REPRESENTATIVE BUREAUCRACY AND IMPARTIAL POLICING

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ABSTRACT

Representative bureaucracy theory expects minority bureaucrats to advance the interests of minority citizens. Yet, little attention has been given to the variation in the acceptability, incentives and risks of representation across bureaucratic domains. Analysis of over 2 million police vehicle stops from four different US departments reveals that African American police officers do not treat African Americans preferentially, yet they mitigate existing racial disparities in policing. Compared with White officers, African Americans seem less disposed to use their discretion. They are disinclined to search drivers, yet inclined to cite them, displaying comparatively low disparities across social groups. These findings extend to pure traffic violations, and are robust to Entropy Balancing reweighting. We provisionally attribute African American police officers' impartial policing style to their compelling need to display their performance, and avoid blame, amidst intra-organizational pressures and risks ensuing from the political salience of the police's clash with minority communities.

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INTRODUCTION

Representative bureaucracy theory suggests that minorities within the public sector, given their early socialization, have first-hand appreciation for the grievances of minority citizens, and thereby greater value and attitudinal affinity with these groups (Andersen, 2017; Bradbury and Kellough, 2008; Meier, 2018; Riccucci and Meyers, 2004; Sowa and Selden, 2003; Stazyk et al. 2017). Consequently, as far as two minimal domain-specific conditions are fulfilled – minority issues are salient and bureaucrats' structural discretion is relatively broad – minority bureaucrats are expected to pursue a "minority representative role" (Selden et al. 1998), and to treat minority citizens preferentially so as to counterbalance their overall deprivation (Meier, 2019). Such translation of "passive" minority representation in the bureaucracy into "active" outcomes has been evidenced in several domains and countries, yet most consistently by studies of the American education system (e.g. Andersen, 2017; Atkins and Wilkins, 2013; Dee, 2004, 2005; Meier, 1993, Meier and Stuart, 1992; Meier et al. 1999; Nicholson-Crotty et al. 2016; Pitts, 2005). However, in American policing, on which we focus here, despite its significance for minority communities and police officers' discretion, the effect of representation has proved inconsistent, with some studies suggesting that it even exacerbates minority discrimination (e.g. Anbarci and Lee, 2014; Brown and Frank, 2006; Wilkins and Williams, 2008, 2009; but see Close and Mason, 2006, 2007; Theobald et al. 2008; and Hong, 2017, in relation to the UK).

The divergent consequences of minority representation across domains indicates that we need to look beyond issue salience and discretion. Specifically, bureaucratic settings may vary in the range of acceptable roles and practices from which bureaucrats construe their professional identity. In some policy and organizational domains, such as American education, preferential treatment of disadvantaged minority citizens may be perceived as a legitimate professional practice

in pursuit of equal opportunities. In such domains, non-minorities sometimes, albeit to a lesser extent, also seek to promote minority clients (Jilke and Tummers, 2018; Selden et al. 1998). Conversely, in other contexts, bureaucrats who espouse a minority representative role may be tagged as biased, unprofessional or simply as failing to attain the organization's primary goals. Moreover, as a visible and carefully scrutinized group, minority bureaucrats' discretion may be uniquely constrained by organizational performance pressures and risks (Kanter, 1977).

In American policing, the centrality of the police's crime fighting role negates preferential treatment of minority citizens by minority officers. Moreover, the political debate and societal anxiety surrounding police-race relations, which activates African American officers' concern for their communities, renders these officers organizationally visible and a threat, by their very presence, to institutionalized practices of racial disparity. This salience exposes African American officers to heightened performance pressures and risks of disciplinary action, ensuing from both managers and colleagues (Dowler, 2005; Gustafson, 2008; Hassell and Brandl, 2009; Lersch and Mieczkowski 2000; Rojek and Decker, 2009; Stroshine and Brandl, 2011). We offer that African American officers' logical response to these perils is to mitigate blame by closely following legal and departmental rules (cf. Hood, 2011; Portillo and DeHart-Davis, 2009; Portillo, 2012), which precludes representation via preferential treatment of minority citizens. This approach, nonetheless, fulfills the fundamental aims of representative bureaucracy, since it mitigates existing racial disparities in policing.

Conceptually, drawing on police culture research, we typify African American officers' rule-bound behavior as involving a "non-aggressive" and "non-selective" policing style, which contrasts with others' traditional "aggressive and selective" style (Brown, 1988; Oberfield, 2010, 2012; Paoline et al. 2000; Paoline, 2003, 2004; Worden, 1995). *Non-Aggressive* meaning officers'

high threshold for action on a suspicion that a crime has been committed, and thereby disinclination to use discretionary stop and search powers on purely speculative grounds; *Non-Selective* that is officers' enforcement of all legal norms, including traffic-safety infractions, as opposed to selective prioritization of felony crimes.

Empirically, our paper makes sense of the behavioral patterns of police officers during more than 2 million individual-level observations of police vehicle stops across four different police departments and locations in the US. We show that African American police officers, compared to other officers, are restrained and impartial in their use of vehicle stops as a means for crime investigation: they are less inclined to aggressively search drivers in pursuit of evidence for crime, more likely to non-selectively issue citations for traffic-safety violations, and less inclined to differentiate between African American and White citizens. This pattern is robust to Entropy Balancing reweighting (Hainmueller, 2012) and to alternative model specifications that are intended to account for possible selection biases in police officers' allocation to geographical areas and time shifts. Moreover, we show that it extends to circumstances wherein police officers stop drivers for clear traffic violations, indicating that our findings transcend diversity in officers' initial decision to stop drivers for solid versus trivial violations (cf. Epp et al. 2014, 2017).

HOW DOES THE INSTITUTIONAL SETTING OF AMERICAN POLICING SHAPE THE CONSEQUENCES OF MINORITY REPRESENTATION?

Representative bureaucracy theory offers that the translation of passive into active representation is conditioned by bureaucratic discretion and the salience of a policy domain for minority communities. In the case of police vehicle stops in the US, both of these baseline conditions are clearly met. Regarding the first condition, police officers, given supervisors' limited reach (Lipsky, 1980), enjoy vast discretion in their deployment of their powers and enforcement of the law

(Oberfield, 2010). As to the second condition, the salience of ethnic and racial (hereafter: ethnoracial) disparities in police vehicle stops is acutely evident. Minority communities' deep mistrust of the police is entangled with their excessive subjection to speculative crime investigation, inter alia during mundane vehicle stops (Baumgartner et al, 2017a/b; 2018; Epp et al. 2014, 2017). Middle-class White Americans, when stopped for traffic violations, would normally encounter the police's non-selective enforcement of the traffic law and the issuance of a ticket, yet they are seldom treated as suspects of crime. Conversely, young African American and Hispanic men are much more likely to be stopped for investigation over traffic-safety purposes, and to face bodily or vehicle search in pursuit of drugs, arms and other criminal evidence in the absence of apparent cause. Paradoxically, however, because minorities face a higher risk of being stopped and treated within the mind frame of a criminal investigation, they are less likely to be ticketed for traffic violations (cf. Baumgarter et al. 2018, chapter 4).

