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## A Thin-Slice of Institutionalised Police Brutality: A Tradition of Excessive Force in the Chicago Police Department

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### Abstract

In the Chicago Police Department, a sustained tradition of tolerating violent conduct has contributed to the fostering of a police culture in which the use of force is celebrated. Evidence suggests that there has been a historical reluctance to take action to discipline officers accused of misconduct – many of whom are highly decorated veterans of the Chicago Police Department. It is the contention of this article that the long-standing endorsement of excessive force in Chicago policing has compromised officers' ability to thin-slice, a psychological process in which people are able to draw on their experiences and socio-cultural context to make quick decisions under pressure. Instead, officers are instinctively drawn to engage in misconduct as a means to an end, with the confidence that their actions will not attract the sanction of their superiors.

*Key words:* police, Chicago, priming, force, thin-slicing.

## Introduction

As the second-largest police department in the United States of America, the Chicago Police Department finds itself in the challenging position of having to enforce the law in a city in which intrinsic socio-economic and racial divisions typify the relationship between the community and law enforcement. Regularly listed as one of the most violent cities in the U.S. as a result of these societal conditions, police in Chicago are consistently faced with carrying out their job in a volatile environment that has often led them to adopt strategies that have often been criticised as excessive (Futterman et al., 2007). The formation of an intra-organisational culture is a common feature of most police departments and – with a lengthy history dating back to 1835 – the Chicago Police Department is no exception. A willingness to use extreme force to maintain order on the streets has developed into a central element of Chicago police culture, and has assumed an increasingly prominent position as the city’s ‘war on gangs’ took shape across the latter half of the 20<sup>th</sup> Century (Lemmer et al., 2008). A civil rights investigation into the Chicago Police Department carried out by the U.S. Department of Justice from 2015 to 2017 verified that an organisational culture existed in which excessive force was widely considered a necessary element of policing in Chicago; it found that these ultra-violent tactics were primarily used by officers responsible for policing ethnic minority communities that were seen to be the focal areas for gang-related criminal activity (Serhan, 2017). It was also found that the culture of violence in Chicago policing was reinforced by an absence of professional oversight from senior officers who seldom investigated complaints of police misconduct and, on those occasions when they did, rarely sustained them (Berman & Zapotosky, 2017).

More than simply ignoring these aspects of the force's organisational culture, the efficacy of such practices has led to a situation in which senior officers in the Chicago Police Department have shown a tacit approval for violence and other forms of procedural misconduct. A statistical analysis of the formal complaints made against Chicago police officers supports this assertion. A report compiled by the United States Department of Justice in 2017 found that use of excessive force in the Chicago Police Department was 'not aberrational' and 'amount[ed] to a pattern or practice of unlawful conduct' (United States Department of Justice, 2017). One particular group of five notorious South Side police officers known as 'the Skullcap Crew' attracted more than 128 official allegations of misconduct across their career — with more than a third of these allegations relating to accusations of excessive force made by African-American complainants (Flowers et al., 2016). Again, this statistic is — in the words of the Department of Justice — 'not aberrational'. An analysis of open source data conducted by the Invisible Institute in 2018 found that while African-Americans make up 32 per cent of Chicago's population, they made up 72 per cent of use of force victims between 2005 and 2015 (Fan, 2018). In many of these cases, the Department of Justice found that officers were not adequately investigated — in some cases, officers who used excessive force were even rewarded for achieving a positive outcome by 'closing' cases. In spite of their extensive reputation for misconduct, the Skullcap Crew received very little disciplinary action throughout their careers and, in fact, were also the collective recipients of more than 180 commendations during the exact same period (Flowers et al., 2016).

It is this dissonance that is at the heart of the condition of *anomie* evident in Chicago police culture, wherein the norms adhered to by officers are at distinct odds with the expectations of the community; an anomic misalignment of values underpins the foundation of an intra-organisational police culture that is under significant pressure to achieve results, yet has determined through experience that it is not possible to achieve order on the streets through

conventional means (Huisman & Vande Walle, 2010). Overarching organisational culture is one of the greatest influences on an officer's ability to make the kind of snap decisions that are necessary in order to carry out their duty. In situations such as this, in which cultural influences exert pressure on officers to resort to strategies of violence or misconduct as a routine aspect of the job, it is virtually inevitable that an entire police department could be placed under a shadow of procedural corruption (Silver & Miller, 2004). Such a shadow of misconduct has implications for all police, not just those who participate in excessive force. As former US Attorney General Loretta Lynch said when releasing the 2017 report into the Chicago Police, such a pattern of behaviour results in 'a deficit of trust and accountability' that is bad for residents, and bad for 'dedicated police officers trying to do their jobs safely and effectively' (Madhani, 2017). To properly address this deficit, it is necessary to examine the core factors that drive police behaviour and determine how a lasting shift in the policing subculture of Chicago can be achieved.

