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Abstract

The Civil Rights Act of 1871 (codified at 42 U.S.C. §1983 and commonly referred to as Section 1983) provides a civil remedy for aggrieved persons to sue state actors who under the color of law violate federally protected rights. Since the 1960s there has been an explosion of Section 1983 litigation in the federal courts against police officers and their employing municipal and county agencies. Due to a lack of official statistics and poor methodologies, research has yet to determine how common Section 1983 actions are against the police nationwide. This study examines the relationship between police crime and being named as a party defendant in a federal court Section 1983 civil action. Using a list of 5,545 nonfederal sworn law enforcement officers who were arrested for committing one or more crimes during the years 2005-2011, searches were conducted in the federal courts' PACER system to locate Section 1983 actions against those officers. The authors found that 22% of all arrested officers were named as a party defendant in a Section 1983 federal court civil action at some point during their law enforcement careers. Additional findings address various predictors of a police officer being sued in a Section 1983 action.

Keywords: police crime, police misconduct, 42 U.S.C. §1983, Section 1983, Civil Rights Act of 1871, civil rights litigation

Federal Civil Rights Litigation Pursuant to
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The costs of police misconduct are staggering. The ten cities in the United States with

the largest police departments collectively paid out more than $1 billion during the five year

period 2010-2014 for court judgments and settlements in police misconduct cases (Elinson &

Frosch, 2015). Those cities are Baltimore, Chicago, Dallas, Houston, Los Angeles, Miami-Dade,

New York City, Philadelphia, Phoenix, and Washington, D.C. A 2014 investigation by the

Baltimore Sun determined that some police officers face repeated police misconduct lawsuits,

often resulting in numerous judgments and settlements over the course of these officers' careers

(Puente, 2014).

The narratives in some of the high profile cases in cities of all sizes have become all too

familiar. In April 2015, a police officer shot and killed Walter Scott in North Charleston, South

Carolina. Scott, who was unarmed, was shot in the back as he ran from the officer and died

instantly. The officer's first reaction after shooting Scott was to plant evidence next to the fallen

man's body to make it look like he had grabbed the officer's Taser. In October 2015 the City of

North Charleston, South Carolina, settled a lawsuit with the family of Walter Scott for $6.5

million (Ford, 2015). John Geer was shot and killed by a Fairfax County, Virginia, police officer

in August 2013. Fairfax County paid $2.95 million in April 2015 to settle a wrongful death

lawsuit with Geer's family (Jackman, 2015). Shortly thereafter, the officer who shot Geer was

charged with murder. In December 2015 a police corporal with the Dover Police Department in

Delaware was acquitted of kicking a man in the head, even though the incident was captured on

dash-cam video in the officer's patrol car. A month after the conclusion of the officer's criminal

case, the city paid an undisclosed amount of money to settle a civil rights lawsuit in federal court

(Reyes, 2016). Shortly after the lawsuit was settled, the city paid the officer $230,000 in

consideration of his agreement to resign from the police department (Fisher & Parra, 2016). Six Baltimore City, Maryland, police officers are facing criminal charges related to the April 2015 in-custody death of Freddie Gray. In September 2015 the City of Baltimore agreed to pay Gray's family $6.4 million to settle a civil suit (Wenger & Puente, 2015).

Although each of the cases discussed above received a lot of media attention, these cases are the exception, not the rule. Most police misconduct lawsuits are never written about in newspapers and the public rarely becomes aware of the true costs incurred by municipalities across the country in settling these cases or paying court-ordered judgments. Lawsuits that settle prior to trial are especially difficult to track, because a standard condition of settlement is often that the financial terms of the settlement are confidential and not subject to disclosure. Rarely do the settlement agreement documents become part of the court record. Rather, counsel for the parties and the judge will sign a stipulation of settlement, but the actual terms of the settlement are memorialized in a separate document that is retained by the attorneys for the plaintiff and defendant(s). The current study explores the relationship between sworn law enforcement officers who are arrested and federal civil rights litigation against those officers at some point during their law enforcement careers. It is important because it is the only study known to the authors that counts federal civil rights lawsuits for police misconduct on a nationwide level.

The review of the literature is organized in three sections. First, the phenomenon of police crime is addressed in terms of defining the criminality of sworn law enforcement officers. The second part of the literature review summarizes the statutory framework and relevant case law as to federal civil rights litigation pursuant to 42 U.S.C. §1983 against municipalities and their sworn law enforcement officers. The final part of the literature review addresses research

that has sought to determine the prevalence and extent of lawsuits for police misconduct, including Section 1983 civil rights litigation, over the past half century.

Police Crime

Police crimes are those crimes that are committed by sworn law enforcement officers who have the general powers of arrest and are employed by state and local law enforcement agencies. These crimes can occur when an officer is either on-duty or off-duty, and there is no bright line to differentiate between on- and off-duty police crime because the unique training, skills, experiences, stresses, relationships, and culture of policing do not stop at the end of an officer's daily shift (Fyfe & Kane, 2006; Stinson, 2015; Stinson, Liederbach, & Freiburger, 2012). Most police crime is alcohol-related, drug-related, sex-related, violence-related, and/or profit-motivated (Stinson, 2015). Researchers have struggled with studying police crime because law enforcement officers are generally exempt from law enforcement (Reiss, 1971)— meaning that police officers do not like arresting other police officers and rarely do arrest other officers—and because data have not been readily available on crimes committed by law enforcement officers. In the absence of official data on police crime, researchers have resorted to a variety of methodologies, including content analyses, field studies, internal agency records, quasi-experiments, and surveys, as well as the investigative reports of independent commissions and the news media.

The Civil Rights Act of 1871

The Civil Rights Act of 1871 was enacted to provide civil remedies against local officials who conspired with the Ku Klux Klan to violate the constitutional rights of former slaves. The law, later codified as 42 U.S.C. §1983, sat largely dormant for much of the next century. The statute reads:

> Every person, who under color of any statute, ordinance, regulation, custom, or usage, of any State of territory, subjects, or causes to be subjected, any citizen of the United States or other persons within the jurisdiction thereof to the deprivation of any right, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered a statute of the District of Columbia.

42 U.S.C. §1983 (civil action for deprivation of rights). Since the early 1960s, a series of opinions from the United States Supreme Court has led to the development of a robust body of case law and a plethora of litigation pursuant to Section 1983 in federal courts across the country. In *Monroe v. Pape* (1961) the Supreme Court held that individual police officers can be sued under Section 1983 for violating a plaintiff's constitutional rights. Municipal liability will attach under Section 1983 on a judicial finding that a government official (a) acted under the color of state law (b) pursuant to some custom, policy or law of the governmental entity (c) so as to deprive the plaintiff of some right, privilege, or immunity guaranteed by the United States Constitution or some federal law (*Monell v. Department of Social Services*, 1978).

Monell overturned *Monroe* to the extent that prior to 1978 there was no municipal liability under Section 1983. Section 1983 is now the cornerstone of federal police liability litigation against police officers, their employing law enforcement agencies, and municipalities (Kappeler, 2006). As an historical artifact of this line of case law as to pleadings practice, to this day Section 1983 cases are often filed in federal court with the caption listing the names of individual officers instead of listing the name of the municipality as the party defendant. Even so, a Section 1983 civil action is deemed to be a lawsuit against an officer's employing municipality if the officer is being sued in his or her official capacity, without regard for whether

the municipality is specifically listed in the case caption as a party defendant, so long as the

municipality is put on notice of the lawsuit (*Brandon v. Holt*, 1985).

Lawsuits against Police Officers

For the past fifty years researchers have struggled with determining how often police are

sued for actions arising out of their duties as sworn law enforcement officers. Prior research

suggests that the number of lawsuits filed against police has risen dramatically since the 1960s

(e.g., Kappeler, Kappeler, & Del Carmen, 1993; Schmidt, 1974; Silver, 2010). It is difficult,

however, to accurately determine the extent of litigation against the police because there are no

official statistics on police misconduct litigation and because much of the existing body of

research in this area has relied upon published court opinions in counting lawsuits against police

even though most police misconduct lawsuits are settled out of court (D. L. Ross, 2013). Recent

estimates suggest that approximately 30,000 police misconduct lawsuits are filed each year in

state and federal courts against police officers, their employing agencies, and municipalities

(Silver, 2010). Most lawsuits against the police are filed in state courts as civil tort claims (U.S.