As representative bureaucracy theory would predict, qualitative and survey-based research confirm that African American police officers are affronted by the police's criminalization and unequal treatment of African Americans communities, and empathic with African Americans' consequent distrust of the police (Moskos, 2008; Morin et al. 2017; Woods, 2014). This is particularly so in the mundane context of vehicle stops, since African American police officers are likely to have been personally subjected to arbitrary stops and search of their bodies and cars (Barlow and Barlow, 2002; Harris, 1999). A large Pew Research Center survey report (Morin et al., 2017), encompassing representative samples of citizens and nearly 8000 police officers, attests for the attitudinal congruence of African American police officers and citizens, and for the discrepancy between citizens and White officers' attitudes. Hispanic police officers' attitudes,

when reported, either align with those of Whites or fall somewhere in between those of African American and White police officers.

Still, we argue that making sense of the consequences of African American police officers' concern and empathy for their communities, as evidenced by the above studies, requires appreciation for the range of acceptable practices that minority police officers can draw upon, and for the distinct risks and performance pressures that inhibit their choices. First, police officers in the US, unlike educators, social workers and members of other helping professions, are not tasked with advancing the welfare of specific clients. They are primarily expected to fight crime and enforce the law. As such, whereas White officers can vindicate the profiling of minorities as vital for fulfilling the police's crime fighting goals, African American police officers cannot legitimately defend treating African Americans leniently and preferentially so as to counterbalance existing disparities. However, they can choose among a range of acceptable policing styles. A vast body of police culture research suggests that police officers vary in their proclivity for aggressiveness and selectivity (Brown, 1988; Paoline et al. 2000; Paoline, 2003, 2004; Paoline and Terrill, 2005; Worden, 1995). In vehicle stops, this heterogeneity manifests in wide variation, at the individual and agency level (cf. Baumgartner et al. 2018, chapter 6). Some police officers direct their efforts to non-selective enforcement of the traffic law and the issue of citations, alongside occasional search given reasonable grounds for suspicion. Others are disposed to aggressively exploit vehicle stops for crime investigation, employing a low threshold for search in pursuit of contraband. Within the boundaries of this normative environment, African American officers cannot legitimately give preference to members of their ingroup; yet, they can choose to steer away from the aggressive and selective policing style that underlies minority citizens' deprivation and mistrust of the police.

Second, as "token" representatives of their social group (Kanter, 1977, Yoder, 1991), the actions of minority officers are visible and opened to careful scrutiny of both colleagues and supervisors. The heightened surveillance of minority police officers pertains to their small numbers and social status (Kanter, 1977, Yoder, 1991), and to the menace that their very presence imposes to institutionalized stereotypes, and the resultant insinuation that existing disparities in policing and White police officers' attitudes and practices are racist (Woods, 2014, Ch. 4). Thus, qualitative and survey-based research convey that minority police officers, and African Americans in particular, experience their departments as fraught with animosity and high personal risk (Moskos, 2008; Woods, 2014). Compared with White officers, African Americans, and to a lesser extent Hispanics, are more likely to feel criticized, biased against and ridiculed, by their colleagues (Dowler, 2005; Hassell and Brandl, 2009; Stroshine and Brandl, 2011). They are also more likely to attract formal complaints from same-level officers and supervisors (Lersch and Mieczkowski 2000; Rojek and Decker, 2009). Heightened scrutiny and animosity entail that minority officers are exposed to increased pressure to display their performance, and to a higher risk of incurring blame for blunders (cf. Belknap and Shelly, 1992; Gustafson, 2008; Martin, 1982; Ott, 1989; Stroshine and Brandl, 2011). Consequently, whereas White officers may be able to lie low, and forgo supervisors' performance expectations (Brown, 1988), minority officers, and African Americans most notably, need to evidence their toil. Likewise, while White officers can generally rely on their colleagues to conceal their mistakes or deliberate infringement of citizens' rights, which are innate to aggressive policing, minorities who err in the direction of unlawful usage of their powers expose themselves to a higher risk of disciplinary action.

We propose that African American police officers' logical response to their predicament is to adopt a default policing style that primarily mitigates their intra-organizational risks and satisfies

supervisors' performance expectations, whilst minimizing the psychological harm entailed in aggressive policing of their community. Studies in multiple domains, including policing, suggest that public officials who feel insecure vis-à-vis citizens, managers or subordinates, due to their precarious status as tokens (Portillio, 2012; Portillio and DeHart-Davis, 2009) or as newcomers (Assadi and Lundin, 2018), are induced to adopt rule-bound behavior, and to restrain their use of discretion to mitigate individual blame (Hood, 2011).

In relation to vehicle stops, rule-bound behavior entails stopping vehicles for substantive traffic violations, and the non-selective issue of citations for observed traffic violations. The latter are valued by police supervisors and senior managers both as manifestations of law enforcement, and as a significant source of municipal revenue that enhances political principals' approval (Garrett and Wagner, 2009; Makowsky and Stratmann, 2009; Su, 2019). This is not to deny that police officers are also incentivized to engage in aggressive policing; that is to employ a low threshold to act on dubious suspicion for a criminal offense. A successful search, which ends up in arrest and contraband seizure, engenders esteem by supervisors and senior management, even if it instigated on legally questionable grounds. It fulfils the police's premier crime investigation goal, and provides an additional source of police revenue through asset forfeiture (Mughan et al. 2019; Nicholson-Crotty et al. 2020). Yet, most searches are unsuccessful, and their justification, ex post, requires that the officer can substantiate their action based on a "reasonable suspicion" that a crime has been committed, or the driver's consent (Epp et al. 2014). What facts fulfil this uncertain legal standard is a matter for organizational direction and individual officer discretion. Hence, if minority police officers are compelled to both satisfy supervisors' performance pressures, and to be more vigilant than others, they will be inclined to stop drivers for real traffic violations and to non-selectively cite them, and use the power to search in limited instances of

solid grounds for suspicion. Such strategy, moreover, coheres with these officers' aversion to existing practices wherein other officers frequently stop and search young African American and Hispanic men based on little more than an intuition.

While our theoretical argument is pertinent to officers' choice of action both prior and following the stop of a vehicle, given data limitations our hypotheses below are limited to their action after the stop. Hence, focusing on African American police officers, whom current ethnographic and survey-based research portray as most empathic with their community and at the greatest risk within police departments, we lay down the following hypotheses:

H_1 Compared with White officers, African American police officers are inclined to issue formal citations to drivers, as opposed to warning and/or excusing them for traffic violations (non-selective policing style).

H_2 Compared with White officers, African American police officers, are disinclined to search drivers and their cars (non-aggressive policing style).