### Literature Review

The term *anomie* refers to a social condition wherein the intrinsic connection between the individual and community is severed due to a mismatch of values or morals. Often, *anomie* is described as a state of 'normlessness' in which 'society provides little moral guidance to individuals' (Gerber & Macionis, 2010, p. 7); this a reductive explanation of the concept, and is somewhat removed from the original definition of the term outlined by sociologist Emile Durkheim in the late 19<sup>th</sup> Century. Durkheim's position on *anomie* was that it was less a state of normlessness than it was a misalignment between the normative values of the individual and those held by the collective to which the individual nominally belongs (Chamlin & Cochran, 2007). A state of anomic misalignment can have a significant impact on inter-communal relations: Atteslander describes *anomie* as 'an anarchic state of crisis-prone uncertainty...

social integration within a community ceases... results include general lack of direction and uncertainty in behaviour' (1999, p. 9). Clearly, this social condition is a particular concern when considered in the context of an anomic mismatch between a police force and the community that they serve. Merton built on Durkheim's theory of *anomie* in 1938, reframing the concept from a structural criminological perspective in the form of strain theory. Essentially, Merton argues that there are societal pressures on individuals to pursue idealised goals that are not generally achievable by conventional means; this drives those individuals under such strain to commit criminal acts in order to conform to expectations and achieve these objectives (Merton, 1938).

Given the conditions under which Chicago police officers are forced to operate, strain theory goes a long way towards explaining the department's tradition of tolerating procedural misconduct. Merton claims that strain can come from two separate – yet equally influential – sources: external (structural) or internal (individual). Structural strain arises when inherent systemic deficiencies prompt the individual to reevaluate the best way to achieve their goals. If social standards are loosely enforced, or do not provide adequate opportunity for the individual to be successful, this exerts a strain that can result in a person engaging in deviant behaviours (Hirschi, 2001). In this respect, Merton's theory was inextricably connected to theories of social control with a focus on the idea that criminality occurs in situations where regulation is ineffective or otherwise non-existent (Akers, 1968). Even on an individual level, the primary contention of strain theory is that deviance is driven by a desire to achieve overarching societal goals. Merton argues that when the goals of a community are internalised by the individual, and are considered important by that person, it drives them to take whatever measures necessary to achieve success (Merton, 1938). This is especially true of police, whose behaviour is often influenced by an organisational culture that 'is strong enough to force the identity of police officer to become the individual's master role' (Bleakley, 2019). When this occurs, the

officer begins to subscribe to a new set of norms that are divorced from society-at-large, and are instead driven by the ‘brotherhood’ of policing. Cohen (1995) accepts this structuralist position, going so far as to claim that organisational culture is the primary driver of police corruption and misconduct; he claims that contradictions in the norms of the community and the policing subculture can foster a sense of psychological *anomie* that serves as a psychological primer for misconduct. Passas concurs, and notes that ‘in anomic situations, offenders are in a better position to neutralise and rationalise their acts’ by assessing their actions within the context of a professional subculture that is more tolerant to behaviours that would otherwise be considered deviant (1990, p. 166). For police, this rationalisation process is regularly used to justify the use of force and, going further, excessive force. As this article will outline, in the Chicago Police Department senior officers like Jon Burge and Richard Zuley achieved a reputation for success that was in many ways built on their use of excessive force and, in many cases, torture. This was due to the perception that suspects would not readily assist police or provide them with information without some form of incentive, which ultra-violence provided. It is this type of psychological bargaining that allows officers to differentiate between unacceptable types of corruption – like taking payoffs from criminals – and acceptable forms of misconduct – such as the use of excessive force to illicit a confession.

An anomic police culture also has an inevitable impact on the decision-making process that officers go through while on the job. Due to the fast-paced nature of policing, officers are forced to make critical decisions in short windows of time; to do so, they must rely on both the collective wisdom of the intra-organisational police culture as well as the lessons learned from their own professional experiences (Alshuler, 2007). Ambady and Rosenthal (1992) refer to this practice as ‘thin-slicing’, a psychological process wherein individuals are able to make snap decisions by using minimal information to construct a predictive pattern. Using minimal information to develop such patterns invariably requires a person to draw on existing pre-

conceptions to fill the gaps and make educated assumptions about a scenario; for this reason, the reliability of thin-slicing has been criticised for its innate connection to controversial practices like profiling (Alshuler, 2007). Gladwell (2005) argues that the intuitive judgement comes from a combination of experience, training and knowledge; in his view, the unconscious biases that arise from a person's views or prejudices only serve to corrupt the process of thin-slicing by compromising their ability to accurately interpret a situation. One of the key drivers of unconscious bias in thin-slicing is psychological priming, a process that occurs when an individual's perspective is shaped over time by repeated exposure to similar stimuli; Gladwell notes that psychological priming can give rise to unconscious biases that a person 'may not [even] necessarily endorse or believe' and, instead, come as instinctive reactions informed by a range of psychological and socio-cultural factors (2005, p. 233).

In the context of law enforcement, the psychological process of thin-slicing usually takes the form of profiling – a practice that has been widely critiqued in the discipline of police studies. Profiling takes place when an officer uses identity-oriented factors like ethnicity or assumed socio-economic status to determine the manner in which they choose to engage with a suspect (Weitzer & Tuch, 2002). This practice has been criticised as a form of institutionalised racism that is predicated on stereotypes and validates the targeting of minority communities by police (Taylor & Whitney, 1999); proponents of profiling, on the other hand, have argued that 'applying precedent to the specific facts of a case ... *is* [sic] a particularistic endeavour' and that an officer's previous experiences with different sections of the community should form an integral part of their approach to policing (Harcourt, 2007, p. 20). Research shows that racial profiling was a central aspect of the psychological priming that influenced the decision-making ability of Chicago police officers by thin-slicing. Due to the statistical overrepresentation of young black males in Chicago gangs, Skogan argues that the African-American community have been routinely targeted by the Chicago police to the extent that it

serves as a defining element of the antagonistic relationship between law enforcement and the community; while the Chicago Police Department argue that racial profiling is a common-sense approach building on prior experience, Skogan claims that an aggressively racialized approach to policing has caused Chicago police to be perceived as ‘arrogant, brutal, racist, and corrupt’ (2006, p. 11). It is here that the central academic debate over profiling becomes clear: while police perceive this kind of thin-slicing as a necessary tool to do their job in a challenging environment – as explained by strain theory – many in the African-American community alternatively interpret racial profiling as an expression of conflict theory wherein the dominant white ethnic population uses their control of the law to ‘minimise threats to their interests posed by those whom they label as dangerous, especially minorities and the poor’ (Petrocelli, 2003, p. 1). While each of these explanations are grounded in considerably different motivations, the two are not mutually exclusive and it could very well be argued that racial profiling serves as both a practical *and* repressive policing practice.