Commission on Civil Rights, 2000).

Cases alleging constitutional torts are typically filed in federal court pursuant to 42

U.S.C. §1983. Some civil cases are originally filed by plaintiffs in state trial courts and then

removed by defense counsel to a federal district court when the complaint includes a federal

question. See 28 U.S.C. §1441, *et seq*. It is difficult to determine exactly how many Section

1983 police misconduct cases are filed in the federal district courts each year. This is because

civil actions are coded by the nature of suit on a civil cover sheet (United States Courts Form JS

44) for each new case filed in the office of the clerk of the court in a federal district court, but

there is no nature of suit category on the form for police misconduct cases filed pursuant to 42

U.S.C. §1983. Section 1983 actions are typically coded as "other civil rights" for the nature of suit on the civil cover sheet form along with various other types of civil rights lawsuits that are *not* in the nature of voting rights, employment discrimination, housing discrimination, education rights, prisoner petitions, and actions pursuant to the Americans with Disabilities Act. In recent years the number of civil actions filed in federal district courts and coded as "other civil rights" has remained constant at about 18,000 cases per year (Kyckelhahn & Cohen, 2008). Most Section 1983 lawsuits in federal court are disposed of by dismissal or summary judgment granted by a judge, or by settlement between the parties. Only about 3% of all Section 1983 cases in federal district courts are concluded by a trial (Kyckelhahn & Cohen, 2008).

Section 1983 litigation in police misconduct cases filed in federal district courts has exploded over the past 40 years. About 13% of all civil cases filed in federal district courts are civil rights cases (Transactional Records Access Clearinghouse, 2016). There are two primary reasons why Section 1983 cases have become such a large part of the cases docketed in the federal trial courts. First, the Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. §1988, has served to encourage attorneys to accept victims of civil rights deprivations as clients because now plaintiffs can be awarded the recovery of attorney's fees if they prevail on the merits through trial or settlement. Second, in *Monell* the United States Supreme Court held that there is municipal liability under Section 1983. Prior to *Monell*, Section 1983 lawsuits were less common because, even when successful, it is difficult to recover a money judgment from an individual police officer. The deep pockets of municipalities and their insurance carriers have served as fruitful litigation grounds for many civil rights trial attorneys since the Supreme Court handed down the *Monell* opinion in 1978.

Method

Data for the current study were collected as part of a project commenced in the year 2004 designed to locate cases in which sworn law enforcement officers had been arrested for any type of criminal offense(s). Data were derived from published news articles using the Google News search engine and its Google Alerts email update service. Google Alerts searches were conducted using the 48 search terms developed by Stinson (2009). The Google Alerts email update service sent a message each time one of the automated daily searches identified a news article in the Google News search engine that matched any of the designated search terms. The automated alerts contained a link to the uniform resource locator (URL) for the news articles. The articles were located, examined for relevancy, printed, logged, and then scanned, indexed, and archived in a digital imaging database for subsequent coding and content analyses. The present study focuses on the identification and description of the cases in which sworn law enforcement officers were (a) arrested during the years 2005-2011, and also (b) named as a civil action party defendant in a federal court civil rights case pursuant to 42 U.S.C. §1983 at some point during their law enforcement career.

Coding and Content Analysis

Content analyses were conducted in order to code the cases in terms of (a) arrested officer, (b) employing nonfederal law enforcement agency, (c) each of the charged criminal offenses, (d) victim characteristics, (e) organizational adverse employment outcomes, and (f) criminal case dispositions. Each of the charged criminal offenses was coded using the data collection guidelines of the National Incident-Based Reporting System (NIBRS) as the coding protocol for each criminal offense category (see U.S. Department of Justice, 2000). Fifty-seven criminal offenses are included in the NIBRS, consisting of 46 incident-based criminal offenses in

one of 22 crime categories as well as 11 additional arrest-based minor criminal offense categories. An additional eight offenses were added following an earlier pilot study (see Stinson, 2009) because police officers who were arrested were often charged with criminal offenses not included in the NIBRS (e.g., online solicitation of a child, indecent exposure, official misconduct / official oppression / violation of oath, vehicular hit-and-run, perjury / false reports / false statements, criminal deprivation of civil rights). In each case every offense charged was recorded on the coding instrument as well as the most serious offense charged in each police crime arrest case. The most serious offense charged was determined using the Uniform Crime Report's (UCR) crime seriousness hierarchy (see U.S. Department of Justice, 2004).

The primary unit of analysis in this study was criminal arrest case. This provided the opportunity to differentiate between officers' crimes with multiple victims and officers who were arrested on multiple occasions within the study years 2005-2011. By coding each arrest case separately, the criminal case dispositions in each case as well as the adverse employment actions attached to each arrest case can be documented for analysis. Cases were also coded on Stinson's (2009, 2015) typology of police crime, which posits that most crime committed by police officers is alcohol-related, drug-related, sex-related, violence-related, and/or profit-motivated. The types of police crime are not mutually-exclusive categories. Rather, each type of police crime was coded as a dichotomous variable because crimes committed by officers often involve more than one type of police crime. In a case where an officer was arrested and charged with the forcible rape of a female motorist during a traffic stop, for example, the case would be coded in this study as both sex-related and violence-related. Additionally, cases were coded for the presence of police sexual violence and/or driving while female encounters. Police sexual violence was operationalized as "those situations in which a female citizen experiences a

sexually degrading, humiliating, violating, damaging, or threatening act committed by a police officer through the use of force or police authority" (Kraska & Kappeler, 1995, p. 93). Driving while female was operationalized as instances where a police officer stops a female driver under the pretext of an alleged traffic violation and then abuses the power and authority of his position to take advantage of a vulnerable motorist (Walker & Irlbeck, 2002, 2003). Walker and Irlbeck (2002) conceptualized the problem of driving while female as a parallel to the problem of racial profiling of African-American motorists often referred to as driving-while-black (cf. Harris, 1997, 1999). In the context of driving while female encounters, an officer typically asks for sexual favors in exchange for dropped charges or in lieu of being taken to jail in a forced quid pro quo. In some cases, driving while female encounters escalate into sexual harassment, sexual assault, and in rare instances, forcible rape. Cases were coded on numerous variables relating to police drunk driving arrest cases (see Stinson, Liederbach, & Freiburger, 2010), off-duty police crimes (see Stinson et al., 2012), drug-related police crimes and drugs of abuse (see Stinson et al., 2013), and officer-involved domestic violence (see Stinson & Liederbach, 2013).

Cases were also coded to assess each arrested officer's history of being named as a party-defendant in federal civil rights litigation pursuant to 42 U.S.C. §1981 (asserting a denial of equal rights under the law), 42 U.S.C. §1983 (asserting a civil rights deprivation under the color of law), and 42 U.S.C. §1985 (asserting a conspiracy to interfere with civil rights). The master name index in the federal court's Public Access to Courts Electronic Records (PACER) online system was utilized to search and cross-reference the names of each arrested officer in our database to measure official capacity civil rights litigation as a correlate of police misconduct. PACER provided access to civil action dockets for all cases filed in the federal district courts and, for cases filed since approximately year 2000, electronic copies of all pleadings, orders, and

other docket entries in PDF files. Data from PACER were also recorded on civil actions

removed from state trial courts to a United States District Court pursuant to the provisions of 28

U.S.C. §1441 (removal of civil actions). Each case was also coded for court venue of the

respective United States District Court district where arrested officers were employed.

Secondary data were employed from the Census of State and Local Law Enforcement

Agencies (CSLLEA) (U.S. Department of Justice, 2008) to ascertain demographic data including

the number of full-time sworn personnel and part-time sworn personnel employed by each

agency where arrested officers served. There were 52 agencies included in this study that were

not listed in the 2008 wave of the CSLLEA. County (and independent city) five-digit Federal

Information Processing Standards (FIPS) identifier numbers were used to verify location of

arrested officers' employing law enforcement agencies, as well as for use as a key variable to

merge other data sources into the project's master database and data set (see U.S. Census Bureau,

2002). The U.S. Department of Agriculture's (2003) county-level urban to rural nine-point

continuum scale was used to measure rurality based on population data from the U.S. Census

Bureau's decennial census in year 2000 for county, independent city, and state populations.