Finally, an important implication of our expectation that African American officers are inclined to closely follow the rules, and curb their own discretion, is that the outcome of their actions is likely to be more balanced across social groups. By the latter we do not, necessarily, mean equal citation and search rates of White and African American drivers. African American officers may both resist, yet be influenced, to some extent, by their White colleagues' stereotypic association of young African American men and criminality, and by the institutionalized targeting of investigation stops towards this group (cf. Epp et al. 2014). Still, we expect African American police officers' non-aggressive and non-selective policing style to result in relative impartiality, thereby benefiting minority citizens, who are otherwise exposed to acute disparities. Thus, unlike

other domains, the realization of the goals of representative bureaucracy in the case of policing is not enabled by the availability of bureaucratic discretion, but by African American officers' voluntary censorship of the broad discretion that is granted to them. Hence, our third hypothesis suggests that African American officers' rule-bound policing style lowers disparities across social groups, which coheres with the ultimate aim of bureaucratic representation.

H3 Compared with White officers, African American police officers display lower disparities in their inclination to cite and search African American and White drivers (impartial policing style).

METHODOLOGY

Our analysis of the association between police officers' ethnorace and their policing styles, in the context of police vehicle stops, is based on four original datasets, comprising police officers' standardized coding of every vehicle stop, and its outcome, in the Los-Angeles Police Department (LAPD) (2003-2004, N=507,565), Florida Highway Patrol (FHP) (2010-2015, N=775,901), Charlotte-Mecklenburg Police Department (CMPD) (2010-2016, N=802,795) and Louisville Metro Police Department (LMPD) (2015-2017, N=94,699). Our conclusions are based on separate analyses of each dataset, as well as a merged dataset of over two million observations of police officer/driver contacts. To make the presentation of findings concise and easier to follow, some of the tables relate to the merged dataset, in which case we provide compatible tables per each police department in the ON-LINE APPENDIX.

Police departments' recording of vehicle stops, including driver demographics, is a prevalent norm across the US. However, the four large datasets, which we employ in this paper, are the only ones that we located, based on systematic search of the web, journal articles and public reports, and subsequent communications with police departments, which further provide information on the ethnorace and additional demographics of police officers.

The structure of the data in the four datasets is hierarchic, consisting of vehicle stops, clustered in officers, who are members of regional patrol divisions/troops (18 divisions in LAPD, 13 in CMPD, 8 in LMPD and 12 troops in FHP). Their similarity notwithstanding, the four datasets vary in the type of information that they provide. The FHP and LAPD datasets both contain officer ID, which has been removed from the LMPD and CMPD datasets. In the CMPD dataset, the link between vehicle stops and regional divisions is available for 2016 only, and missing for 2010 to 2015. These differences across the datasets entail that our analysis of the merged dataset, and of the LMPD and CMPD datasets, cannot fully account for the hierarchic structure of the data. Further information on the four datasets and police departments is available in ON-LINE APPENDIX Section F.

Operationalization of Variables

Police Officers' Aggressiveness and Selectivity

The dependent variable relates to police officers' display of aggressiveness and selectivity in enforcement, following an initial decision, which we cannot directly observe, to stop a vehicle. Legally, requiring a driver to pull over entails an alleged basis in the form of a traffic violation, however minor. Having stopped a driver, a police officer has the following unordered choices: *do nothing* (including verbal or written warning), issue a *citation*, *search* the driver, or a passenger's

body or their vehicle, *arrest* the driver or passengers, or a combination of the latter three modes. Following our theoretical framework, we operationalize non-aggressive practice as involving a high threshold for action on a suspicion that a crime has been committed and *disinclination to carry a search*, and non-selective enforcement as entailing rule-bound implementation of traffic infractions and *the issuance of citations*. For limitations of space and data availability (data on arrests is unavailable for Louisville), we omit arrests from the main analysis.[1] Additionally, to simplify interpretation of officers' choices between do nothing, citation and search, we consider a vehicle stop that resulted in both citation *and* search as a decision to search, which is the more aggressive and infrequent choice. However, for robust analysis, we also run the analyses with four alternative modes (*do-nothing*; *citations only; search only; citations & search*), and with arrests (*do-nothing; citations only; search only* or *citations & search; all combinations of arrest*), to ensure that the reduced specification does not contaminate our findings.

Officer and Driver Ethnorace

Our key independent variables regard officers' ethnorace, for analysis of H_1 and H_2, and drivers' ethnorace for analysis of the disparities in officers' citation and search across ethnoracial groups as per H_3. Our operationalization of officers' ethnorace draws on police personnel records. We limit our analysis to vehicle stops involving White (71%), African-American (16%) and Hispanic (13%) police officers. In all four datasets, each vehicle stop is associated with one, single, police officer ethnorace category. We assume that the police officer who had recorded the vehicle stop in the police records played a dominant role in its handing.

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[1] Arrests are most relevant when gauging the quality of officers' decision to search, based on the rate at which they unearth evidence for alleged criminal behavior. In line with our arguments, others have demonstrated that African American officers' exhibit higher hit rates (Close and Mason, 2007). Thus, suggesting that they are less inclined to act on unsubstantiated suspicion.

The operationalization of drivers' ethnorace relies on officers' records during vehicle stops, and thereby on their perception of drivers' ethnorace, involving four categories: White (45%), African-American (32%), Hispanic (18%) and a residual category of "other" (5%).

Control variables

In the multivariate analyses of each dataset we control for additional individual, regional and institutional factors, which may affect the choice of a police officer during a vehicle stop. We prioritize controls that were available in all, or most, datasets, and variables that alleviate concerns of selection bias in officers and drivers' allocation to vehicle stops. The list of control variables includes, depending on availability, police officers' individual characteristics (gender, tenure, age), driver characteristics (gender, age), police officers' allocation to regional patrol divisions/troops and time shifts, division-level characteristics (the share of African-American and Hispanic police officers in regional divisions), and the incidence of crime by geographical location. ON-LINE APPENDIX Section B, Tables IIa-IId, report the distribution of the control variables across the four police departments and years. Information on the operationalization of the control variables in each dataset is available from ON-LINE APPENDIX Section F.

RESULTS

Descriptive raw tabulation of police officers' choices (Tables Ia to Id of the ON-LINE APPENDIX) show that across the four police departments African-American police officers, compared to White officers, display greater inclination to cite, and lower proclivity to search all drivers. To systematically examine these differences, we estimate a series of multinomial unordered response logit models of the effect of police officers' ethnorace on the likelihood of their choice between doing nothing, citation and search, following a vehicle stop. This specification transcends other research of the outcomes of police vehicle stops. Typically,

researchers have employed models that estimate police officers' inclination to cite drivers, *or* search them *or* arrest them, as if these were discrete, and unrelated, choices (e.g. Brown and Frank, 2006; Rojek et al. 2012; Tillyer et al. 2012). Our modeling specification, which simultaneously compares officers' choice between doing nothing, citation and search, provides a more complete picture of police officers' choice and style. Doing so allows us to make sense of African American police officers' inclination to cite and disinclination to search as involving their rule-bound behavior, which previous studies, including those who have reached separately similar empirical conclusions, have overlooked.