### Radicalising the Chicago Police: psychological priming in the 1960s

While the Chicago Police Department was initially founded in 1835, it was not until the late 1960s that the first indications of psychological priming towards its modern policy of overly aggressive enforcement can be observed. This is not to say that police brutality did not occur in Chicago before this time: indeed, one of the earliest recorded cases of police violence in the U.S. was the beating of a civilian in custody in 1872 (Chicago Daily Tribune [CDT], 1872). Even so, there is a clear distinction that exists between isolated cases of police brutality and an overarching policy of aggressive enforcement. Whereas individual cases can be observed throughout Chicago police history, it was not until the rise of left-wing radicalism in the late 1960s that ultra-violence could be seen to have taken a central role in Chicago police culture. The frequency of police brutality cases rose incrementally in the 1960s, ultimately

reaching a zenith in the notorious clashes between police and protesters during the 1968 Democratic National Convention. While a tradition of aggressively targeting minority communities would develop in the years to come, the focus of the Chicago Police Department's attention in 1968 were the predominantly white, middle-class activists of the countercultural protest movement (Kusch, 2008). There is little doubt that Chicago police officers were psychologically primed for violence in the lead-up to the convention: along with the standard service pistol and billy club, officers were supplied with mace and riot helmets, as well as being specifically trained in anti-riot crowd control strategies (Farber, 1988).

Police expectations of violence prompted by this preparation was vindicated by the shooting death of 17-year-old 'hippie' Dean Johnson, who was killed by police after he drew a gun on them when they attempted to detain him for a routine curfew violation (Farber, 1988, p. 165). While this incident did not directly result in a violent clash, it undoubtedly reinforced the state of antagonism between Chicago police and the protesters converging on the city: it showed officers that 'hippies' posed a real threat to their safety, while at the same time reminding protesters that police were willing to use deadly force if deemed necessary. The reinforcement of this antagonistic relationship just prior to the Convention was no doubt a contributing factor in the violence that followed, which in turn established the Chicago Police Department as a group that was not reluctant to use extreme force in the course of maintaining law and order in their city. A rally held in Grant Park on 25 August 1968 – three days after Dean Johnson's death – turned violent after the police's attempt to disperse protesters resulted in them being driven into nearby Clark Street, at which point a running battle between the two groups commenced in downtown Chicago (Kusch, 2008). Responsibility for this night-long altercation was chiefly assigned to the police, who were criticised for overreacting to the initial protest and using 'Gestapo tactics' in their use of tear gas and excessive violence to disperse the crowds (Dawson, 2010, p. 125). A subsequent report into the incident by the National

Commission on the Causes and Prevention of Violence also attributed blame for the violence to the Chicago Police Department, and went so far as to describe it as a ‘police riot’ (Fyfe, 1996, p. 276).

The violent behaviours demonstrated by the Chicago Police Department at the 1968 Democratic National Convention made the city – and its police officers – a target for criticism in the aftermath of the riot. It was a major factor in the decision of radical domestic terror organisation the Weatherman’s decision to hold the ‘Days of Rage’ protest in the city the following year; this protest was purposefully designed to trigger violent conflict with the Chicago Police Department, and was immediately preceded by the group’s bombing of a police memorial in Haymarket Square (Adelman, 1976). Unlike the riots at the Convention in 1968, the actions of protesters during the Days of Rage did little to advance the idea that a pervasive culture of violence existed in the Chicago Police Department. Instead, a lower than expected number of protesters meant that police were able to retain control of the streets with minimal effort; the Days of Rage were a failure to the point that even Chicago Black Panther’s leader Fred Hampton referred to the event as an ‘individualistic ... [and] Custeristic’ failure (Jones, 2004, p. 204). In an ironic turn, it would be the police shooting death of Hampton that would serve as the first high-profile incident of the Chicago Police’s aggressive policy against the city’s black community.

Hampton and fellow Black Panther Party leader Mark Clark were shot dead in Hampton’s apartment in the early hours of 4 December 1969; both men had been covertly dosed with barbiturates by a police informant prior to the raid to ensure that they were compliant and, as such, were unable to provide any significant resistance to the police team (Bennett, 2010). Aside from this, Black Panther Harold Bell – who was also in the apartment at the time of the raid – reported that Hampton was alive after the initial police entry, and was shot dead after he was already detained when one officer fired two rounds into his head at point

blank range, saying ‘he’s good and dead now’ (Churchill & Vander Wall, 1988, pp. 69-70). An inquiry into the raid proved that only one shot was fired by the nine members of the Black Panther Party in the apartment, with the rest of the bullets being fired pre-emptively by police; this finding triggered claims that the Chicago Police had sent an ‘execution squad’ after Hampton, and had murdered him for his outspoken views on the need for the black community to push back against police oppression (Koziol, 1969, p. 7). The Hampton raid took the violent form that it did as a result of the psychological priming of the preceding two years: after facing down the National Convention riots of 1968, and the purposeful targeting of the Days of Rage, it is conceivable that the Chicago Police Department would adopt a zero-tolerance policy towards potentially dangerous radicals. This is supported by the fact that Hampton and his fellow Black Panthers were drugged before the raid, suggesting that police held a genuine fear that their lives were in considerable danger in even attempting to enter Hampton’s apartment; this psychological priming would have unquestionably contributed to the raiding party’s ready willingness to shoot at the Black Panthers, leading directly to the death of two of Chicago’s most prominent African-American activists.