Reliability

Analytic procedures were undertaken to ensure reliability of the data. An additional

coder was employed to independently code a random sample of five percent of the total number

of cases in the study. Intercoder reliability was assessed by calculating the Krippendorf's alpha

coefficient across 195 variables of interest in this study on a random sample ($n = 290$, 4.3%) of

the cases in the study ($N = 6,724$) (see Hayes & Krippendorff, 2007). Krippendorf's alpha is

often recognized as the standard reliability statistic for content analysis research (Riffe, Lacy, &

Fico, 2005). The Krippendorf's alpha coefficient (Krippendorf's $\alpha = .9153$) was strong across

the variables in this study (see Krippendorff, 2013). The overall level of simple percentage of

agreement between coders across all of the variables in this study (97.7%) also established a

degree of reliability well above what is generally considered acceptable in content analysis

research (see Riffe et al., 2005).

Statistical Analysis

Chi Square was used to measure the statistical significance of the association between

two variables measured at the nominal level. Cramer's *V* measures the strength of that

relationship with values that range from zero to 1.0 and allows for an "assessment of the actual

importance of the relationship" (Riffe et al., 2005, p. 191). Stepwise binary logistic regression

was used to determine which of the predictor variables are statistically significant in multivariate

models. Stepwise logistic regression models are appropriate where the study is purely

exploratory and predictive (Menard, 2002). This is an exploratory study because little is known

empirically about federal court civil rights litigation pursuant to 42 U.S.C. §1983 as a correlate

of police misconduct. Summary statistics are also reported for evaluation of regression

diagnostics and each logistic regression model.

Classification tree analysis—also known as decision trees—was utilized as a statistical

technique to uncover the causal pathways between independent predictors and officers arrested

for one or more crimes who were also, at some point during their law enforcement career, sued

in federal court for a claim pursuant to 42 U.S.C. §1983 versus officers arrested for one or more

crimes who have never been sued in federal court pursuant to Section 1983. This approach

moves beyond the simple one-way additive relationship of linear statistical models by identifying

the hierarchical interactions between the independent predictors and their compounding impact.

Classification trees examine the entire data set and produce a graphical output that ranks the

variables by statistical importance. The most influential variable is represented at the top of the tree (known as the root node). This variable is used to split the data in a recursive manner through the creation of subsets into the lower branches of the tree. Variable selection and splitting criteria are driven by the algorithm of the tree program. Decision tree techniques have received attention due to their ability to handle interaction effects in data without being bound to statistical assumptions (Sonquist, 1970). Classification tree analysis has been used to examine police practices including career-ending police misconduct (Kane & White, 2013), police drug corruption arrests (Stinson et al., 2013), fatal and nonfatal incidents involving conductive energy devices (White & Ready, 2009), police sexual misconduct (Stinson, Brewer, Mathna, Liederbach, & Englebrecht, 2014; Stinson, Liederbach, Brewer, & Mathna, 2014), and police drunk driving (Stinson, Liederbach, Brewer, & Todak, 2014). This study utilized the Classification and Regression Trees (CART) decision tree predictive analytic algorithm.

CART is a classification procedure that produces a binary decision tree and restricts partitioning at each node to two nodes, thus producing binary splits for each child node (Dension, Mallick, & Smith, 1998). A child node is a result of the algorithm splitting the data into subgroups. The process is applied recursively until the tree is completed. Breiman, Friedman, Olshen, and Stone's (1984) CART algorithm uses an extensive and exhaustive search of all possible univariate splits to determine the splitting of the data for the classification tree. Partitioning will continue until the algorithm is unable to produce mutually exclusive and homogenous groups (De'ath & Fabricius, 2000; Dension et al., 1998). After creating an exhaustive tree, CART will prune nodes that do not significantly contribute to overall prediction. Although there are other tree building algorithms, we used CART for the current study because it

fit our problem and produced an optimal decision tree by minimizing the generalization error

(see, e.g., Rokach & Maimon, 2005, p. 167).

The predictive power of logistic regression and classification tree models was assessed

through the area under the curve (AUC) component of the receiver operating characteristic

(ROC). The AUC assesses the predictive accuracy of a statistical model and serves as the

preferred method for assessing and comparing models (Bewick, Cheek, & Ball, 2004; Dolan &

Doyle, 2000). The ROC curve considers the sensitivity versus 1- specificity, a representation of

the true positive rate (TPR) versus the false positive rate (FPR). The curve is displayed

graphically by plotting the TFP on the y-axis and the FPR on the x-axis. ROC curves are

interpreted through the AUC, a score that ranges from zero to one. A straight line through a

ROC curve is the equivalent of 0.5 and suggests that the model is no better at prediction than

flipping a coin. A score of one indicates that the model is able to accurately predict all cases.

The AUC is interpreted as a proportional reduction of error (PRE) measure of explained

variation by calculating $R^2_{ROC} = 2(AUC - .5)$ (Menard, 2010).

Strengths and Limitations

The news search methodology utilizing the Google News search engine and the Google

Alerts email update service provided an unparalleled amount of information on police crime

arrests at law enforcement agencies across the United States. The Google News search engine

algorithm offers some clear advantages over other aggregated news databases and the

methodologies employed by previous studies that used news-based content analyses to document

cases of sex-related police misconduct. The Google Alerts email update service provides the

ability to run persistent automated queries of the Google News search engine and deliver real-

time search results. The Google News search engine draws content from more than 50,000 news

sources (Bharat, 2012) and allows for access to a larger number of police misconduct cases than would be available through other methods (Payne, 2013).

PACER provided virtual access to the case files for civil actions in the Clerk of Court offices at the United States District Courts across the country. The ability to search the master name index of the PACER system provided the opportunity to make this research study possible. Prior research has been limited (1) by an inability to count *only* Section 1983 actions *against the police*—since cases and case files are not organized by the federal courts in such a way as to easily separate the Section 1983 civil rights litigation against the police from all other Section 1983 litigation—and (2) because many Section 1983 civil actions involving police defendants are resolved through dismissal or confidential settlements and do not often proceed to the point of any published judicial opinions that would be available to researchers (Adams, 1996; Cheh, 1996; Eisenberg & Lanvers, 2009; McCoy, 2010).

There are four primary limitations of the data. First, this research study included every case known to the research team of a nonfederal sworn law enforcement officer who was arrested during the years 2005-2011. Thus, this study was a census of the universe of police crime arrest cases identified through our search methodology. We do not purport to include every single instance of a law enforcement officer being arrested. Nor do we claim that we have located *every* federal civil rights lawsuit filed against the arrested officers whose names have been logged into our research database. Second, our research was limited by the content and quality of information provided for each case. The amount of information available on each case varied, and data for several variables of interest were missing for some of the cases. Third, the data were limited to cases that involved an official arrest based on probable cause for one or more crimes. We did not have any data on police officers who engaged in criminal activity if

their conduct did not result in an arrest. In some instances, employing law enforcement agencies allow an officer to resign in lieu of facing criminal charges (1) in an effort to quietly resolve a matter without public disclosure of police misconduct, or (2) when an officer has been required to answer questions in a disciplinary context, in which case any statements made would be inadmissible in a criminal case against the officer pursuant to *Garrity v. New Jersey* (1967).

Finally, we note that these data were the result of a filtering process that included the exercise of discretion by media sources in terms of both the types of stories covered and the nature of the content devoted to particular stories (Carlson, 2007). The only cases that were included in this study were ones that were reported by the media. Ready, White, and Fisher (2008), however, found that news coverage of officer misconduct is consistent with official police records of these events. Research also suggests that police agencies are not especially effective at controlling media accounts of officer misconduct (Chermak, McGarrell, & Gruenewald, 2006). Despite the noted limitations, the use of news articles as the primary data source is a long established method of analyzing deviant/illegal police behavior (see, e.g., Lawrence, 2000; Lersch & Feagin, 1996; Rabe-Hemp & Braithwaite, 2013; J. I. Ross, 2000).