Since the sign of the estimated coefficients, in a multinomial logit, does not reliably reflect the relationship between a particular explanatory variable and the probability of choosing a certain behavior (Wooldridge 2010, 498), our interpretation of the models, and its presentation, focuses on the estimated marginal effects and predicted probabilities. Table 1 displays marginal effects at means (MEM) from analysis of the merged dataset, considering three possible outcomes: do-nothing, citation and search. Each entry of Table 1 presents the change in the predicted probability estimate, for officer or driver ethnorace, assuming that all other variables are set to their mean.[2] The estimates are derived from a multinomial logit model, which includes, in addition to driver and officer ethnorace, fixed effects for year and police department (18 dummies including the omitted reference category, CMPD 2010), and specification of robust standard errors, clustered by year and police department (Table A1 of the Appendix).

Considering hypotheses 1 and 2, Table 1 shows, in line with our first hypothesis, that the predicted probability of citation increases significantly when comparing African-American versus White police officers. In contrast, the probability of a search significantly decreases when the

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[2] Similar findings emerge using average marginal effects (AME).

officer is African American, compared with a White police officer, which is consistent with our second hypothesis. These findings hold when splitting the category of "search" into "search only" versus "citation and search", and when including all combinations of "arrest" as a fourth choice (to be provided upon request).

Table 1 further shows that the coefficient of Hispanic police officers is insignificant with regard to citation, yet they search slightly more than White officers. However, analyses of the individual datasets, as elaborated below, reveal that this finding turns insignificant once accounting for the full list of control variables and, in particular, for division and regional-level covariates, thus precluding clear inference in relation to this group of officers.

Table 1: The Marginal Effects at Means - Merged Dataset

| | A | | |
	(1) Do-nothing	(2) Citation	(3) Search
AA Officer	-0.0909*** (0.0185)	0.1030*** (0.0183)	-0.0121*** (0.0008)
Hispanic officer	0.0011 (0.0247)	-0.0061 (0.0244)	0.0051*** (0.0006)
AA driver	0.0051 (0.0121)	-0.0343*** (0.0130)	0.0292*** (0.0015)
Hispanic driver	-0.0024 (0.0228)	-0.0263 (0.0249)	0.0286*** (0.0035)
Other Driver	-0.0633*** (0.0124)	0.0690*** (0.0117)	-0.0057*** (0.0008)
Observations	2,180,860	2,180,860	2,180,860

*** $p<0.01$, ** $p<0.05$, * $p<0.1$;
Notes: Table entries are marginal effects (in units of probabilities) calculated based on the multinomial logit model presented in Table A1 below. The standard errors of these marginal effects are computed employing the delta method. "White" is the omitted category for "officer" and "driver" ethnicity.

Moving to separate analyses of each dataset, we add individual, organizational and geographic-level controls to account for potentially confounding variables, which due to different

operationalization, and availability, we are unable to include in the unified dataset analysis. ON-LINE APPENDIX Tables IIIa-IIId demonstrate the estimated marginal effects at means for each of the four police departments, as derived from the multinomial regression models in ON-LINE APPENDIX tables Va toVd. The first panel in each table (A) is based on an identically structured multinomial models as in Table 1 of the merged dataset – assessing the effect of officer and driver ethnorace, including year fixed-effects. Next, the estimates in panel B are derived from models that include controls for additional officer and driver individual characteristics, such as gender and age as well as division/troop and hour fixed effects. Last, the models, from which we derive the estimates in panel C, replace division/troop fixed effects with division/troop characteristics, including the share of African-American and Hispanic police officers in a division and, where available, the rates of crime in the smallest area for which we have information.[3]

The estimated marginal effects, as reported in ON-LINE APPENDIX Tables IIIa-IIId, confirm that our main finding, as per H_1 and H_2, according to which African-American police officers, compared with Whites, are significantly more likely to cite, but less likely to search, emerges consistently across all four police departments. It is robust to alternative model specifications (Panels A to C). African American police officers' higher inclination to cite drivers is only marginally significant when adding division-level characteristics (panel C) for CMPD, but note that the analysis is based, due to data limitations, on a significantly reduced sample from this dataset. Conversely, the findings regarding Hispanic police officers, in Tables IIIa-IIId of the ON-LINE APPENDIX, are mostly insignificant once accounting for division and regional-level characteristics (in panel C).

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[3] All models estimate robust standard errors, which are clustered at the officer level in relation to LAPD and FHP, and at the division level at LMPD and CMPD (panel C/2016 only, given missing information on officers' allocation to divisions for the years 2010-2015).

To facilitate concise interpretation and presentation of the above results, Figure 1 presents the predicted probabilities that an African American police officer compared with a White police officer chooses to do nothing (upper row), cite (middle row) or search (lower row) a driver, per police department. The predictions for Charlotte, Florida, LA and Louisville are displayed in the columns from left to right, based on the uniform panel A of the multinomial regression models in On-Line Appendix Tables Va and Vd. The estimated probabilities are calculated so that the control variables (drivers' ethnorace and year fixed effects) are set to their mean. Predicted probabilities based on Panels B and C of the regression models are available from the authors upon request.

As evident from the point estimates and confidence intervals in Figure 1, in all four police departments African American police officers (circles), compared with White officers (triangles), are significantly less likely to let a driver off with no consequences (do nothing), more likely to issue a citation and less likely to perform a search. Specifically, the probability that an African American police officer cites a driver ranges from a maximum of 89% in LA to a minimum of 47% in Charlotte, whereas that of a White officer ranges from 78% in LA to 43% in Charlotte. The probability that an African American police officer searches a driver ranges from 6% in LA to 0.04% in Florida, whereas that of a White officer ranges from 12% in LA to 0.5% in Florida.

