

Policing the police: Why it is so hard to reform police departments in the United States?

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Abstract

Why has it been so difficult to reform U.S. policing? We provide a theoretical argument that understanding of the entrenched militarisation and accountability problems of U.S. police departments would benefit from using theory in comparative research on civil–military relations. American police forces undermine local democracy by encroaching upon the decision-making powers of city officials in ways that resemble militaries in fragile democracies. Applying historical and contemporary evidence and existing scholarly research on policing, we explain police militarisation was initiated by civilian leaders of city governments to garner governmental legitimacy, and by-proxy police support, in racialised contexts. Trading off city governments’ institutional strength in order to maintain legitimacy produced opportunities for police insubordination or subversion of city government oversight of police activity. Consequently, cities with low public legitimacy and/or weak municipal institutions, faced with high demands by militarised police departments, may be more likely to experience police subversion of democratic accountability over police activity.

Keywords

authoritarianism, democratisation, police militarisation, urban politics

Why is it so hard to reform police in the United States?

In 2020, the United States was rocked by the Black Lives Matter protests. These protests, triggered by the murder of George Floyd by police in Minneapolis, were probably one of the largest protest movements in U.S. history, with 7% of adults reporting that they joined a protest at least once (Hatfield, 2023). Many U.S. governments responded to the protests and ongoing evidence of policy misconduct with a range of policies, ranging from more forceful use of existing policy options (such as oversight boards, ‘consent agreements’ with the federal government, body cameras and prosecution of especially violent officers) to more novel options such as effective decriminalisation of some actions, expanded nonviolent response units for issues such as mental health crises, and, in the case of Minneapolis, an attempt to disband entirely its police force. Calls to ‘defund the police’ asked for those policies and more.

From the perspective of 2024, it is far from clear that any of these policies have worked (Archbold, 2021). While it is hard to quantitatively evaluate changes in the quality of policing, it is noteworthy that studies continue to find police racism, police budgets are often climbing, and citizens continue to post films of police brutality online (Lally, 2022; Phelps et al., 2021).

We argue that the problem of U.S. police reform goes beyond the usual difficulties of public administration reform because the police are a high-profile armed force. That makes them qualitatively different from the unions, professional groups, and other interests that city governments face. Municipal governments, then, have specific weaknesses that make them ill-suited to control organised paramilitaries. Weak civilian governments facing organised armed forces and the problems that arise are, of course, hardly unique to the United States. Such problems are widely found in comparative politics, and in this article, we draw on comparative politics theories of civil–military relations to suggest a theory of why it is hard to reform police in the United States and perhaps elsewhere.

Research on civil–military relations centres on ties between the military, civilian leaders of national governments, and the public helps us understand institutional arrangements and power dynamics between municipal governments and public safety officials. Civil–military relations is a good analogue to city government and police relations because both deal with armed state actors who control violence and can use this violence against unarmed principals (such as elected politicians) to capture or retain power. The United States is a unique case of these risks because U.S. policing governance is a model of political devolution. There are thousands of police departments, answering to municipal, county, and state governments as well as special districts (e.g. universities and airports) as well as a variety of specialist federal police forces, all of them enforcing different sets of laws. In some cases, notably county sheriffs, the head police officer is directly elected, but, in most cases, the police chief is selected by and theoretically accountable to elected politicians. Police forces are not, in general, accountable to any other level of government, though state laws constitute most local police and federal agencies and courts provide financial support and opportunities to punish overt corruption or civil rights violations.

We posit that civilian leaders of city governments historically supported police militarisation to garner public legitimacy from white coalitions through the maintenance of racial hierarchies and shore up police support for policies (Epp et al., 2014). Militarisation created external revenue opportunities and new demands for police forces, generating incentives for police insubordination or subversion of city government authority over police action. Police forces today can and do subvert administrative and civilian oversight by elected leaders in city government, which creates excessive police autonomy. We identify three conditions under which local police forces are likely to undermine civilian authority and proceed unchecked by their putative political superiors: (1) low public legitimacy of civilian government; (2) weak local institutions; and (3) unmet military (police) demands. One of the principal mechanisms we identify is a self-reinforcing cycle in which the police use autonomy to seek out sources of revenue that are outside the control of their local governments, which in turn increases police political autonomy.

We begin by examining and outlining how police militarisation and violence fundamentally alter police relationships with city government. We first use key theoretical insights from comparative politics civil–military relations literature that fill the gaps in our current institutional understandings of American police relations. Research on civil–military relations demonstrates how militaries often progressively encroach upon their civilian managers’ designated areas of control and consequently subvert such control. Drawing from civil–military relations insights, we then identify and describe the conditions for these accountability failures (low public legitimacy of civilian government; weak local institutions; unmet military (police) demands) where militarised police actors are less likely to defer to civilian authorities, and subsequently escalate violence.