In these early 1960s cases, the origins of the contemporary state of anomie in the Chicago Police Department can be observed. While Chicago had always enjoyed a reputation for police use of force, it was never politicised or scrutinised in the same way that it was after the 1969 Democratic Convention and the raid on the Hampton apartment. These cases were fundamentally different from what came before, in the sense that they suggested to the public that the Chicago police were purposeful in their use of excessive force — rather than being incidental, the police were seen to have entered into these situations with the express purpose of exacting violence on their opponents (Koziol, 1969; Dawson, 2010). Police were psychologically primed to ‘thin-slice’, or to make snap decisions on what action to take in the line of duty based predominantly on cultural conditioning instead of assessing the situation at

hand (Gladwell, 2005). The same accusation would be levied against Chicago police into the late 20<sup>th</sup> and early 21<sup>st</sup> Century, in which time the fractious relationship between police and the community would continue to evolve and the ‘deficit of trust and accountability’ would continue to widen.

### Using prior experience to ‘thin-slice’: Russ, Traylor and McDonald

From a police perspective, it could be argued that the police responsible for raiding the Hampton apartment were justified in their belief that extreme force was necessary to ensure their own safety. Hampton and other Black Panthers groups had been vocal about their preparedness to engage in violent conflict with the police in the past, and it is fair that the officers involved in this incident would use this information to inform their decision-making process (Austin, 2006). This is especially worthy of consideration when taking into account the fact that many officers take on the identity of ‘police’ as their own master role (Bleakley, 2019). Under these conditions, any threat to police made by Hampton and the Black Panthers was considered as a threat posed to *all* police, which in turn further contributes to psychologically priming officers to take decisive, lethal action when conducting the raid on Hampton’s apartment. In this sense, the Hampton/Clark case is an outlier: in many other examples of police violence in the African-American community, Chicago police officers had far less information to inform their decision to shoot and, on occasion, kill suspects.

In the intervening thirty-year period between the Hampton/Clark shootings in 1969 and the Robert Russ case in 1999, the Chicago Police’s relationship with the African-American community continued to deteriorate under a policy of over-enforcement and excessive force. The specifics of this campaign of extra-judicial enforcement will be addressed later in this article. Nevertheless, it is important to note that this atmosphere of tension and mutual distrust

serves as the context for the shooting death of Russ at the hands of Chicago Police on 5 June 1999 (Mendell et al., 2003). Russ was a 22-year-old Northwestern student who was pursued by police after they observed him allegedly making an improper lane change on the Dan Ryan Expressway; Russ continued driving after officers attempted to pull him over, leading to a police pursuit which culminated in Russ losing control of his vehicle (Mendell et al., 2003). Fyfe claims that the adrenaline rush experienced by police in the pursuit of Russ's car impacted on their ability to make rational decisions and caused the incident to make the transition from routine to 'a fast-breaking situation' (Gladwell, 2005, pp. 233-235). It is in exactly this type of 'fast-breaking situation' that psychological priming is most likely assert itself, with police acting based on their instinct and experience rather than conforming to the rules and regulations of conduct that guide the profession. When priming is underpinned by cultural values that are aligned with the expectations of wider society this can result in an effectual, positive instinctive response by police. When it is informed by an anomic culture that values procedural corruption as a means to an end, this process can have lethal consequences as it did in the Russ case.

Against the procedural rules of the Chicago Police Department, two officers approached Russ's car after it came to a stop, with one opening the passenger door; the other attempted to open the driver's side door and, when Russ did not respond, broke open the rear driver's side window with a lug wrench before shooting into the vehicle (Johnson, 1999). Russ was hit in the hand and chest, and died as a result of his injuries. Gladwell (2005) argues that Russ's death came as the result of a thin-slicing process that was impaired by psychological priming that influenced responding officers to predict that a black male who had effectively run from police posed an inherent threat to their lives. It was this belief that led them to approach Russ's vehicle against protocol, and to shoot into the vehicle when he was non-responsive to their commands even though he did not take any aggressive action towards them at this time. In its 2017 report, the Department of Justice found that the Russ case was not an

outlier, and that there was a pattern of Chicago police officers chasing and shooting ‘fleeing persons who posed no immediate threat to officers or to the public’ — it found this practice to be ‘constitutionally impermissible’ (US Department of Justice, 2017, p. 25). In this instance, it is clear that Russ had committed an offence by not pulling over when instructed by police; nevertheless, his shooting was in contravention of all established police protocols and constitutes an excessive use of force that may not have otherwise occurred if officers were not psychologically primed to perceive him as a threat.

