter or operation of CEW in drive stun mode. 3. Any application of OC spray or other chemical weapons. 4. Discharge of less-lethal launcher or munition. 5. Inflicted injury caused by canine. 6. Any strike, other than an intentional strike to head, neck, sternum, spine, groin, or kidney area with an impact weapon. **7.** Intentional striking of vehicle or subject with a vehicle.	1. Deadly force or death of a person while in custody. 2. Intentional & unintentional discharge of firearm. 3. Any force that caused great bodily injury including injury resulting in hospital admission, loss of consciousness, or broken bone. 4. Strike to the head, neck, sternum, spine, groin, or kidney with impact. 5. More than three CEW cycles during a single encounter with individual. 6. Significant officer misconduct in the use-of-force.	N/A
New Orleans	1. Pointing a firearm or CEW. 2. Hand control or escort techniques used as pressure point compliance techniques that result in injury or complaint of injury.	1. Use of CEW including missed attempts. 2. Use of impact weapon to strike individual but no contact was made. 3. Use of baton for non-striking purposes. 4. Weaponless defense techniques.	1. Strike to the head except with an impact weapon. 2. Use of impact weapon with contact except to the head regardless of injury. 3. Destruction of animal.	1. Use of lethal force. 2. Critical firearm discharge. 3. Force resulting in serious physical injury or hospitalization. 4. Neck holds. 5. Force resulting in loss of consciousness. 6. Canine bites. 7. More than two applications of CEW in an encounter or more than 15 seconds. 8. Any strike, blow, kick, CEW use, or similar force against handcuffed subject. 9. Vehicle pursuit resulting in death, serious physical injury, or injuries requiring hospitalization.

Table 4. *Comparison of Use-of-Force Models Among Cities with Consent Decrees*

City*	Levels of Force			
	Level 1	Level 2	Level 3	Level 4
Portland**	1. Force that is intended to establish control of a restrained subject, though not intended or reasonably likely to cause persistent pain or physical injury. 2. Non-striking use of baton. 3. Takedown performed in a controlled manner with no injury. 4. Handcuffing against restraint. 5. Pointing of firearm. 6. Use of hobble restraint. 7. Firearm discharge to end suffering of badly injured animal. 8. Boxing-in maneuver as a vehicle intervention strategy.	1. Force that is reasonably likely to cause non-enduring: pain, disorientation, physical injury, or complaint of pain. 2. CEW deployment of 1 or 2 applications. 3. Use of aerosol restraints. 4. Chemical agents used by Special Emergency Response Team (SERT). 5. Use of impact without injury. 6. Complaint of improper force. 7. CEW & launched impact munition without contact. 8. Takedown. 9. Strikes with hands or feet. 10. Pursuit Intervention Techniques (PIT) maneuver as a vehicle intervention strategy.	1. Force resulting in hospital admission or serious injury. 2. More than one simultaneous intentional CEW application. 3. Three or more CEW applications on one person. 4. CEW deployment on restricted persons. 5. CEW deployment on those with actual or perceived mental illness or crisis. 6. Launched impact munition with contact. 7. Impact weapon with injury. 8. Firearm discharge to stop aggressive animal. 9. Canine bites. 10. Takedowns that cause injury requiring hospital treatment. 11. Riot control agents. 12. Force used on juveniles under 15. 13. Force used on pregnant individuals. 14. Force resulting in loss of consciousness. 15. Any strike, blow, kick, or similar force against handcuffed or retained subject with or without injury. 16. Ramming as a vehicle intervention strategy.	1. Deadly force. 2. All firearms discharged except when necessary with animals. 3. In-custody deaths. 4. Death caused by force. 5. Carotid neck holds. 6. Intentional head, neck, throat strikes with or against a hard object.
Seattle	1. Actions which cause transitory pain, disorientation, or intentional pointing of firearm or bean bag shotgun. 2. Used to control a person resisting commands. 3. Soft takedowns, strike with force to cause pain, or open hand technique.	1. Force that causes or is reasonable expected to cause physical injury. 2. Hard takedowns. 3. Use of CEW, OC spray, impact weapon, beanbag shotgun, deployment of K-9 with injury or complaint of injury, vehicle & hobble restraint.	1. Force that cause great or substantial bodily harm, loss of consciousness, or death. Motorcycles, & impact weapon strikes to the head. 2. Use of neck & carotid holds; stop sticks against motorcycles.	N/A

*Note. Adapted from APB (2017); BPD (2018); City of Portland, Oregon (2017); NOPD (2015); SPD Manual (2017).
**Levels 1-4 were reverse coded for comparison.