Results

The Google News searches resulted in the identification of 6,724 cases in which sworn law enforcement officers were arrested during the time period January 1, 2005, through December 31, 2011. The cases involved the arrests of 5,545 individual sworn officers employed by 2,529 nonfederal state, local, and special (e.g., school district police, college/university police, park police, and constables) law enforcement agencies located in 1,205 counties and independent cities in all 50 states and the District of Columbia. Of these, 12.1% ($n = 674$) of the arrested officers had more than one case because there was more than one victim (one criminal case per

victim) and/or were arrested on more than one occasion ($\overline{X}$ = 1.21, *Mdn* = 1.00, Mode = 1, *SD* = .870).

More than half of the criminal cases resulted in the arrested officer losing his or her job (*n* = 3,628, 54.0%) as a result of being arrested. The known final adverse employment outcomes include cases where no adverse action was taken against the arrested officer (*n* = 868, 12.9%), cases where the officer was suspended from their job (*n* = 2,228, 33.1%) as a sworn officer for a period of time, cases where the officer resigned (*n* = 1,709, 25.4%), and cases where the officer was terminated (*n* = 1,919, 28.5%). Less than half of the police crime arrest cases resulted in known criminal conviction (*n* = 2,846, 42.3%) on at least one offense charged against the arrested officer.

Table 1 presents information on the arrest cases in terms of the arrested officers and their employing nonfederal law enforcement agencies. Most of the cases involved male officers (*n* = 6,357, 94.5%). The modal category for known officer age at time of arrest was 36-39 years of age (*n* = 1,081, 16.1%). The youngest officer(s) were age 19 at time of arrest, and the oldest officer(s) were 79 years old ($\overline{X}$ age = 37.34, *Mdn* age = 37, Mode age = 39, *SD* = 8.576 years). The modal category for known years of service at time of arrest was three to five years (*n* = 954, 14.2%). Most of the cases involved police employed in a patrol or other street-level rank such as nonsupervisory officers, deputies, troopers, and detectives (*n* = 5,464, 81.3%). Other arrest cases involved line and field supervisors (*n* = 881, 13.1%) (i.e., corporals, sergeants, and lieutenants), as well as police managers and executives (*n* = 379, 5.6%) (i.e., captains, majors, colonels, deputy chiefs and chief deputies, and chiefs and sheriffs). Less than half of the arrest cases involved crimes that were committed while an officer was on-duty (*n* = 3,931, 58.5%). Two-

thirds of the cases (*n* = 4,447, 66.1%) involved arrests made of officers by a law enforcement

agency other than the arrested officer's employing law enforcement agency.

<<<<< Insert Table 1 about here >>>>>

Most of the arrest cases involved sworn officers employed by municipal police

departments (*n* = 4,915, 73.1%) or sheriff's offices (*n* = 1,109, 16.5%). Arrested officers were

also employed by primary state police agencies (*n* = 269, 4.0%), county police departments (*n* =

226, 3.4%), special police departments (*n* = 174, 2.6%) (e.g., park police departments, school

district police departments, college/university police departments, etc.), or other nonfederal law

enforcement agencies (*n* = 31, 0.4%) (e.g., constable agencies, tribal police departments, and

regional police departments). The modal category for agency size by number of officers

employed was 1,000 or more full-time sworn officers (*n* = 1,857, 27.6%) and zero part-time

sworn officers (*n* = 5,008, 74.5%). Most of the arrested officers were employed by a law

enforcement agency located in a nonrural metropolitan county (*n* = 5,711, 84.9%). The

employing agencies were located throughout the United States, including in Southern states (*n* =

2,906, 43.2%), Northeastern states (*n* = 1,430, 21.3%), Midwestern states (*n* = 1,380, 20.5%),

and Western states (*n* = 1,008, 15.05%).

Table 2 presents the criminal cases in terms of the most serious offense charged. There

were 61 separate offense categories represented as the most serious offense charged in the arrest

cases in years 2005-2011. Most common as the most serious offense charged in a case were

simple (misdemeanor) assault (*n* = 877, 13.0%), driving under the influence (*n* = 841, 12.5%),

aggravated (felonious) assault (*n* = 572, 8.5%), forcible fondling (*n* = 352, 5.2%), forcible rape

(*n* = 322, 4.8%), and drug offenses (*n* = 308, 4.6%). Other noteworthy crimes that were the most

serious offense charged in cases include murder and nonnegligent manslaughter (*n* = 125, 1.9%),

burglary (*n* = 112, 1.7%), robbery (*n* = 109, 1.6%), thefts from buildings (*n* = 103, 1.5%),

statutory rape (*n* = 100, 1.5%), extortion and blackmail (*n* = 95, 1.4%), forcible sodomy (*n* = 94,

1.4%), obstruction of justice (*n* = 93, 1.4%), pornography and obscene material (*n* = 86, 1.3%),

and criminal deprivation of civil rights (*n* = 84, 1.2%).

<<<<< Insert Table 2 about here >>>>>

The federal courts' PACER system was accessed to search and cross-reference the names

of each arrested officer in our database to measure official capacity civil rights litigation as a

correlate of police misconduct. Almost one-fourth of the *arrest cases* (24%, and 22% of the

individual arrested officers) in the dataset involved an arrested officer who had been named as a

civil party defendant in one or more federal court civil rights actions pursuant to 42 U.S.C.

§1983 at some point during each officer's law enforcement career. When the arrest cases were

examined by Stinson's (2009, 2015) typology of police crime, the officers arrested who were

also sued at some point pursuant to Section 1983 were most often arrested for a drug-related

crime (31.4%), followed by violence-related crime (29.3%), sex-related crime (26.4%), profit-

motivated crime (22.4%), and alcohol-related crime (17.4%). More than one-fifth of the arrested

officers (21%) who were named as a party-defendant in a Section 1983 action were originally

sued in a state court civil action that was later removed to a United States District Court pursuant

to 28 U.S.C. §1441.

Table 3 presents the United States District Courts where the Section 1983 actions against

arrested officers were filed. The unit of analysis for Table 3 was *arrested officer*. Not including

the United States District Courts in the territories of the United States, Section 1983 civil actions

against officers in the dataset were filed in 86 of the 90 United States District Courts in the 50

states and the District of Columbia (all but the United States District Courts of Alaska, Middle

District of North Carolina, South Dakota, and Vermont). The United States District Courts where the most arrested officers were sued in Section 1983 actions were the Northern District of Illinois ($n = 85$, 6.9%), Eastern District of Louisiana ($n = 51$, 4.1%), Eastern District of Pennsylvania ($n = 46$, 3.7%), and the Eastern District of New York ($n = 41$, 3.3%). The cases were also coded for the Circuits of the United States Courts of Appeals where Section 1983 actions were filed against arrested officers in the United States District Courts. The Circuits where the most Section 1983 cases were filed in the District Courts were the Seventh Circuit (13.2%), Fifth Circuit (12.7%) Second Circuit (12.3%), Sixth Circuit (11.6%), Third Circuit (10.9%), Ninth Circuit (10%), and Eleventh Circuit (10%).