[**Figure 1 about here**]

Figure 1: Predicted Probability of Nothing-Done, Citation and Search for African American and White Officers by Police Department
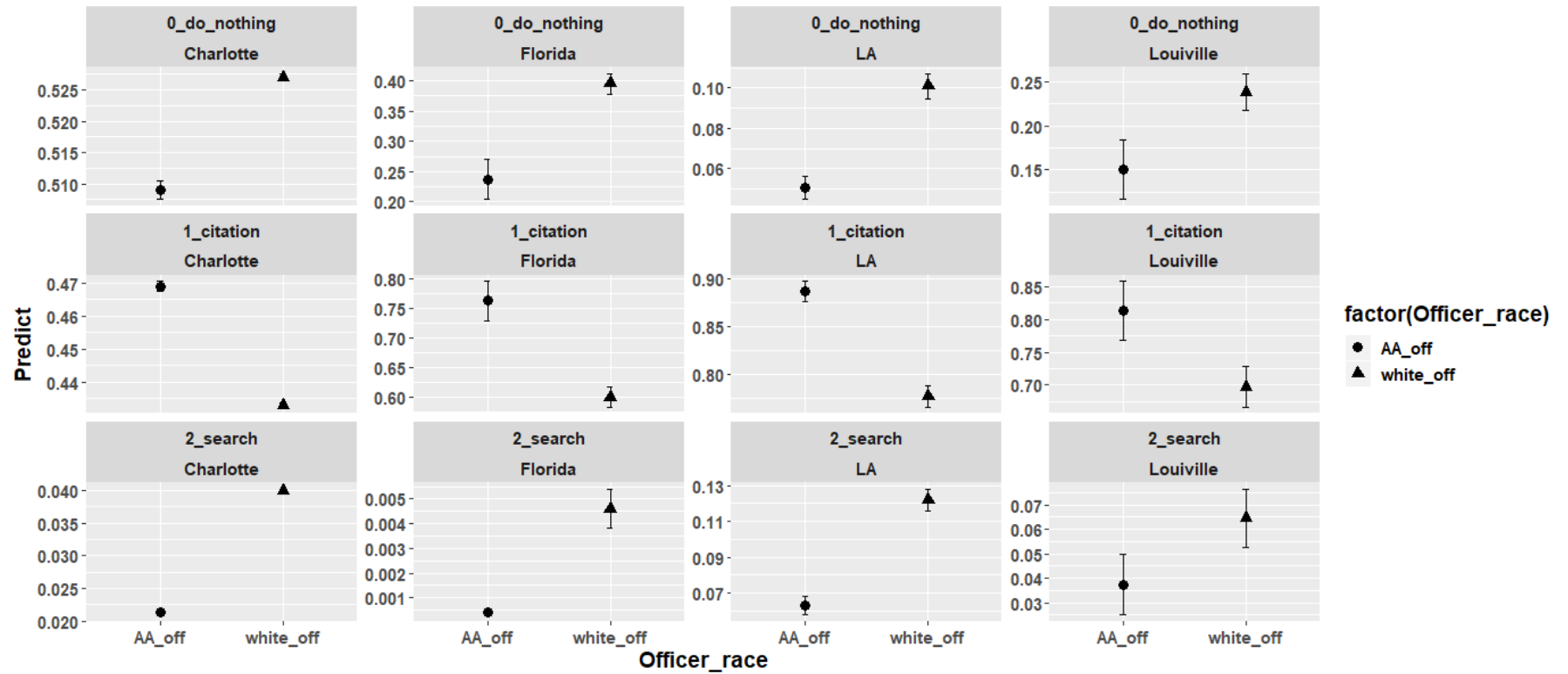
Notes: Point estimates are predicted probabilities, derived from panel A of the multinomial models in On-Line Appendix Tables Va and Vd. The standard errors of these predicted probabilities are computed employing the delta method.

Having confirmed H[1] and H[2], we further assess H[3], according to which African American officers' restrained use of their discretion to waive citations for traffic violations and to deploy the power to search is associated with smaller ethnoracial disparities in policing. A direct examination of this hypothesis would involve estimation of an interaction term (officer ethnorace*driver ethnorace) in our baseline regression. Yet, such direct test is not applicable because the sign of the estimated coefficient in a multinomial regression does not reliably indicate the direction of the effect (Wooldridge 2010, 498), and the marginal effects cannot be independently estimated for an interaction term (Williams 2012). To examine this hypothesis indirectly, we display predicted probabilities per driver and officer ethnorace dyads based on multinomial regression models without interaction,[4] and compare the difference in the marginal effects (MEM) of the probabilities that an African American compared with a White driver are excused, cited or searched given an African American versus a White officer. Additionally, for robust, ON-LINE APPENDIX section G presents direct estimation of the interactive effect of driver and officer race on officers' choice to search. Employing linear probability specifications, we show that compared with White officers, African American officers display lower disparities in their inclination to search African American versus White drivers.

Figure 2 displays the predicted probabilities that an African American driver (in circle) compared with a White driver (in triangle) will be let off with no penalty (upper row), cited (middle row) or searched (lower row) by an African American versus a White police officer, per police department.

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[4] Predictions are based on panel A of the multinomial regression models in On-Line Appendix Tables Va and Vd. (For a tabled format of the results see ON-LINE APPENDIX Tables IVa to IVd).

Figure 2: Predicted Probability of Nothing-Done, Citation and Search for African American and White Drivers by Officer Ethnorace and Police Department
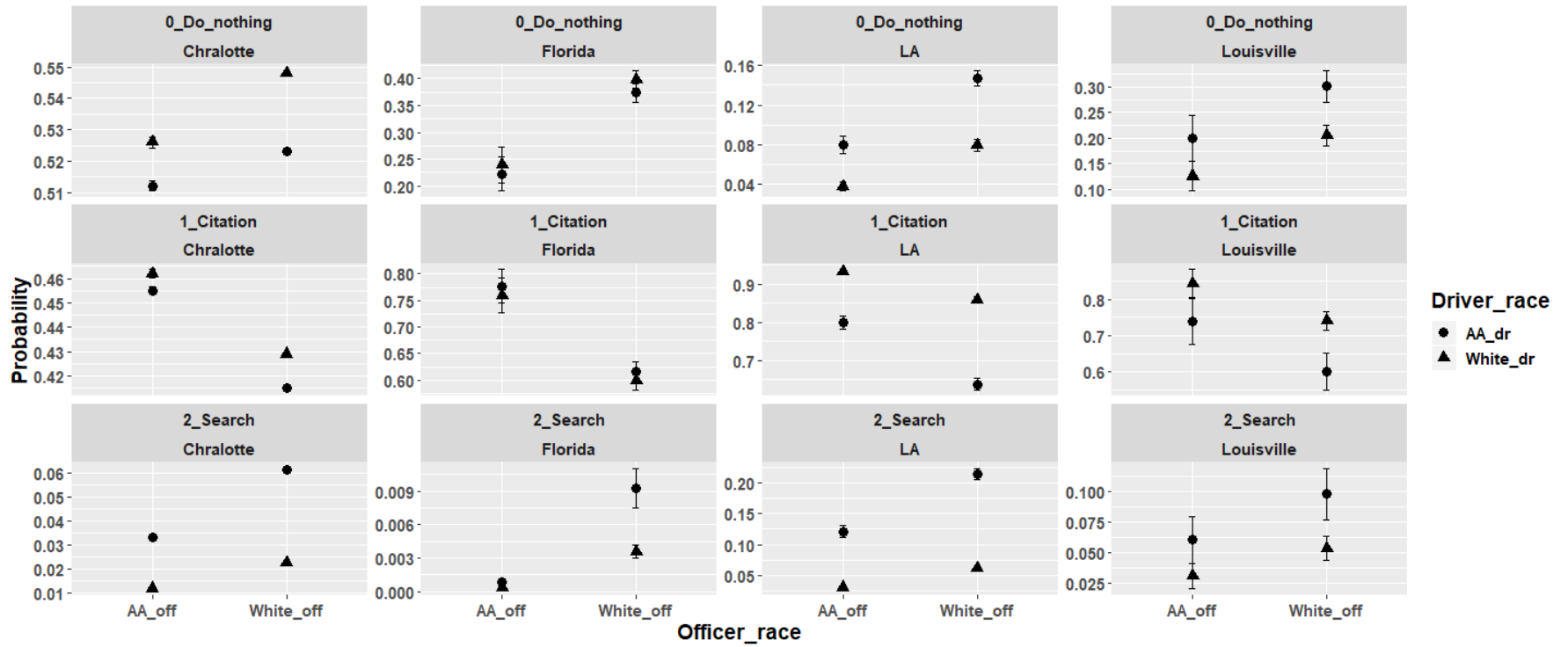
Notes: Point estimates are predicted probabilities, derived from panel A of the multinomial models in On-Line Appendix Tables Va and Vd. The standard errors of these predicted probabilities are computed employing the delta method.