Discussion

One-third of cities identified in the consent decree analysis used excessive force against African Americans and five used force against people of color. African Americans are documented to live disproportionately in poor, high crime communities with a particular vulnerability to police brutality (Brown, 2010; Brunson & Miller, 2006; Lawson, 2013). As social workers, it is our duty to participate in social justice initiatives and promote social change through policy examination and provide preventative fundamental solutions such as advocacy and training (Reisch, 2016). Social work values include being mindful, sensitive, and knowledgeable of cultural and ethnic diversity, individual differences and oppressions; discourage discrimination through change efforts; and acknowledge the importance of partnerships with others to drive change (NASW, 2017). By examining the use-of-force policies, social workers uphold their commitment to enhance their knowledge (NASW, 2017) and engage in effective interventions with the community they serve (Hill, Fogel, Donaldson, & Erickson, 2017). For example, social workers Archibald, Daniels, and Sinclair (2017) hosted a training session regarding cultural competency with their local police department that was under a DOJ investigation for excessive force, and subsequently held a conference with community members to inform them of the policing agenda where both groups believed in the necessity of cultural competency training. With these values in mind, the intent of this analysis on police departments' use-of-force policies was to inform social workers of the targeted populations, with attention given towards African Americans, along with the current policies and their outcomes.

Findings from this analysis encourage social workers to advocate and demand police departments to become and remain transparent with reports and use-of-force cases as a form of accountability with reform and consent decree adherence. Knowing that reform is initiated from unconstitutional practices as evidenced by the finding of the DOJ investigations, social workers who engage in community work can empower individuals to report incidents of perceived misconduct. Additionally, to bridge the trust between community and police, social workers must garner innovative approaches that work towards eliminating implicit bias from both the community and police. Examples include working in partnership with police to host community and social events, focus groups, and solution forums that require both parties to work together to find a solution to a pressing issue or concern in their community. Proactive measures are necessary since the DOJ intervention is not guaranteed depending on the criminal justice attitudes of a particular presidential administration.

Like previous studies, the use-of-force policies in this analysis shared many commonalities; however, differences remained and there were some limitations in the study approach. For instance, each agency offered statements of commitment to value and protect human life in addition to a verbal warning before lethal force is used. Baltimore City, Albuquerque, and Cleveland have further demonstrated their commitment to addressing use-of-force concerns by adopting the requirements of annual de-escalation training in their use-of-force policy (APD, 2017; BPD, 2018; Cleveland Division of Police, 2018). Also, this analysis implies that not all policies followed the recommendation of the DOJ to apply a use-of-force model. Coincidentally, the cities that did not implement the model also did not present any indication of reported effectiveness except for East Haven

which successfully fulfilled their agreement requirements. Some policies also did not define force and their associated terms, prohibit chokehold when authorized, encourage officers to perform de-escalation techniques, or allow aerosol irritant which promotes the ongoing use-of-force and ambiguity. Another difference included the cost variations between cities. Several cities announced the amount for a consent decree monitor while other cities either shared their proposed or approved annual budget of total reform costs that included training, salaries, audits, or equipment.

As a result, this analysis was unable to conduct a thorough cost evaluation because all agencies did not provide final budgets for consent decree reform. Other limitations included the sample size of the analysis and the ongoing agreements. As cities attempt to comply with the DOJ agreement fully, there are continuous changes that affect the outcome and alter the components of the analysis. Moreover, future implications should consider re-examining the nine use-of-force policies two years post-compliance for effectiveness measured by decreased complaints and costs in lawsuits derived from police use-of-force. A closer examination ought to investigate additional factors that may cause excessive rates of police use-of-force. These additional factors could include considering underlying or additional social problems, like available resources or the lack thereof, economic concerns, or untreated mental health issues in affected neighborhoods that contribute to increased interactions with police. Social workers should continue to support the NASW (2016a) agenda to encourage the DOJ to promote uniform standards and protocol for use-of-force and cultural competency training.

Conclusion

This review of nine use-of-force policy documents demonstrates the diligence and consideration of both the DOJ and respective police departments to amend the inappropriate practices identified during their investigation. The development of the use-of-force policies starts the breakdown of systemic discrimination and structural violence. Not only do the policies detail force and its use, but it also holds individuals accountable by providing an outline of appropriate behavior with an expectation to follow such procedures that are legally binding. Although not clearly reflected within the policies, but noted in the investigation reports and consent decrees, African Americans believed they were specifically targeted because of their race and reported negative experiences with police officers throughout the community (DOJ-CRD, 2011, 2014a, 2015, 2016). This information apprises social work practice by demonstrating the continuing need to construct a bridge between the two groups. Thus far, cities in agreement with the DOJ saw more than 20% reduction in filed civil rights lawsuits that involved police use of excessive force (Powell et al., 2017). Although there was not an immediate policy change after cities entered an agreement, cities are continuously working to improve their behavior and results. Cities could potentially mitigate their lawsuit costs by using more effective policing that improves police practices and police-community relations.

Based on these policies and the content in the DOJ reports, social workers should demand a presence in the reform process and provide training to officers given their unique holistic approach and understanding of interpersonal relationships, communities, and

culture. Social workers should also take the initiative to include the affected community's concern and input when hosting training sessions and serve as a liaison between agency and community (Archibald et al., 2017).

Overall, police reform is not complete and is a continuous process. With the advocacy efforts of social workers, the opportunities for unity and collaborative practices could begin to alleviate the historical distrust among people of color and the criminal justice system (Brunson & Miller, 2006; Correll et al., 2007; Desmond, Papachristos, & Kirk, 2016; Epp et al., 2016; Shane et al., 2017) and foster more meaningful and productive police and community engagement endeavors.

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