<<<<< Insert Table 3 about here >>>>>

This study was interested in predicting arrested officers who are likely to be sued in federal court pursuant to 42 U.S.C. §1983 at some point during their law enforcement career. Table 4 presents statistically significant Chi-Square bivariate associations at the p < .05 level for 96 independent variables and the dependent variable, *arrested officer named as a party defendant in a federal civil action pursuant to 42 U.S.C. §1983 at some point during career*. The strongest bivariate predictors of Section 1983 litigation were several other causes of action, including (a) 42 U.S.C. §1997 (civil plaintiff is an institutionalized person) civil defendant, where χ^2 (1, $N = 6,724$) = 1247.262, $p < .001$, $V = .431$; (b) 42 U.S.C. §1985 (conspiracy to interfere with civil rights) civil defendant, where χ^2 (1, $N = 6,724$) = 632.692, $p < .001$, $V = .307$; and (c) 42 U.S.C. §1981 (equal rights under the law) civil defendant, where χ^2 (1, $N = 6,724$) = 435.624, $p < .001$, $V = .255$. Civil rights litigation originally filed by a plaintiff in a state trial court and later removed by defense counsel to a federal district court pursuant to 28 U.S.C. §1441 was also a strong bivariate predictor, where χ^2 (1, $N = 6,724$) = 1192.487, $p < .001$, $V =$

.421. Other moderate bivariate associations of Section 1983 federal court civil actions were (a) age of victim, where χ^2 (79, N = 1,848) = 159.139, p < .001, V = .293; (b) officer's years of service at time of arrest, where χ^2 (43, N = 4,780) = 250.387, p < .001, V = .229; (c) the state where the officer's employing law enforcement agency was located, where χ^2 (50, N = 6,724) = 346.944, p < .001, V = .227; and (d) the most serious offense charged, where χ^2 (63, N = 6,724) = 320.050, p < .001, V = .218.

<<<<< Insert Table 4 about here >>>>>

A backward stepwise binary logistic regression model predicting arrested officers being named as a party defendant in federal civil rights litigation pursuant to 42 U.S.C. §1983 at some point during their policing career is presented in Table 5. Bivariate correlations computed for each of the independent variables in the model revealed that none of the variables were highly correlated with each other. None of the tolerance scores in the regression model were below .334 and no variance inflation factors were above 2.995, indicate that multicollinearity was not a problem. The Durbin-Watson score of 1.580 indicated that there was no autocorrelation. Binary logistic regression results indicated that the overall model of 16 predictors was statistically reliable in distinguishing between arrested officers who were sued in federal court pursuant to Section 1983 and those arrested officers who never have been named as a party defendant in Section 1983 federal civil rights litigation. The model correctly classified 76.4% of the cases (AUC = .743, 95% CI [.723, .764], R^2_{ROC} = .486).

<<<<< Insert Table 5 about here >>>>>

Fourteen of 16 independent variables in the binary logistic regression model predicted when an arrested officer is likely to be named as a party defendant in a 42 U.S.C. §1983 federal court civil action at some point during his or her career as a sworn nonfederal law enforcement

officer. Many of the federal court civil actions analyzed in this research study had nothing to do with the incident for which an officer was arrested. Some of the civil litigation occurred years or even decades prior to an officer being arrested for some crime(s). In other instances, federal civil rights litigation directly arose out of the same operative facts as in an officer's criminal case.

Federal civil rights civil actions often include averment of more than one cause of action in the complaint filed in a federal district court. In many instances, the officers in this study were sued more than once for a variety of civil rights causes of action. Here, the simple odds that an arrested officer will be named as a party defendant in Section 1983 civil litigation were 51.5 times greater if the same officer has been named as a defendant in a civil action pursuant to 42 U.S.C. §1981 for denial of equal rights under the law.

The simple odds that an officer will be sued in their official capacity pursuant to Section 1983 were about 2 times greater if the officer was on-duty at time of committing the crime(s) for which they were arrested. The longer an officer has been employed by a law enforcement agency, the more likely they are at risk of being sued in their official capacity in a federal court civil rights civil action. The simple odds of being named in a Section 1983 civil action increased by 6.9% for every one-year increase in years of service at time of arrest. There is often collateral damage to others in an officer's employing law enforcement agency as indicated by the odds being 9.7 times greater that an officer will be sued under Section 1983 if the officer's supervisor was disciplined and/or reassigned as fallout from the arrest of the subordinate officer.

The nature of the criminal offenses in an officer's arrest case provide context for predicting when an officer is likely to be sued in a Section 1983 civil action. The simple odds of being named as a party defendant in a Section 1983 civil action at some point during an officer's law enforcement career were 1.1 times greater if an officer is arrested for kidnapping or

abduction, one time greater if charged with a crime involving family violence, 6.4 times greater if arrested for crime involving cocaine, 1.54 times greater if arrested for a crime stemming from a "driving while female" encounter, and go up by 99.8% if arrested for murder or nonnegligent manslaughter.

Figure 1 presents the prediction of a 42 U.S.C. §1983 civil defendant among the 6,724 arrest cases. The tree had an overall classification score of 78.2% (AUC = .722, 95% CI [.708, .737], R^2_{ROC} = .444) and selected the variable *official capacity versus individual capacity* as the splitting criterion. Criminal cases that involved an officer operating in their individual capacity (node 1) also involved an officer who had been named as a defendant in a Section 1983 civil action at some point during their law enforcement career 16.7% of the time. Criminal cases that involved an officer operating in their official capacity (node 2) also involved an officer who had been named as a defendant in a Section 1983 civil action at some point during their law enforcement career 32.4% of the time. These findings suggest that officers who engage in police misconduct might do so throughout their law enforcement careers and these are not isolated events.

<<<<< Insert Figure 1 about here >>>>>

The criminal cases involving an officer who was acting in an individual capacity (node 1) were further partitioned by the variable *years of service*. Officers who had been employed for less than eight years at the time of their arrest had also been named as a defendant in a Section 1983 federal civil action at some point during their career 11.3% of the time, whereas officers who had been employed for eight or more years had also been named a party defendant in a Section 1983 civil action 20.6% of the time. Sworn law enforcement officers are more likely to be sued in federal court Section 1983 actions the longer they have been employed.

Criminal cases that involved an officer acting in their official capacity (node 2) were further partitioned by the variable *violence-related police crime versus other types of crime*. Violence-related criminal cases involved an officer who had also been sued in a Section 1983 civil action at some point during their career 43.8% of the time. Criminal cases that were not violence-related involved an officer who had also been named as a civil party defendant in a Section 1983 civil action 22.9% of the time. The tree also included the following variables in tiers 3 through 10: geographic division, rank, most serious offense charged, state, discussion of an agency scandal or cover up, years of service, years of service, age of victim, type of agency, and urban/rural continuum. Violence-prone officers might be more likely to be sued than other officers.

Discussion

Criminologists have largely ignored PACER as a data collection source, but the current study demonstrates its utility for criminological research. Some prior research has utilized Lexis or Westlaw to locate court opinions of federal trial and appellate courts, but those services only locate the rare cases that result in a court's published opinion. Many Section 1983 cases are dismissed or resolved through settlement and never result in a judge rendering a written opinion. Others are resolved through summary judgment, and sometimes a trial court judge's opinion granting or denying summary judgment will be entered into Lexis and/or Westlaw. A very small number of Section 1983 actions result in publication of an appellate court opinion.

One of the unique aspects of the current research study is that we had a list of more than five thousand police officers who had been arrested for one or more crimes. Using the master name index of the federal courts' PACER system, we were able to run each name on our list to determine whether an arrested officer had at any time during their law enforcement career been

sued in federal court pursuant to Section 1983. PACER provided an unprecedented level of

access to civil case dockets and electronic copies of all docket entries (including, for example,

civil case cover sheets, complaints, answers, motions, orders, and other pleadings and

documents) in Section 1983 actions. Through a manual process of running each individual name

in PACER, we identified thousands of civil rights lawsuits involving police officers who had

also been arrested and were included in our project database. Over the course of a year we

manually performed 5,545 name searches in the PACER master name index; downloaded,

indexed, and analyzed more than 90,000 pages of PDF files from PACER.

Policy Implications

In the absence of the official data, McCoy (2010) and other scholars have wondered

whether the federal courts are accessible to aggrieved persons whose civil rights have been

violated by police and whether Section 1983 is a viable remedy to hold the police accountable.

Although we still do not know the prevalence of Section 1983 actions against the population of

local sworn law enforcement officers across the country, this study clearly demonstrates that bad

cops—that is, officers known to have engaged in police misconduct—are being sued for civil

rights deprivations. Twenty-two percent of the officers known to have been arrested during the

study years 2005-2011 have been sued under Section 1983 in federal court. These lawsuits were

filed in almost every federal district court nationwide. They were filed against officers ($n =$

1,610) and their employing law enforcement agencies ($n = 1,236$) located in metropolitan and

nonmetropolitan counties and independent cities.