The penultimate section uses historical and contemporary evidence, as well as extant scholarly literature, to examine these three conditions in the United States to understand the interactions between each condition and explain the scope of and mechanisms by which cities may be more or less likely to experience subversion of civilian authority over police activity, by police departments. We argue cities with *low public legitimacy*, and/or *weak municipal institutions*, paired with high *demands* by militarised police departments, are more likely to experience police subversion of democratic accountability to local government. Following Weale, we define accountability as a relationship in which explanation is required, from police in this case, and sanctions can be imposed, in this case by civilian governments (Weale, 2011). Those sanctions include punishment such as firing, but also punishment through budgets: limiting or adding conditions to resources is an accountability mechanism. By bridging comparative politics and American urban and local politics literature, we attempt to fill a gap and offer a roadmap for scholars to investigate the institutional relationships between city officials and police, and causes and consequences of these relationships, going forward.

Changing city police relations

Military and police represent the state’s core Weberian characteristic of monopoly over legitimate use of violence: internally for the police and externally for the military. They can leverage this capacity to handle strategic contingencies, which cannot be handled by other state institutions, for power and influence.

Research on the consequences of police militarisation ignores the effects of militarisation on municipal governance structures. In particular, it ignores, the ‘formal authority’ structure linking police departments and what Meyer and Scott termed as ‘sovereigns’ (Meyer and Scott, 1985). Sovereigns are the foundational political institutions of representative municipal government intended to oversee police forces and hold them accountable, including: ‘the city council, mayor, police unions, empowered minority groups, the courts and the voting public’ (Crank and Langworthy, 1992). This inattention might be because, historically, the police were always to some extent militarised, often growing out of the military itself and importing techniques developed in colonial policing back into the metropolis (Brogden, 1987; McCoy, 2009; Sinclair and Williams, 2007). As a result, a level of militarisation in policing is almost guaranteed, by history and because police are, after all, specialists in organised coercion. The extent and kind of police militarisation are what varies, and police militarisation is what allows

us to draw on theories of civil–military relations in order to understand the politics of civilian control over militarised forces.

A significant segment of research on civil–military relations focuses on coups d'état, which Powell and Thyne (2011: 252) define as 'illegal and overt attempts by the military or other elites within the state apparatus to unseat the sitting executive'. Despite insights on how the military can displace civilian leaders or because of it, the above-mentioned research focuses too much on the extreme and relatively rare phenomenon of coups. By contrast, a 'comprehensive understanding of civilian control must not be *whether* the military yields political influence, but *how* and *how much*' (Croissant et al., 2010: 954).

Croissant et al. (2010) identify five different areas in which the military can infringe upon and dominate spheres of civilian decision-making necessary for the sustenance of democracy. These include 'elite recruitment, public policy, internal security, national defense, and military organization' (Croissant et al., 2010: 955). Infringement or domination by the military in these areas, in turn, affects five necessary and jointly sufficient conditions for democratic politics: free and fair elections, political rights of citizens that include freedoms of political association and information, civil rights that include the right to protest, horizontal accountability to other institutions like the judiciary and legislature, and, for our purposes in particular: the supremacy of civilian leaders as the decision-making authority in political issues as defined by the civilian leaders (Croissant et al., 2010: 952). In this case, we are interested in *how*, and *how much* influence the police have over police behaviour and activities compared with civilian leaders as the decision-making authority.

Loss of civilian accountability for armed forces arises from interactions between civilian leaders, military leaders, and the public. Pre-existing relationships between these actors predicate conditions under which militaries or for our purposes militarised state actors – the police – are likely to undermine civilian democracy. We specifically argue that civilian democracy is undermined by local police if they become unresponsive to civilian authorities regarding police behaviour and activities (during protests or other security threats, or in regular activities), or if civilian authorities vice versa become responsive to police as opposed to their elected constituencies in police demands; and if local police, through this loophole in accountability, infringe on political or civil rights. Civil–military relations literature indicates there are three key conditions that may influence the potential for military subversion of civilian government: (1) public legitimacy of civilian government; (2) strength of local institutions; and (3) unmet military demands (interacting with the preceding two).

Low public legitimacy

Feaver (1999: 229) explains the civilian government's popular legitimacy affects the military's preference for coups because: it reduces the military's perception that 'they can rule better than incompetent or corrupt civilians' and makes 'insubordination and coups more costly because it raises the [military's] expectation that the mass civilian society will support the civilian leaders against the military'. Thus, coups are likely when civilian leaders lose popularity for corruption, bad policies, and/or economic downturns, while the public perceives the military as cohesive, efficient, and distinct from venal interests. Going beyond specific coups (which have no precise analogue in the local U.S. government), Feaver's thesis

suggests that these same dynamics will produce a lack of accountability to the civilian government.