Russ’s case is not the only occasion in which psychological priming can be perceived as the root cause of an excessively violent response towards an African-American suspect in Chicago. While the assault of the suspect in the 2001 case of Nevles Traylor did not result in death, it nevertheless highlights the propensity of Chicago police officers to take aggressive action against the black community in the line of duty. On 9 July 2001, Officer Raymond Piwnicki of the Special Operations Section claims to have observed Traylor engaged in a hand-to-hand drug exchange at the Stateway Gardens housing project (Kalven, 2006). In his squad car, Piwnicki pursued Traylor – who was on a bicycle – before intentionally colliding with him and pinning him against a wall with his vehicle; witnesses claim that Piwnicki then exited his car and began hitting the pinned Traylor repeatedly in the head (Futterman & Conyers, 2003). There were a number of witnesses to the Piwnicki/Traylor incident, including members of the Chicago police from the local Public Housing South branch who criticised Piwnicki’s actions at the scene. In spite of this, when the case was investigated, these officers remained silent on what they had seen; one told an investigator that he would ‘spend the rest of his career paying for it’ if he were to testify against a fellow officer (Kalven, 2006). This response speaks to the anomic culture that sustained corruption in Chicago policing, and the ways in which intra-organisational police culture and the structural pressures it creates can prevent the execution of justice, and allow misconduct to become the standard in a police force.

With his fellow police officers fearful of the repercussions that would come from speaking out about his conduct, Piwnicki was effectively protected from repercussion in a situation that only serves to reinforce the belief that police used extreme force with impunity in Chicago. The fact that Traylor was African-American and assaulted in the housing project of Stateway Gardens further contributed to the perception that white police officers like Piwnicki were more likely to respond with this kind of overt violence in minority communities (Taylor & Whitney, 1999); that Piwnicki's actions were so blatant and occurred in front of so many witnesses shows a reckless disregard for the consequences of his actions, or – alternatively – a foreknowledge that he would not face penalty for them. This is reflective of a policing culture where 'officers expect to use force and not be questioned about the need for or propriety of that use' (US Department of Justice, 2017, p. 7). The Department of Justice placed the blame for this expectation squarely on the Chicago Police Department itself, asserting that its failure to adequately review use of force incidences had created the conditions where officers felt that they could act with relative impunity. Although the city ultimately settled with Traylor out of court, the Chicago Police Department's Office of Professional Standards (OPS) did not investigate whether Piwnicki should face departmental discipline, supporting the Department of Justice's later findings (Kalven, 2006). Given the disciplinary branch's previous record, it is unsurprising that OPS would choose not to take action on the Piwnicki case: the officer responsible for shooting dead Robert Russ only two years prior was only given a 15-day suspension for his actions, in spite of the fact that his breach of protocol led to Russ's death (Andonova, 2016, p. 11).

More recently, the shooting death of Laquan McDonald and the subsequent efforts of Chicago police officers to cover up the circumstances surrounding this incident has shone a light on the persistent presence of a 'blue wall' in the Chicago Police Department that operates to protect officers accused of certain types of misconduct such as the use of excessive force.

McDonald, a 17-year-old African-American resident of Chicago's West Side, was shot dead by officer Jason van Dyke, a 14-year veteran of the Chicago Police Department on the night of 20 October 2014; police initially claimed that McDonald, who was carrying a knife, had slashed the tyre of a police vehicle and failed to respond to officers' instructions to put down his weapon before van Dyke was forced to shoot him sixteen times (Miah, 2016). Evidence released after the incident revealed a different story: dashcam recordings showed that van Dyke had been on the scene less than 30 seconds before he began firing at McDonald, who was walking away from the police at the time that he was shot; it also showed that van Dyke continued firing at McDonald after he was already on the ground and the threat he posed was neutralised (Andonova, 2016). At least eight other officers were present on at the time of McDonald's shooting, none of whom saw it necessary to use force.

The fact that van Dyke made the split decision to shoot McDonald is reflective of a process of thin-slicing, wherein van Dyke had become psychologically primed throughout his career to perceive a non-response and armed black teenager as a threat that needed to be neutralised through use of deadly force. Like the Russ case, this is reflective of an overarching police culture wherein it was a norm to aggressively pursue citizens who were contained, or posed no real threat to themselves or others (Department of Justice, 2017). Records obtained from the Citizens Police Data Project show that van Dyke had been the subject of 24 allegations of misconduct across his career in the Chicago Police Department prior to shooting McDonald, many of which related to the use of excessive force (Citizens Police Data Project [CPDP], 2018a). Van Dyke had been the subject of four complaints relating in the year prior to the McDonald shooting alone, with the investigation into several of these incidents not even beginning until after he had already shot and killed McDonald on 20 October 2014. In the majority of these cases, the alleged victims were African-American, and in several cases noted that the officers they accused of misconduct had used racially-targeted language while in the

process of committing acts of excessive force. Van Dyke's behaviour towards African-American citizens was not uncommon in a Chicago Police Department (Fan, 2018). While none of the complaints against van Dyke were officially sustained by investigators, they nonetheless suggest that he had repeatedly been involved in heated altercations with members of the African-American community. At worst, this shows a pattern of excessive force towards black civilians; at best, it suggests that van Dyke may have been primed to respond proactively or otherwise aggressively to African-American suspects, which undoubtedly would have impacted on his ability to effectively thin-slice in responding to fast-moving police incidences.

