

Here's Why Bad Cops Aren't Held Accountable

Trevor Burrus

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In the culture wars of our time, each side has preferred heroes. For the left, it has long been teachers, who are regarded as selfless public servants. For the right, it's the police, for the same reasons. Criticizing either one will get the same rebuke from supporters: "Have you done that job?!? It's the hardest job on earth and they get paid very little for their service."

In the past, cops have been to conservatives what teachers are to the left, but conservatives are waking up to the costs of insulating police from accountability. As riots occur in cities across America—stemming from yet another appalling act of racially charged police violence—significant and long-lasting reforms should be considered in order to better protect our civil liberties. Near the top of that list is abolishing or significantly curtailing police unions.

It shouldn't surprise conservatives that police unions significantly contribute to police misbehavior. After all, conservatives have long understood that teachers unions are a big source of the dysfunction in our education system and an impediment to meaningful reform. It is the job of a union to protect the job of the worst worker as much as the best one. Consequently, teachers unions don't only ensure that bad teachers remain on the job, they can corrupt the incentive structures of an entire district. Soon, it's not just a few bad apples, but the barrel itself that's rotten.

Some of the problems occur at the self-selection stage. A great many people would like to be teachers but they don't want to deal with the rigmarole of the teachers union. Moreover, because teachers unions have fought against performance pay, particularly performance pay related to education outcomes, those who feel that they can excel by delivering better education outcomes are often dissuaded from innovating or even becoming teachers in the first place. As one study found, "unions tend to encourage teacher bonuses that are based on additional qualifications or duties, but discourage bonuses that directly reward improved student test scores."

None of this is news to conservatives, and teachers unions have thankfully been declining in popularity. Now it is time to apply the same lessons to police unions, where there are many of the same pathologies.

Like many things, abusive police tend to follow some version of the 80/20 rule: 20% of the officers account for 80% of the complaints of misconduct. In some jurisdictions, it might be closer to 90/10. According to University of Chicago law professor Craig Futterman, in Chicago "more than 80 percent of officers have fewer than four complaints for the bulk of their careers," but "a small number have accumulated more than 50 in five years and haven't been disciplined."

Those bad officers are extremely difficult to fire, and that's almost entirely due to police unions. Unions have set up drawn-out arbitration processes that often reinstate officers who are fired for obvious breaches of conduct. Police around the country are also protected by Law Enforcement

Officers' Bills of Rights (LEOBR), usually passed with the backing of unions, that offer accused officers protections that far exceed what normal citizens are offered. Whereas police can drag you into custody and ask you questions without telling you about the investigation or the charges being considered, LEOBRs allow officers to have "cooling off periods" of anywhere from two to 10 days after an incident such as a shooting. During that time, an officer can concoct a story that justifies their actions.

Of course, most officers don't willfully lie, but for the truly bad apples, the ones who consistently physically assault, batter, verbally abuse, and otherwise exceed their authority, would it be surprising that they'd be willing to lie about what happened?

Allowing these bad cops to stay on the job only exacerbates the racial tensions between police and African Americans. There are many documented instances of police using racist and violent language on Facebook and other social media sites. But even if police are no more racist than the wider population, that would still be a significant problem because of the crucial role police play in serving our communities. A police officer who consistently harasses African Americans and who essentially can't be terminated compromises the entire department. **(RELATED: The Left Exploits The Trauma Of Racism)**

Ultimately, it's strange that we give police officers such protections, given that they occupy an important role in our society. Granted, policing may sometimes call for aggressive tactics and we should be tolerant of the split-second decisions policing often requires. Such leeway would protect the vast majority of police officers who do their jobs honestly and well. Officers who receive dozens or more complaints a year, however, need to be reviewed and, if necessary, promptly fired. A business wouldn't tolerate 50 complaints about the behavior of an employee before taking action, and probably not even 5. A woman was recently fired from her private-sector job because she was filmed harassing a black man in a park, yet police around the country consistently get away with similar behavior. Police unions are the primary reason for this.

Protests in the streets demonstrate that the people are fed up, as they should be. For too long those who should be the most accountable for their errors and crimes have been the least accountable. It will take a lot to repair our criminal justice system, but reforming police unions is a good place to start.

Trevor Burrus is editor in chief of the Cato Supreme Court Review and a research fellow in Cato's Robert A. Levy Center for Constitutional Studies