Weak institutions

Extending this, Beliakova (2021) presents a phenomenon called ‘erosion by deference’. Here, civilian leaders *leverage the military* as a tool to promote their legitimacy and protect their regime. Instead of outright coups, civilian leaders willingly cede policymaking prerogatives to the military to garner public sympathy and support for unpopular policies. This deference creates an erosion of civilian control or a weakening of civilian institutions. Alternatively, civilian leaders also lack the political will or institutional capacity to control the military, by virtue of pre-existing weaknesses of civilian institutions. Pre-existing weaknesses in local institutions may include limited resources (financial or staffing) and/or constraints by virtue of institutional design such as limited regulatory oversight of military activity (Greer et al., 2019; Levitsky and Way, 2010). In such cases, civilian leaders may cede existing institutional leverage and resources to the military to reduce short-term conflict with militaries. Trinkunas (2005) presents the concept of ‘regime leverage’, wherein civilian leaders control the military by dividing and co-opting sections, granting autonomy in internal affairs, and providing funding to the military. In the long run, however, doing so progressively weakens civilian institutions in the face of military attempts to seize power or be a power broker.

Unmet military demands

Low defence spending, which indicates a military’s unmet demands, may lead to undermining of and repeated coups against civilian authorities (Leon, 2014; Powell et al., 2018). In cases where government legitimacy has substantially declined, and in the case of weakening of civilian institutions (as a product of military conflict or other reasons), militaries are more likely to act on their unmet demands. Here, militaries either extract authority and resources from civilian institutions; or seek external forms of support, thus reducing their responsiveness to civilian institutions. A prominent explanation of authoritarianism, including military dictatorships is called the ‘rentier state theory’. In this case, revenues from exporting natural resources allow military rulers to forgo seeking popular support to collect tax-based revenues and, furthermore, allow these rulers to dispense government largesse to buy off political opposition and/or repress them (Mahdavy, 1970; Richards and Waterbury, 1996). In this case, military efforts to diversify sources of revenue under their control, for example through alliances with foreign patrons or expanded control over the domestic economy, create a self-reinforcing cycle by increasing military autonomy and thereby enabling the military to further avoid civilian accountability (Haqqani, 2010; Mandour, 2024; Paul, 2014).

Outcome: Failures of accountability for armed forces

Here, the civil–military relations literature offers a framework for measuring and understanding institutional relationships between police and local government in America. The key insights from this literature are into the potential for police-city relationships to change, and when and why change may result in subversion of civilian authorities’ control and oversight of police behaviour and activities. Police forces, especially where nation-wide forces exist, can ‘extract resources from the state, prevent police reform, affect outcomes of coups and mass protests, and pressure leaders from office’ (de Bruin, 2021: 104).

Police accountability failures occur at the subnational level in the context of civilian authorities in municipal governments. They involve undermining of civilian rule by police, and/or creation of enclaves of discretionary power for police rather than specific events in which security forces displace civilian principals and capture power. Here, the slow cession of policymaking prerogatives over police activity to police, as opposed to civilian authorities, whether the result of choices made by civilian authorities intentionally or as pressure from militarised police, creates conditions of democratic backsliding in local jurisdictions, and risks escalating violence if civilian authorities are unable to control police activities.

There are, naturally, limits to the extent to which theories of sovereign countries can apply to municipal governments. Just as militarisation is a continuum, so is accountability. Gibson identified three conditions for subnational authoritarianism, what he calls 'boundary control' (Gibson, 2013). Subnational authoritarian actors' power depends on their ability to parochialise authority (maintain their local freedom of action), nationalise influence (shape national politics to suit them), and monopolise central-local relations in order to ensure that resources go to them rather than potential opposition. Gibson focuses on relatively unified authoritarian enclaves such as states of the Jim Crow south, but the extent of possible subnational authoritarianism, can be seen in the extent of local autonomy, national influence, and linkage monopolisation. Gibson's framework would also show some of the limitations on the applicability of our argument, for example ways in which tighter federal oversight (less parochialised authority) could make police less like armed forces, or more federal support for militarisation (de Bruin, 2021) as a result of nationalised politics could further erode local accountability.

The roots of police autonomy

Militarised police in American cities with weak municipal governance structures and low levels of public legitimacy may function like armies in developing societies. Under such conditions, militaries, or here militarised police, undermine norms of deference to communities and representative civilian government about police activity and behaviour.

Militarisation is more than the usage of military tactics and weapons. Militarisation 'glorifies military power, hardware, and technology' as ways to resolve law and order problems (Kraska, 2001). Militarism is a 'set of beliefs, values, and assumptions stressing the use of force and threat of violence as the most appropriate and efficacious means to solve problems' (Kraska, 2007). Militarisation has reshaped the internal organisation of police forces. Most US police forces currently have their own special forces like SWAT teams or share a team with neighbouring forces (Phillips, 2019). These SWAT teams do not follow normal procedures, rather using no-knock raids where they enter suspects' houses unannounced and overwhelming force to swiftly incapacitate or kill targets (Balko, 2013). Notably, receiving military equipment via federal programmes increases police forces' use of lethal force (Lawson, 2019).