Eyeballing Figure 2, clear and consistent patterns emerge. Comparing African American and White drivers (the circles and triangles), African American and White police officers are both less likely to cite African American drivers in Charlotte, LA and Louisville, and more likely to search them in all four police departments (although the difference in Florida, when the officer is African American, approaches zero). Additionally, in the four departments, the findings of H_1 and H_2, according to which African American police officers are more likely to cite and less likely to search extend to both African American and White drivers. Thus, African American officers do not treat African American citizens preferentially, and, in fact, search them more than White drivers.

However, an important finding, which is in accord with H_3, is this: across all police departments, the marginal differences in the treatment of African American and White drivers (i.e. the vertical distance between the circles and triangles in figure 2) are smaller when the police officer is African American. An elaborate example best illustrates this: In LA, African American officers are predicted to cite 93% of White drivers and 80% of African American drivers, and to search them at rates of 3% and 12%, respectively. White officers are predicted to cite only 86% of White drivers and 64% of African American drivers, and to search them at rates of 6% and 21%, respectively. Accordingly, the marginal differences in probabilities across driver ethnorace amount to 13% for citation and 9% for search when the officer is African American, and to 22% and 15%, respectively, when the officer is White. Hence, when the officer is African American, compared with a White officer, the ethnoracial disparities in citation rates are reduced by circa 9% (p<0.01) and those in search by around 6% (p<0.01). Table 2 summarizes the differences in the marginal effects, and their significance, across the four police departments, showing that an African American compared with a White officer reduces the estimated

ethnoracial disparity in the probability of citation by a range of 0.2% in Florida to 8.8% in LA, and the disparity in the probability of search by a range of 0.52% in Florida to 6.25% in LA.

Table 2: Contrast of Marginal Effects for an African American (vs. White) Driver Given an African American (vs. White) Officer

	Do Nothing	Citation	Search
LAPD	2.51%***	8.8%***	6.25%***
FHP	0.8%***	0.2% (N.S)	0.52%***
CMPD	1.1%***	0.7%***	1.75%***
LMPD	2.2%*	3.6%*	1.49%*

*** p<0.01, ** p<0.05, * p<0.1. Notes: Table entries are differences in absolute percentages of the marginal effects at means of the probability that an African American (vs. White) driver is excused, cited or searched given an African American (vs. White) police officer. Standard errors (not presented), and significance, are computed employing the delta method.

ROBUST ANALYSIS

Finally, we acknowledge that police officers are not randomly assigned to individual instances of vehicle stops, which endangers the validity of our findings. Panels B and C of the multinomial regression analyses of each dataset (Tables Va to Vd of the On-Line Appendix), and the resultant estimation of marginal effects (Tables IIIa to IIId of the On-Line Appendix), mitigate these concerns by accounting, given data availability, for variation in the characteristics of drivers, officers and stops. Thus, we control for drivers' ethnorace, age and gender. We also control for officers' age, gender and tenure, and for the percentage of African American and Hispanic police officers per division. Additionally, our analyses of the CMPD and LMPD datasets control for the annual crimes rates within the geographical regions of each patrol division. Moreover, our analysis of the LAPD accounts for detailed information about crime rates in the "reporting districts"

(representing areas of approximately ten blocks) within which a specific stop took place.[5] Last, our analyses of LAPD, FHP and LMPD include controls for the time/hour of the stop.[6]

To further buttress our findings and their interpretation, we undertake two additional measures. First, we re-estimated the effect of officer ethnorace, per each dataset, using the pre-processing Entropy Balancing reweighting method (Hainmueller, 2012), matching the covariate distribution of the group of African Americans officers and that of a reweighted group of White and Hispanic officers. The covariates are identical to those that we include as controls in the regression analyses of each dataset. As evident from Table 3, the inference from the marginal effects, derived from Panels C of On-Line Appendix Tables IIIa to IIId, regarding African American officers' disinclination to search drivers and their cars, and their tendency to cite them, are robust to this matching methodology (other than citation in LMPD in which panel C is reduced due to restricted information on division personnel characteristics).

Table 3: Marginal Effects for African American Officer Per Dataset (Base vs. Reweighted)

	Baseline (Panels C^)			Entropy Balancing Reweighting		
	Do-nothing	Citation	Search	Do-nothing	Citation	Search
LAPD	-0.0289***	0.0552***	-0.0263***	-0.016***	0.035***	-0.019***
	(0.00698)	(0.00980)	(0.00446)	(0.0049)	(0.0081)	(0.0048)
Florida	-0.0969**	0.0998**	-0.00294***	-0.082**	0.084**	-0.002***
	(0.0433)	(0.0434)	(0.000471)	(0.0344)	(0.0344)	(0.0004)
CMDP	-0.115*	0.125*	-0.0103***	-0.121*	0.133*	-0.012***
	(0.0620)	(0.0640)	(0.00281)	(0.0678)	(0.0708)	(0.0042)
LMDP	-0.0462*	0.0582**	-0.0119***	-0.030	0.042	-0.012***
	(0.0269)	(0.0295)	(0.00383)	(0.0289)	(0.0322)	(0.0044)

*** p<0.01, ** p<0.05, * p<0.1; Notes: Table entries are marginal effects (in units of probabilities). The standard errors of these marginal effects are computed employing the delta method. ^The "Baseline" predictions are presented in full in Panel C of Tables IIIa to IIId of the ON-LINE APPENDIX.

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[5] The results are similar when including LA district fixed effects (N=1,880) instead of district characteristics.
[6] The time of stop is unavailable for CMPD.