While van Dyke's actions in the McDonald case were undoubtedly an example of the excessive and unnecessary use of force, it is the actions of his fellow officers in the aftermath of the shooting that provide the greatest insight into the insular and toxic culture of obstruction in the Chicago Police Department. As in the Piwnicki case, officers who witnessed that shooting either refused to make a statement against van Dyke or, alternatively, presented a version of the facts that were specifically designed to obscure van Dyke's misconduct. The initial report into the McDonald shooting was around 400 pages long, and yet failed to note at any time the excessive amount of shots fired by van Dyke; this, along with a statement later proven false that McDonald has raised his knife at van Dyke, led to the shooting initially being designated a justifiable homicide under the police's use of force guidelines (Zorn, 2018). A claim presented before the grand jury in van Dyke's case – which has since been disputed – was that a nearby Burger King closed-circuit video which may have recorded the incident was accessed by Chicago police on the night of McDonald's shooting, after which a total of 86 minutes of footage was erased that covered the time of the incident (Meisner, 2015). An investigation into the circumstances around the McDonald shooting suggested that a collaborative effort had taken place to protect van Dyke, and to shape the narrative in a way that cast McDonald as an aggressor; in this example of the 'blue wall' in action, officers

actively engaged in the fabrication of evidence for the express purposes of protecting one of their colleagues (Chin & Wells, 1997). Again, this goes beyond the incidental use of force in the line of duty — the active protection of a fellow officer against a claim of excessive force is an example of the anomic ‘blue brotherhood’ in action, where misconduct is accepted so long as it is seen to adhere to the subcultural values of policing. In this case, van Dyke was considered to have simply been doing his job when he shot McDonald, and as such was worthy of the protection of his ‘brothers’ by simple virtue of his master role as a Chicago police officer.

### Chicago ‘police gangs’: the anomic condition of street policing

Although the effort to protect van Dyke were ultimately unsuccessful, officers involved in the attempted cover-up had every reason to believe that ‘the blue wall’ would withstand scrutiny as it had in similar situations faced by the Chicago Police Department in the past. In one of the most notorious cases of a rogue Chicago police officer being allowed to remain on duty, highly decorated police officer Jon Burge was accused of torturing more than 200 suspects over a period of almost two decades between 1972 and 1991 (Baer, 2018). While Burge was believed to have engaged in excessive force and torture tactics from the very start of his career in 1972, his actions in the winter of 1982 give what is perhaps the best insight into the reasons why such ultra-violent behaviour was tolerated by the Chicago Police Department. After a spate of shootings in which several Chicago police officers were injured or killed, Burge was responsible for tracking down those responsible; the investigation that ensued was characterised by the public use of violent tactics designed to invoke fear in the African-American communities that were home to the suspected offenders. Burge’s team were public in their misconduct, which incorporated a vast range of conduct violations from shooting the pets of suspects to handcuffing uncooperative interview subjects to objects for lengthy periods of time (Taylor, 2014).

Ultimately, Burge's team arrested several African-American men for the shooting, several of whom had confessed after being repeatedly assaulted whilst in police custody (Riebman, 2016). One of the suspects, Andrew Wilson, consistently claimed that he had confessed under duress after Burge's unit had electrocuted, burned and suffocated him; despite these claims, Wilson's allegations were not formally investigated until he launched a civil suit against the city for police brutality seven years later in 1989 (Scully, 2009). The failure to investigate Burge for such a lengthy period, during which time he continued to advance in his career, can be attributed to the willingness of the city and the Chicago Police Department to overlook the use of excessive force to bring the police shootings to an end. Cook County State's Attorney and future Chicago Mayor, Richard M. Daley, was notified of the Burge allegations shortly after Wilson's arrest, but decided not to investigate as doing so would have compromised all of the confessions obtained in this case, and may have resulted in 'cop killers' being released back onto the street (Riebman, 2016). This is a prime case in which the cover-up of police brutality was used as a means to an end, and the blue wall was maintained due to the universal desire to avoid compromising what was seen as a series of arrests that was imperative to the ongoing safety and security of Chicago police officers. It also provides yet another explanation for how the anomic culture of Chicago policing was allowed to evolve. While unique in many ways, the Burge case was a prime example of this, where Burge's success as a police officer afforded him a degree of impunity to use whichever methods he saw fit — including excessive force and, ultimately, torture.

Similarly to what transpired in the Burge case, the actions of former Chicago homicide detective Richard Zuley can be seen as a representative example of the extent to which excessive force was tolerated in the Chicago Police Department in situations where it was considered to have resulted in a successful outcome. Beginning his career with the Chicago Police Department in 1977, Zuley was accused of having operated an 'off-the-books' police

black site at Homan Square, where suspects would be taken to be interrogated using unlawful techniques; it is believed that at Homan Square, and other sites, Zuley was responsible for using torture tactics to elicit false confessions from a number of suspects throughout his career (Go, 2017). This behaviour was only discovered after his retirement, when a series of complaints led Cook County State's Attorney Anita Alvarez to subpoena his entire complaint history. As a result of the subsequent investigation into his conduct, several people were exonerated after they were determined to have been convicted on the basis of fabricated evidence or false confessions. In one case, it was claimed that Zuley had tortured Latherial Boyd, an African-American suspect in a nightclub shooting, and suppressed exculpatory evidence after claiming that 'no nigger should live like this' after visiting Boyd's upmarket city apartment (Ackerman, 2015). Boyd was only released after spending 23 years in prison as a result of Zuley's actions.