Local lawyers tend to file lawsuits in the trial courts where they are most comfortable

practicing law. More than one-fifth of the officers sued under Section 1983 were originally sued

in a state trial court in a civil action that was later removed to a federal court pursuant to 28

U.S.C. §1441 at the demand of defense counsel because the lawsuit raised a federal question.

The fact that many of the Section 1983 cases were originally filed in local courts suggests that citizens aggrieved by civil rights deprivations at the hands of police seek out and retain local attorneys to represent them in a lawsuit against the offending sworn law enforcement officer and their employing agency. Aggrieved persons are finding lawyers to represent them in Section 1983 civil rights lawsuits in every part of the country, although many plaintiffs in these actions could never afford to pay their attorneys the going rate for legal fees in federal civil litigation. These findings strongly suggest that the Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. §1988, has accomplished exactly what Congress intended. It is not clear, however, that all of these attorneys are competent to handle federal civil rights litigation. In this study, for example, 43 state troopers and their employing states were sued for money damages in Section 1983 actions litigated in federal district courts. Cases involving five of those 43 were filed by pro se prisoner plaintiffs. The rest were filed by attorneys on behalf of their clients. All of these Section 1983 civil actions against a state were dismissed with prejudice, because states (and state employees acting in their official capacity) cannot be sued for money damages under Section 1983. States enjoy sovereign immunity pursuant to the Eleventh Amendment to the United States Constitution.

This exploratory study leaves a number of questions unanswered, all of which are ripe for future research. Although this study finds that Section 1983 litigation is being used across the country to redress police misconduct, no research has yet to determine the effect of Section 1983 lawsuits on police accountability. We do not know whether police officers who have been arrested for criminal conduct are more likely than other police officers to be sued in federal court for civil rights deprivations during their law enforcement careers. Similarly, the effect of being

sued in a Section 1983 civil rights action is unknown in terms of career advancement, length of tenure as a police officer, and the imposition of adverse employment outcomes. We also do not know with any degree of precision what the outcomes are for Section 1983 litigation against police, and research has yet to determine the cost to municipalities, counties, and their insurance carriers for settlements and money judgments in Section 1983 actions against the police. Finally, future research should examine the nature of police Section 1983 litigation (e.g., pattern and practice of constitutional torts, excessive force, state-created danger, inadequate training or supervision, failure to intervene, malicious prosecution, etc.).

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Table 1. Police Crime Arrest Cases, 2005-2011: Arrested Officers and Employing Agencies (*N* = 6,724)

	n	(%)		*n*	(%)		*n*	(%)
Sex			**Officer Duty Status**			**Agency Type**		
Male	6,357	(94.5)	On-Duty	2,793	(41.5)	Primary State Police	269	(4.0)
Female	367	(5.5)	Off-Duty	3,931	(58.5)	Sheriff's Office	1,109	(16.5)
						County Police Dept.	226	(3.4)
Age			**Rank**			Municipal Police Dept.	4,915	(73.1)
19-23	136	(2.0)	Officer	5,095	(75.8)	Special Police Dept.	174	(2.6)
24-27	603	(9.0)	Detective	369	(5.5)	Constable	15	(0.2)
28-31	886	(13.2)	Corporal	123	(1.8)	Tribal Police Dept.	14	(0.2)
32-35	967	(14.4)	Sergeant	581	(8.7)	Regional Police Dept.	2	(0.0)
36-39	1,081	(16.1)	Lieutenant	177	(2.6)			
40-43	885	(13.2)	Captain	63	(0.9)	**Full-Time Sworn Officers**		
44-47	614	(9.1)	Major	12	(0.2)	0	31	(0.4)
48-51	343	(5.1)	Colonel	4	(0.1)	1	59	(0.9)
52-55	178	(2.6)	Deputy Chief	49	(0.7)	2-4	274	(4.1)
56 or older	170	(2.5)	Chief	251	(3.7)	5-9	376	(5.6)
Missing	861	(12.8)				10-24	684	(10.2)
			Function			25-49	679	(10.1)
Years of Service			Patrol & Street Level	5,464	(81.3)	50-99	704	(10.5)
0-2	756	(11.2)	Line/Field Supervisor	881	(13.1)	100-249	859	(12.8)
3-5	954	(14.2)	Management	379	(5.6)	250-499	653	(9.7)
6-8	666	(9.9)				500-999	548	(8.1)
9-11	622	(9.3)	**Region of United States**			1,000 or more	1,857	(27.6)
12-14	507	(7.5)	Northeastern States	1,430	(21.3)			
15-17	409	(6.1)	Midwestern States	1,380	(20.5)	**Part-Time Sworn Officers**		
18-20	387	(5.8)	Southern States	2,906	(43.2)	0	5,008	(74.5)
21-23	194	(2.9)	Western States	1,008	(15.0)	1	218	(3.3)
24-26	129	(1.9)				2-4	528	(7.9)
27 or more years	156	(2.3)	**Level of Rurality**			5-9	419	(6.2)
Missing	1,944	(28.9)	Metropolitan County	5,711	(84.9)	10-24	372	(5.5)
			Non-Metro County	1,013	(15.1)	25-49	120	(1.8)
Arresting Agency						50-99	49	(0.7)
Employing Agency	2,277	(33.9)				100-249	8	(0.1)
Another Agency	4,447	(66.1)				250-499	2	(0.0)

Table 2. Most Serious Offense Charged in Police Crime Arrest Cases, 2005-2011 (*N* = 6,724)

	n	(%)		*n*	(%)
Simple Assault	877	(13.0)	Online Solicitation of a Child	44	(0.7)
Driving Under the Influence	841	(12.5)	Prostitution	42	(0.6)
Aggravated Assault	572	(8.5)	Stolen Property Offenses	39	(0.6)
Forcible Fondling	352	(5.2)	Indecent Exposure	38	(0.6)
Forcible Rape	322	(4.8)	Kidnapping / Abduction	37	(0.6)
Drug / Narcotic Violation	308	(4.6)	Shoplifting	31	(0.5)
All Other Larceny	274	(4.1)	Hit & Run	27	(0.4)
All Other Offenses	265	(3.9)	Restraining Order Violation	25	(0.4)
Intimidation	255	(3.8)	Impersonation	22	(0.3)
False Pretenses / Swindle	218	(3.2)	Drunkenness	22	(0.3)
Weapons Law Violation	143	(2.1)	Theft from Motor Vehicle	21	(0.3)
Official Misconduct / Oppression / Violation of Oath	139	(2.1)	Family Offenses, Nonviolent	20	(0.3)
False Report / False Statement	129	(1.9)	Liquor Law Violation	19	(0.3)
Murder / Nonnegligent Manslaughter	125	(1.9)	Evidence: Destroying / Tampering	17	(0.3)
Burglary / Breaking & Entering	112	(1.7)	Assisting or Promoting Prostitution	12	(0.2)
Robbery	109	(1.6)	Wire Fraud	10	(0.1)
Theft from Building	103	(1.5)	Sexual Assault with an Object	10	(0.1)
Statutory Rape	100	(1.5)	Gambling: Operating / Promoting	9	(0.1)
Other Sex Crime	98	(1.5)	Credit Card Fraud / ATM Fraud	7	(0.1)
Extortion / Blackmail	95	(1.4)	Motor Vehicle Theft	7	(0.1)
Forcible Sodomy	94	(1.4)	Trespass of Real Property	7	(0.1)
Obstructing Justice	93	(1.4)	Wiretapping, Illegal	6	(0.1)
Pornography / Obscene Material	86	(1.3)	Incest	4	(0.1)
Civil Rights Violation	84	(1.2)	Gambling: Betting / Wagering	3	(0.0)
Bribery	80	(1.2)	Theft of Motor Vehicle Parts or Accessories	3	(0.0)
Embezzlement	79	(1.2)	Peeping Tom	2	(0.0)
Disorderly Conduct	67	(1.0)	Welfare Fraud	1	(0.0)
Negligent Manslaughter	62	(0.9)	Pocket-picking	1	(0.0)
Arson	57	(0.8)	Theft from Coin-operated Machine	1	(0.0)
Counterfeiting/ Forgery	51	(0.8)	Bad Checks	1	(0.0)
Destruction of Property / Vandalism	46	(0.7)			

Note. Table equals 99.9%. The last four categories collectively account for the missing 0.1%.