Second, we scrutinize the possibility that the difference in African American and White police officers' citation and search rates reflect variation in the type of stops that they choose to carry. Specifically, White officers may be more inclined to engage in "investigation stops" (Epp et al. 2014, 2017), exploiting trivial traffic violations as a pretext for stopping drivers in pursuit of crime investigation, leading to a high propensity that a search would be conducted and that a citation would *not* be issued. Theoretically, this scenario is consistent with our fundamental argumentation, and may provide an additional empirical manifestation of the same logic. If, as we argue, African American officers need to avoid intra-organizational risks, and are affronted by the criminalization of their communities, then it makes sense for them to forgo the dubious practice of investigation stops and thereby display lower levels of search. Yet, given their compelling need to exhibit robust performance, these officers need to conduct a fair number of traffic-safety stops, and cannot afford to warn drivers and let them off with no citation.

Still, analysis of subsamples of three of the four datasets suggest that African American and White officers differ in their policing practices also in the context of stops ensuing from clear traffic-safety violations. The FHP and CMPD datasets both include elaborate coding of the initial reason for the stop. We thus replicated the regression analyses on two sub-samples of drivers that according to officers' reporting were stopped due to "speeding", which is a patent traffic-safety violation, involving 421,952 stops in FHP (out of N=775,901) and 177,905 stops in CMPD (out of N=802,795). In a similar vein, the LAPD dataset denotes police officers' assignment to "traffic" versus "patrol" tasks, within the same patrol divisions, a phenomenon that may be unique to this department.[7] Given traffic officers' designated mandate, it seems reasonable to assume that these

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[7] According to Alpert et al. (2006), who took part in the design of that specific dataset, "Patrol officers are generally responsible for patrolling the City, investigating crime, responding to calls for service, and enforcing traffic law. Traffic officers are primarily responsible for enforcing traffic laws and investigating accidents" (ibid, 16).

officers generally stop drivers for substantive traffic violations. Hence, we repeated our regression analyses also for this subsample (N=236,391 of N=507,465 stops). Figure 3 display our analysis of the predicted probabilities, replicating Figure 1 (that relate to the uniform Panel A regression models of the four datasets), in relation to the restricted three subsamples of speeding violations/traffic officers. Compared with the predictions in Figure 1, all officers are relatively inclined to issue citations, and disinclined to search, when stopping drivers for speeding/traffic law enforcement. Nonetheless, Figure 3 indicates that even in this context, African American officers display higher levels of citation and lower levels of search.

[Figure 3 about here]

Figure 3: Predicted Probability of Nothing-Done, Citation and Search for Speeding Violations (CMPD and FHP) and Traffic Police Officers (LAPD)
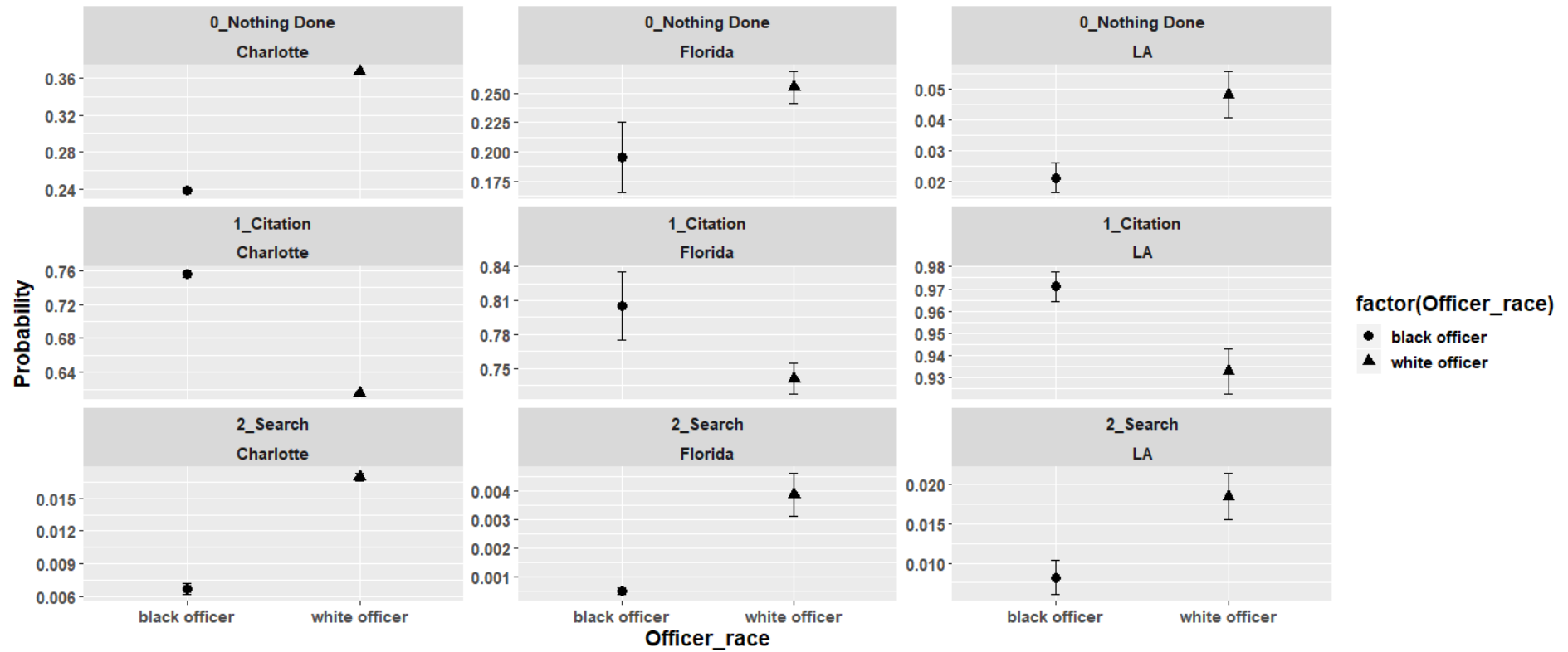
Notes.: Predictions are based on multinomial regression models that replicate Panels A of On-Line Appendix Tables Va and Vd.

DISCUSSION

Our separate and aggregate analyses of nearly 2.2 million vehicle stops from four US police departments reveal that African American police officers, compared with Whites, use their discretion in a distinct non-aggressive and non-selective manner. They are less inclined to act on a suspicion that a driver has committed an unobserved crime and carry out a search, while more likely to cite drivers for observed traffic violations. Set against the expectation that representative bureaucracy entails preferential treatment of minority citizens, we conversely find that African American police officers search both African American and White citizens at a lower rate and cite them at a higher rate. Still, we argue and show that African American police officers' non-aggressive and non-selective policing style fulfils the fundamental aims of bureaucratic representation via mitigation of ethnoracial disparities in citation and search. These findings replicate across the four police departments, are robust to alternative multivariate regression modelling, to analysis of three subsamples of patent traffic-safety violations, and to entropy balancing reweighting. Their substantive significance, as depicted by the predicted probabilities in figures 1 and 2, and by the estimated reduction in ethnoracial disparities in table 2, is large.