During his time at the Chicago Police Department, Zuley was considered a highly successful homicide detective and was widely praised for his interrogation techniques. He later became a lead interrogator at the Guantanamo Bay military detention centre, and assisted in establishing the counter-terrorism program at the Chicago Police Department's training facility during the last 18-months of his career (Benjamin et al., 2009). Zuley's record is one of a highly respected officer which, like Burge, is largely based on his ability to close cases and obtain convictions. The fact that such a long list of allegations against him were buried during his career suggests that his ability to secure convictions against suspects was considered more important than conducting an investigation into his conduct that might have placed every conviction he had ever made in his career in question. In essence, Zuley became too big to fail in the Chicago Police Department — it was essential for his fellow officers to obstruct any attempt to investigate Zuley's conduct, or risk a wave of violent criminals having their convictions overturned and being released. As the lax response to the Burge allegations suggested, it was a prevailing view in the anomic culture of the Chicago Police Department

during this period that violence was often necessary when interrogating suspects (Baer, 2018). Decorated senior officers like Burge and Zuley had proven that they were able to achieve results by using these tactics, and as a result the department on the whole was primed to consider this to be an essential part of policing culture, and a professional practice that was tolerated by the Chicago Police Department for the greater good.

### [The futility of complaining: the Skullcap Crew as model officers](#)

The professional success of officers like Burge and Zuley in many ways indoctrinated a generation of Chicago police officers into an anomic organisational culture that psychologically primed them to thin-slice and make decisions where the use of extreme force was an instinctive reaction. There is no better example of the way in which misconduct and violence was tolerated and, in some cases, rewarded in the Chicago Police Department than the case of the ‘Skullcap Crew’, a group of officers from the Public Housing South division that were accused of mounting a campaign of violence and intimidation in low socio-economic and predominantly African-American neighbourhoods throughout their highly decorated police careers (Futterman et al., 2007). As was the case with Burge and Zuley, the Skullcap Crew’s success in street-level investigations largely arose from the fear they instilled in the community, and the widespread knowledge that the team of five officers would use any means necessary to secure arrests and convictions. In many cases, the actions of the Skullcap Crew can only be described as harassment: a federal class action suit was filed over a 2001 incident in which the Skullcap Crew raided a basketball game in the Stateway Gardens neighbourhood and subjected men, women and children alike to warrantless searches and excessively forceful treatment (Flowers et al., 2016). In other well-publicised cases, members of the group were accused of forcing black civilians to perform searches on each other, and carrying out randomly-targeted assaults on African-American youths for the purposes of instilling fear and maintaining a reputation for violence (Kalven, 2006). One former resident of Stateway Gardens claimed that

‘when they [Skullcap Crew] come, you more so afraid of them than you is of people who is gang-banging [sic]’ (Flowers et al., 2016).

Given the demographics of the community that they were tasked with policing, it is relatively unsurprising that most complaints against the Skullcap Crew during this period were made by African-American civilians. This is not unusual: as the Invisible Institute’s analysis of use of force showed, around 90 per cent of use of force incidences in this period involved a person of colour (Fan, 2018). Officers in Public Housing South interacted with the black community at a disproportionately higher rate than any other ethnic population. In the time since the unit was dissolved in 2004, however, four out of the five officers that were part of the Skullcap Crew have continued to serve in different capacities throughout the Chicago Police Department. In spite of these transfers, the proportion of misconduct allegations reported by African-American complainants remains considerably skewed: of the allegations filed against the Skullcap Crew recorded by the Citizens Police Data Project, 87 per cent came from African-Americans, as did 100 per cent of the complaints in relation to verbal abuse and false arrest (Flowers et al., 2016). Each officer continued to receive misconduct complaints after being moved from Public Housing South and, as such, the fact that the proportion of African-American complainants remained so high shows that the group had a tendency of targeting the black community; this interpretation of the data is supported by the anecdotal recollections of their alleged victims, who claim that the use of racial epithets was a routine aspect of their experiences with Skullcap officers (Kalven, 2006). Racialising crime was, in many ways, a reactive response by the Skullcap Crew, who were psychologically primed from their disproportionate interactions with the black community to see all African-Americans as potential offenders. Unlike Burge and Zuley, the Skullcap Crew were wanton in their use of violence, and used it indiscriminately against suspects and innocent civilians alike. In this case,

the Skullcap Crew used excessive force pre-emptively to control the community by proactively establishing a climate of fear.

The impact that the Skullcap Crew's actions had on police-community relations in African-American neighbourhoods like Stateway Gardens was profound: as Kalven (2006) notes, 'a relatively small number of rogue police officers, if allowed to operate with impunity, can become the cruel and corrupt face of civil authority for an entire community'. It is clear that there was a purposeful effort from the Skullcap Crew to be visible in the community, and to ensure that their reputation for violence and aggression preceded them. As representatives of the wider Chicago Police Department, the Skullcap Crew essentially psychologically primed African-Americans in neighbourhoods like Stateway to perceive *all* Chicago police as inherently corrupt, invariably casting a shadow over their responses to other police officers outside the corrupt nexus of Public Housing South. In spite of the fact that the five-member team had attracted at least 128 official complaints for conduct violations from excessive force to illegal arrest throughout their careers – a cumulative 97 years of service – the Skullcap Crew received proportionally little disciplinary action from the Chicago Police Department. In one representative case, the Citizens Police Data Project shows that central Skullcap Crew member Robert Stegmiller has attracted 62 allegations of misconduct across his career – positioning him within the top two per cent of officers with complaints made against them (Citizens Police Data Project [CPDP], 2018b). Stegmiller had also been the subject of 13 use of force reports, more than 88 per cent of other officers; based on this data, it is reasonable to assume that Stegmiller would have been a significant focus of oversight by the Chicago Police Department. On the contrary the data shows that of the 62 complaints filed against Stegmiller, only two have been sustained and none have seen him face official reprimand; instead, he has been the recipient of 159 honourable mentions — more than 97 per cent of other officers (CPDP, 2018b).