Table 3. United States District Courts Where Section 1983 Actions Were Filed ($N = 1,233$)

	n	(%)		n	(%)
Illinois Northern	85	(6.9)	Arizona	8	(0.6)
Louisiana Eastern	51	(4.1)	California Southern	8	(0.6)
Pennsylvania Eastern	46	(3.7)	Michigan Western	8	(0.6)
New York Eastern	41	(3.3)	North Carolina Eastern	8	(0.6)
Connecticut	40	(3.2)	Alabama Middle	7	(0.6)
Michigan Eastern	40	(3.2)	Florida Northern	7	(0.6)
New Jersey	40	(3.2)	Hawaii	7	(0.6)
New York Southern	40	(3.2)	New Hampshire	7	(0.6)
California Central	39	(3.2)	Oklahoma Northern	7	(0.6)
Florida Southern	37	(3.0)	Oregon	7	(0.6)
Ohio Northern	33	(2.7)	Virginia Eastern	7	(0.6)
Florida Middle	30	(2.4)	Arkansas Eastern	6	(0.5)
Louisiana Western	30	(2.4)	Georgia Middle	6	(0.5)
Pennsylvania Western	29	(2.4)	Iowa Southern	6	(0.5)
New Mexico	24	(1.9)	Kentucky Western	6	(0.5)
Massachusetts	23	(1.9)	Utah	6	(0.5)
Georgia Northern	22	(1.8)	Virginia Western	6	(0.5)
Indiana Southern	22	(1.8)	West Virginia Southern	6	(0.5)
Missouri Eastern	21	(1.7)	Illinois Central	5	(0.4)
Texas Southern	21	(1.7)	Nevada	5	(0.4)
Texas Western	20	(1.6)	North Carolina Western	5	(0.4)
Minnesota	19	(1.5)	Washington Eastern	5	(0.4)
Wisconsin Eastern	19	(1.5)	Missouri Western	4	(0.3)
Colorado	17	(1.4)	Montana	4	(0.3)
Maryland	17	(1.4)	Nebraska	4	(0.3)
Pennsylvania Middle	17	(1.4)	Rhode Island	4	(0.3)
Indiana Northern	16	(1.3)	Texas Eastern	4	(0.3)
New York Northern	16	(1.3)	Wisconsin Western	4	(0.3)
Texas Northern	16	(1.3)	Delaware	3	(0.2)
California Northern	15	(1.2)	Georgia Southern	3	(0.2)
California Eastern	14	(1.1)	Kansas	3	(0.2)
New York Western	14	(1.1)	Maine	3	(0.2)
Ohio Southern	13	(1.1)	West Virginia Northern	3	(0.2)
South Carolina	13	(1.1)	Arkansas Western	2	(0.2)
Illinois Southern	12	(1.0)	District of Columbia	2	(0.2)
Tennessee Middle	12	(1.0)	Iowa Northern	2	(0.2)
Tennessee Eastern	11	(0.9)	Louisiana Middle	2	(0.2)
Tennessee Western	11	(0.9)	Mississippi Northern	2	(0.2)
Alabama Northern	10	(0.8)	Oklahoma Eastern	2	(0.2)
Mississippi Southern	10	(0.8)	Alabama Southern	1	(0.1)
Oklahoma Western	10	(0.8)	Idaho	1	(0.1)
Washington Western	10	(0.8)	North Dakota	1	(0.1)
Kentucky Eastern	9	(0.7)	Wyoming	1	(0.1)

Table 4. Chi-Square Associations of Being Named a Party-Defendant in 42 USC §1983 Litigation at Some Point

Variable Label	N	χ^2	df	p	V	Variable Label	N	χ^2	df	p	V
42 USC 1997 Civil Defendant	6724	1247.262	1	.000	.431	Cocaine	6724	29.094	1	.000	.066
28 USC 1441 Civil Rights Action Removed	6724	1192.487	1	.000	.421	Drugs: Shakedown from Legit Search/Raid	6724	28.690	1	.000	.065
42 USC 1985 Civil Defendant	6724	632.692	1	.000	.307	Obstruction of Justice	6724	27.533	1	.000	.064
Age of Victim	1848	159.139	79	.000	.293	Part-Times Sworn Personnel Categorical	6724	25.560	8	.001	.062
42 USC 1981 Civil Defendant	6724	435.624	1	.000	.255	Drug-related	6724	25.553	1	.000	.062
Years of Service	4780	250.387	43	.000	.229	False Report / False Statement	6724	23.451	1	.000	.059
State	6724	346.944	50	.000	.227	Drugs: Stimulants	6724	21.921	1	.000	.057
Most Serious Offense Charged	6724	320.050	63	.000	.218	Forcible Sodomy	6724	20.992	1	.000	.056
Age	5863	198.143	56	.000	.184	Robbery	6724	19.811	1	.000	.054
Official Capacity	6724	226.119	1	.000	.183	Murder & Nonnegligent Manslaughter	6724	16.915	1	.000	.050
Duty Status	6724	203.914	1	.000	.174	Family Violence	6724	16.650	1	.000	.050
Victim Relationship to Offender	3934	111.173	7	.000	.168	Off-Duty: Conducted a Search	6724	16.089	1	.000	.049
Discussion of Agency Scandal / Cover Up	6724	180.093	1	.000	.164	Metro or NonMetro County	6724	15.672	1	.000	.048
18 USC 242 Criminal Defendant	6724	171.608	1	.000	.160	Citizen Complaint as Method of Detection	6724	14.587	1	.000	.047
Officer's Chief is Under Scrutiny	6724	162.480	1	.000	.155	Injuries in a DUI-related Traffic Accident	6724	13.982	1	.000	.046
Victim Age Difference	6724	157.015	103	.000	.153	Officer was Reassigned	6724	13.877	1	.000	.045
Years of Service Categorical	6724	155.578	10	.000	.152	Pornography / Obscene Material	6724	11.702	1	.001	.042
Officer's Supervisor was Disciplined	6724	127.576	1	.000	.138	DUI: Refused BAC Test	6724	10.132	1	.001	.039
Rank	6724	125.643	9	.000	.137	Bribery	6724	9.418	1	.002	.037
Geographic Division	6724	123.337	8	.000	.135	OIDV: Weapon: Hands / Fist	6724	9.072	1	.003	.037
Drugs: Shakedown from Street Dealers	6724	118.716	1	.000	.133	OIDV: Verbal Threats / Violent Ultimatums	6724	9.421	1	.002	.037
Age Categorical	6724	108.469	10	.000	.127	Marijuana	6724	8.800	1	.003	.036
Violence-related	6724	103.675	1	.000	.124	OIDV: Victim Injury, Nonfatal	6724	8.627	1	.003	.036
Drugs: Shakedown - Aggregate	6724	99.877	1	.000	.122	Drugs: Cannabis	6724	8.800	1	.003	.036
Criminal Civil Rights Deprivation	6724	97.041	1	.000	.120	Extortion / Blackmail	6724	7.905	1	.005	.034
Police Sexual Violence	6724	94.879	1	.000	.119	Liquor Law violation	6724	7.133	1	.008	.033
Drugs: Shakedown from Warrantless Search	6724	95.587	1	.000	.119	Off-Duty: Made an Arrest	6724	6.484	1	.011	.031
Victim Age Categorical	6724	90.534	9	.000	.116	Oxycodone	6724	6.647	1	.010	.031
Driving While Female Encounter	6724	85.219	1	.000	.113	Crack	6724	6.285	1	.012	.031
Urban to Rural Continuum Code	6724	75.487	8	.000	.106	Drugs: Personal Use / Using	6724	6.408	1	.011	.031
Drugs: Shakedown from Car Stops	6724	75.474	1	.000	.106	Sex-related	6724	6.121	1	.013	.030
Internal vs. Organizational	6724	68.775	1	.000	.101	Property Destruction / Vandalism	6724	5.593	1	.018	.029
Geographic Region	6724	65.296	3	.000	.099	Family Offenses, Nonviolent	6724	5.824	1	.016	.029
Full-Time Sworn Personnel Categorical	6724	60.276	10	.000	.095	Counterfeiting / Forgery	6724	5.135	1	.023	.028
Driving Under the Influence	6724	55.349	1	.000	.091	Organizational vs. Against Citizenry	6724	4.806	1	.028	.027
Rank by Function	6724	55.134	2	.000	.091	DUI: Refused Field Sobriety Tests	6724	4.836	1	.028	.027
Child Victim	3990	31.977	1	.000	.090	Arresting Agency	6724	4.414	1	.036	.026
Official Misconduct	6724	50.495	1	.000	.087	Incest	6724	4.417	1	.036	.026
Gender of Victim	3668	23.663	1	.000	.080	Officer was Demoted in Rank	6724	4.697	1	.030	.026
Alcohol-related	6724	42.196	1	.000	.079	Credit Card / ATM Fraud	6724	4.256	1	.039	.025
Kidnapping / Abduction / False Impris	6724	41.130	1	.000	.078	Off-Duty: Identified Self as a Police Officer	6724	4.289	1	.038	.025
Aggravated Assault	6724	38.690	1	.000	.076	Off-Duty: Showed Police Weapon	6724	4.264	1	.039	.025
DUI-related Traffic Accident	6724	39.181	1	.000	.076	DUI: Officer Resisted Arrest	6724	4.097	1	.043	.025
Drugs: Planting Evidence	6724	38.120	1	.000	.075	Forcible Fondling	6724	3.894	1	.048	.024
DUI in Personally-owned Vehicle	6724	31.774	1	.000	.069	Online Solicitation of a Child	6724	3.964	1	.046	.024
Type of Agency	6724	30.828	7	.000	.068	Weapons Law violation	6724	3.964	1	.046	.024
Drugs: Falsification	6724	31.330	1	.000	.068	Drunkenness	6724	3.964	1	.046	.024
Gender	6724	30.465	1	.000	.067	Drugs: Facilitating Drug Trade	6724	3.833	1	.050	.024