Our logical interpretation of the above findings suggests that the effect of minority representation in the police is conditioned by the institutional context of American policing. In line with the predictions of representative bureaucracy theory, ethnographic and survey-based research suggests that African American police officers, as members of a criminalized social group, empathize with the grievances of African American citizens and their distrust of the police (Moskos, 2008; Morin et al. 2017; Woods, 2014). Yet, we argue, as officials in an institution that fights crime and enforces the law, minority officers cannot legitimately favor minority citizens so as to offset their disadvantage, which others rationalize as vital for achieving the institution's goals.

Moreover, as token representatives of a community, which poses a relentless challenge to the police's legitimacy and authority, the actions of African American officers are carefully scrutinized by their colleagues and supervisors, subjecting them to heightened intra-organizational performance pressures and risks (Dowler, 2005; Hassell and Brandl, 2009; Lersch and Mieczkowski 2000; Moskos, 2008; Morin et al. 2017; Rojek and Decker, 2009; Woods, 2014).

We presume that heightened exposure to performance pressures and risks induces African American police officers to mitigate blame by self-restraining their use of discretion (Assadi and Lundin, 2018; Hood, 2011; Portillio, 2012; Portillio and DeHart-Davis, 2009) vis-à-vis all citizens. Consequently, they reserve their discretionary power to search to clear cases of "reasonable suspicion," which are unlikely to instigate legal challenge or complaints, and satisfy supervisors' performance expectations via non-selective issue of citations for traffic violations. Their constrained use of discretion precludes preferential treatment of minorities. Yet, it coheres with, and is likely reinforced by, these officers' empathy for minority citizens, since it shuns unfounded criminalization and mitigates ethno-racial disparities.

Certainly, the interpretation that we offer to the empirical findings is limited insofar as it rests on secondary analysis of related qualitative and survey-based research, as opposed to direct assessment of the attitudes of the police officers in our datasets. It thus calls for further qualitative research that directly scrutinizes our challenging thesis. Additionally, because our data is restricted to those who have been stopped, we are unable to directly gauge the aggressiveness and selectivity in officers' initial decision to stop drivers.

Additionally, once accounting for division-level covariates, we find that Hispanic officers are neither less no more aggressive and selective than White officers. This puzzling finding may be partially explained by research suggesting that Hispanic citizens, although distrustful of the

police, are not as alienated as African Americans (Graziano and Gauthier, 2019; Weitzer, 2014). Likewise, the findings of ethnographic and survey-based research, as discussed in the theoretical section, suggest that compared with African American officers, Hispanic police officers' attitudes are relatively aligned with those of Whites. Ultimately, however, further research is required to makes sense of Hispanic officers' attitudes and policing style. Such research should account for local variation in the police's relations with Hispanic communities, and for the diversity that underlies the administrative category of "Hispanic," which amalgamates officers who are immigrants and US-born, and of multiple origins (Cubans, Mexican, Puerto Ricans, and more), whose communities are not equally exposed to social disadvantage (cf. Weitzer, 2014).

CONCLUSION

This article makes three contributions to current research of representation in the police and the bureaucracy more generally. First, it challenges previous conclusions, by some, that minority police officers, and African Americans specifically, owing to their need to display their loyalty to their colleagues and departments, are ultra-oppressive towards minority citizens (Wilkins and Williams, 2008, 2009). Our findings indicate, in line with those of Hong (2017) in the UK, that African American police officers are inclined to deploy their powers impartially, with due regard to the law and to citizens' procedural rights. This, we believe, underscores the transformative potential of increased representation of African Americans within the police, and its benefits for all citizens (cf. Meier et al. 1999) and for minorities specifically. While we postulate that these findings stem from these officers' heightened exposure to performance pressures and risks, we are in no way advocating intra-organizational intimidation of minority officers. Rather, we believe that a police culture that instills respect for citizens' procedural rights, alongside equal

scope for police officers to forgo legal enforcement in pertinent cases, is even more likely to foster citizens' trust and cooperation with the police.

Second, police culture research has failed to confirm a systematic effect to police officers' demographics on their policing styles (Paoline, 2000; Paoline and Terrill, 2005). We, conversely, find strong support for the expectation that increased diversity of the American police, and the entrance of African Americans specifically, is corroding its traditional aggressive and selective policing practice (cf. Paoline, 2003: 208), and the ethnoracial disparities that it enables.

Third, and most important, is the implication of our findings for the likely variation in the effect of minority representation across bureaucratic domains within the same country and across countries (cf. Zamboni, 2019). Extant research predicts that minority bureaucrats, assuming a salient issue and discretionary powers, are likely to act preferentially towards minority citizens - an expectation that our findings do not confirm. We offer that in some bureaucratic settings, such as the American education system, for example, favoring minority clients is defensible and even celebrated, allowing minority bureaucrats, who empathize with their communities' grievances, to treat them preferentially so as to offset their deprivation. Yet in other contexts, like American policing, minority bureaucrats' preferential treatment of their group members may be denounced as biased, unprofessional or undermining the attainment of organizational goals. Moreover, minority bureaucrats may face unique performance pressures and intra-organizational risks that run against preferential treatment of minority citizens. Still, the multiplicity of bureaucratic goals allows minority bureaucrats a degree of latitude among institutionally-legitimate interpretations of their role. Consequently, minority bureaucrats, who enter an organization or position, can choose to imitate and embrace certain role models and self-concepts over others. We expect minority bureaucrats' choices among available roles to be partially shaped by their identification with

minority citizens (and resultant in-group concerns), and the heightened performance pressures and risks that they face as tokens within their organizations. This inference suggests that assessments of the effect of bureaucratic representation must be based on profound qualitative understanding of the performance pressures, risks, and institutionalized roles that bureaucrats face within distinct occupational and organizational settings.

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APPENDIX: MERGED DATASET

Table A1: Multinomial Regression Coefficients - Merged Dataset

	A		
	(1)	(2)	(3)
	Citation Vs. Nothing-Done	Search Vs. Nothing-Done	Search Vs. Citation
AA Officer	-0.454*** (0.093)	-0.375*** (0.087)	-0.829*** (0.046)
Hispanic officer	-0.013 (0.110)	0.184** (0.080)	0.196*** (0.037)
AA Driver	-0.069 (0.056)	1.162*** (0.071)	1.231*** (0.103)
Hispanic driver	-0.034 (0.107)	1.170*** (0.115)	1.204*** (0.163)
Other Driver	0.310*** (0.064)	-0.368*** (0.095)	-0.678*** (0.045)
Observations	2,180,860	2,180,860	2,180,860

*** $p<0.01$, ** $p<0.05$, * $p<0.1$;

Notes: Table entries are log odds coefficients. Robust standard errors in parentheses. Standard errors are clustered at the level of the year/dataset. "White" is the omitted category for "officer" and "driver" ethnorace. Year/dataset FE are included.