The fact that Stegmiller could be in the top two per cent of officers with complaints made against them, and simultaneously be in the top three per cent of officers who have received honourable mentions, is a reflection of the thin line between discipline and commendation in the Chicago Police Department. It shows that there was institutional support for the behaviour of officers like Stegmiller, provided that they are able to provide results in the way of arrests and convictions. In doing so, the Chicago Police Department reinforces the subcultural belief in the rank-and-file that engaging in excessive force is typically tolerated, and often rewarded by their superiors (Armacost, 2004). Inevitably, this institutionalised perspective influences the officer's ability to thin-slice while on the job — in a situation where they perceive that it is possible to make an arrest through use of excessive force, it is more likely that they will take such actions on the understanding that they will likely face little professional consequence for their behaviour (Bennett & Hess, 1992).

### Conclusion

It is an expectation that the police officers that are entrusted with securing public safety have the ability to make decisions at a moment's notice that are both rational and ethical. This decision-making process does not exist in a vacuum. It is a product of a combination of factors including an officer's training, experiences and the professional culture in which they operate (Gladwell, 2005). Since at least the late 1960s, the Chicago Police Department has fostered an intra-organisational culture that not only tolerates the use of excessive force, but often encourages it as a means to an end. In the aftermath of the 1968 Democratic National Convention riots, the Chicago police became increasingly militant in their enforcement approach, particularly when it comes to the policing of the minority communities that are so prominent in such a highly diverse city (Farber, 1988). In many ways, the shooting deaths of Black Panther leaders Fred Hampton and Mark Clark in 1969 was an epochal moment for

policing in Chicago, fundamentally reshaping the African-American community's perception of the level of force that police were willing to use against the black population; this view was consistently affirmed in the decades that followed as Chicago police officers were repeatedly allowed to engage in strategies of excessive force – and even torture – in the pursuit of 'justice' (Baer 2018). In spite of the fact that they were publically accused of brutality, decorated officers like Jon Burge and Richard Zuley were able to operate unrestrained by any form of professional or legal oversight (Riebman, 2016). In the case of some, like Skullcap Crew member Robert Stegmiller, officers who had received more misconduct complaints than any other officer in the department were also in the highest percentiles when it came to receiving official commendations (CPDP, 2018b). Considering the apparent lack of sanction against officers that were accused of misconduct, the claim that Chicago police were rewarded for using violence in the course of duty is largely justified.

In an anomic culture that implicitly rewards violence, it is inevitable that officers would be psychologically primed to respond with force as an instinctive measure. If there are no repercussions for using excessive force, there is little reason for police to restrain themselves when forced to make decisions in the heat of the moment; the influence of such a culture on an officer's ability to thin-slice, and to make decisions that are in line with their formal training (Gladwell, 2005). Police culture is potentially the most influential factor in a police officer's decision-making process, and the kind of culture that takes pride in its proactive and aggressive response to crime will almost always lead to higher levels of police brutality (Armacost, 2004). To combat this institutional tolerance of police violence, it is important to break down the defensive walls that Chicago police officers have built up around them to protect them from any disciplinary action arising from their actions. Inevitably, this means instituting systems and processes that are purposefully designed to ensure a greater level of accountability than currently exists. Chicago has begun taking steps towards this in the aftermath of the Department

of Justice's 2017 investigation, and the subsequent conviction of Jason van Dyke for the killing of Laquan McDonald. Even so, changing an ingrained institutional culture is a lengthy process. In order to affect lasting subcultural change in the blue brotherhood of policing, a carrot-and-stick approach is necessary — officers must be made accountable for their actions via transparent disciplinary action, but also must be shown that institutional support exists for officers so long as they are following a set of agreed upon rules of conduct. In dealing with police use of force, there is often a tendency for oversight agencies to come off as fundamentally 'anti-police'. Not only is this counterproductive to establishing a foundation for good policing, it sets any body tasked with overseeing police conduct up for failure and should be avoided for this reason.

As was evident in the cover-up in the van Dyke case, the 'blue wall' of police loyalty continues unabated, to the point that officers who attended the McDonald shooting had the instinctive response to fabricate evidence to protect van Dyke based on their mutual professional connection rather than any personal motivation (Zorn, 2018). This is not unique to Chicago — it is a feature common to many policing agencies around the world, where the blue brotherhood both forms a bond between officers and, simultaneously, encourages an anomic policing subculture that is divorced from community standards. A systemic cultural shift is still needed in the Chicago Police Department if it is to take real steps to course-correct after decades of tolerating excessive force; unless this real, tangible action is taken to investigate and discipline officers accused of excessive force, it will continue to play a significant role in the culture of Chicago policing, and remain a central obstacle in efforts to improve relations between police officers and the community. It has proven difficult to break-down the brotherhood of policing thus far, and questions arise as to whether this is even something that should be pursued, as the support system that the brotherhood provides has a number of positive aspects to it that to some extent counter the negative elements. What may

be needed instead is a way to work *with* the brotherhood — to show senior police, who in many ways set the cultural tone of the organisation, that there is little benefit to be achieved from perpetuating misconduct. Doing so will require investment from both oversight agencies *and* police unions, and will take negotiation and concessions from both sides in developing a compromise strategy that acknowledges the realities of policing on the ground while still steering officers towards ethical conduct. Investment may take time and commitment, but it is only by using such a conciliatory approach that the blue brotherhood can ultimately join the fight against excessive force — both in the Chicago Police Department and beyond.

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