Table 5. Logistic Regression Model Predicting Being Named a 42 USC §1983 Party-Defendant at Some Point ($N = 1{,}278$)

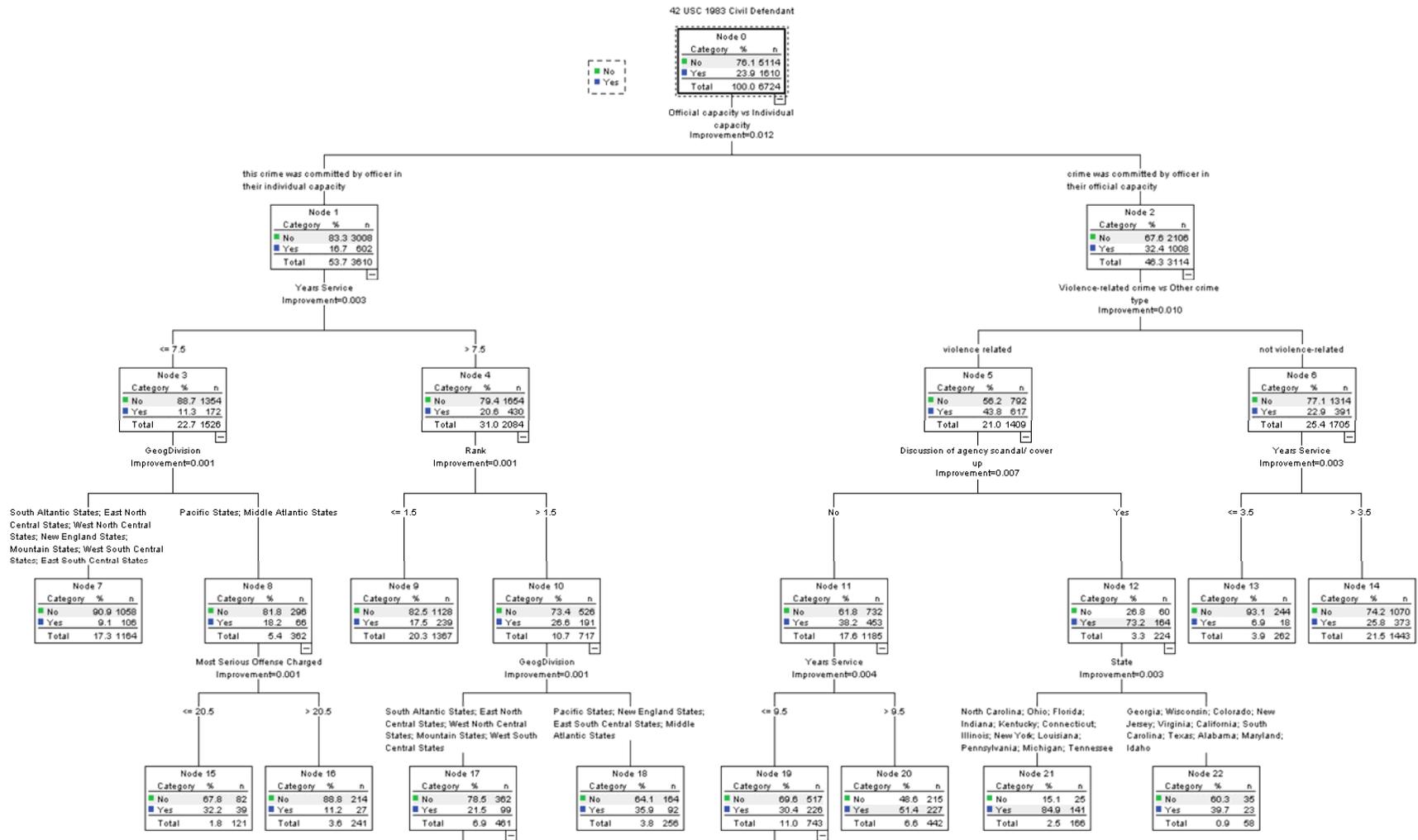|	B	SE	Wald	p	Exp(B)	95% CI for Exp(B)	
						LL	UL
Years of Service	0.067	0.010	43.606	<.001	1.069	1.048	1.091
Duty Status	1.086	0.187	33.762	<.001	2.962	2.054	4.273
Full-Time Sworn Personnel Categorical	0.071	0.030	5.498	.019	1.073	1.012	1.139
Murder & Nonnegligent Manslaughter	0.692	0.282	6.011	.014	1.998	1.149	3.475
Kidnapping/Abduction	0.753	0.272	7.669	.006	2.123	1.246	3.617
Victim Relationship to Offender	0.175	0.065	7.308	.007	1.191	1.049	1.352
Driving While Female Encounter	0.934	0.346	7.285	.007	2.544	1.291	5.011
Officer was Assigned to Another Position	0.854	0.334	6.544	.011	2.349	1.221	4.518
Officer's Supervisor was Disiplined / Reassigned	2.369	0.488	23.592	<.001	10.686	4.108	27.796
DUI in a Privately-owned Vehicle	-1.348	0.465	8.421	.004	0.260	0.104	0.645
Off-Duty: Identified Self as an Officer	1.060	0.301	12.374	<.001	2.885	1.599	5.208
Family Violence	0.737	0.285	6.688	.010	2.090	1.195	3.653
Cocaine	2.007	0.747	7.227	.007	7.440	1.722	32.140
42 USC §1981 Civil Defendant at Some Point	3.962	0.718	30.421	<.001	52.584	12.863	214.965
18 USC §242 Criminal Defendant at Some Point	1.837	0.639	8.264	.004	6.276	1.794	21.956
Most Serious Offense Charged	-0.019	0.004	23.805	<.001	0.981	0.974	0.989
- 2 Log Likelihood	1177.989						
Model Chi-Square	328.366			<.001			
Cox & Snell R^2	.227						
Nagelkerke R^2	.327					95% CI for AUC	
ROC R^2	.486					LL	UL
AUC	.743					.723	.764

Figure 1. CART Model Predicting Being Named as a Party Defendant in a Section 1983 Civil Action at Some Point during Career