We use historical and contemporary evidence, paired with scholarly literature in urban politics, to understand how low public legitimacy of municipal government; weak local government institutions; and unmet demands of police departments, work within cities to

produce an erosion of deference and in some cases what almost amount to city coups. We examine these conditions, their scope, and mechanisms across the key actors involved: police departments; local government; and constituencies or public opinion. Understanding how these three conditions work across the scope of municipal institutions that are directly a part of police relations or affected *by* policing provides insight into the mechanisms of accountability failures. Table 1 provides a model of potential interactions between police and city government officials – or potential for police to subvert civilian oversight of police activities and police behaviour, or garner more oversight from police of police activity as opposed to civilian government. Given the persistent political development of police militarisation over time, we argue that in cases of perceived *unmet* demands by militarised police, greater discretion to police may be dependent on the strength of local government and/or the public legitimacy of local government, with the ability for discretion to be ceded or leveraged bidirectionally, by civilian authorities or police.

Table 1. Changing discretion over police behaviour and activities between police and local government.

		Public legitimacy of local government	
		High legitimacy	Low legitimacy
Municipal institutions	Weak institutions	Militarised police increase demands on city government	Militarised police subvert city government to promote police prerogatives
	Strong institutions	No subversion of city government by police (police unlikely to make demands on unmet needs)	City government cedes oversight of policing to Police, bargaining on police prerogatives to promote public legitimacy

City government

Institutional weakness and reduced legitimacy

Given contemporary histories of authoritarian tendencies among municipal governments in the United States (Mickey, 2015), comparative politics insights suggest that police accountability to civilians is most vulnerable in less democratic municipalities with histories of police violence against constituencies or reduced public legitimacy of local government (Trinkunas, 2005). Despite progress against authoritarian enclaves, particularly in the implementation of the Voting Rights Act after 1968 (Mickey, 2015), contemporary local politics is no pluralists’ heaven (Schattschneider, 1960). Two facets of U.S. local politics reduce local government’s representation of and legitimacy with racialised communities: participatory inequity in local political institutions and elected officials who primarily respond to economic elites (discussed in the following section). It is important to keep in mind that these characteristics have been persistent features of local politics in the United States as in other ethnically divided and hierarchical societies, although they have ebbed and flowed in the cross-currents of racial politics (King and Smith, 2005).

Research by Trounstein (2008: 161) shows that in cities where machine politics still prevailed and in those in which city government had reformed, ‘dominant coalitions faced competing demands from poor minority residents . . . [and] these conflicts were decided in favor of whites, the machine’s core constituency, using public funds [for law enforcement]’. While cities have long leveraged police authority to perpetuate racialised political regimes, or

authoritarian enclaves representative of only 'core constituency' supporters (here, historically white Americans), militarisation of police departments presents distinctive threats to local democracy via reduced police responsiveness to civilian authorities, given new opportunities and incentives for power and resources beyond the remit of local governments.

Bias in the structure of local political institutions intentionally or unintentionally restricts democratic political competition. Such bias not only contributes to weak local institutions but also reduces the public legitimacy of municipal government if the differential treatment of different groups is clearly visible. Recall the comparative politics insight that reduced democratic competition, and thus legitimacy, predisposes governments to military coups (Feaver, 1999). If this is correct, then two primary forms of historical and contemporary bias in local governments – segregation and limited representation among communities of colour – generate opportunities or incentives for greater police discretion, subversion of civilian government oversight and accountability, and police violence.

A growing body of literature demonstrates the role of segregation as a political institution that propagates further segregation (Einstein et al., 2019; Trounstine, 2018, 2020). Residential segregation is used as a political tool to reduce plurality and concentrate goods and services among elites, or through clientelism, to concentrate power (Sugrue, 2014; Trounstine, 2008). Municipal fragmentation acts as an additional mechanism for elites to concentrate resources and services and set up restrictive institutions with a limited scope of conflict (Berry, 2009; Hogen-Esch, 2011). Municipalities with higher levels of segregation and/or municipal fragmentation experience lower levels of legitimacy for government and police across civilian groups due to challenges from or constraints on representation and political participation (Trounstine, 2018). In this context of weak, or unrepresentative government, and reduced legitimacy, relationships between local government and police are likely to deviate from a theoretical norm of police accountability to civilians. Local governments may increase deference to militarised police in attempts to increase legitimacy among their core constituencies, sacrificing their oversight of police. Such practices were seen throughout the early 20th century, used to suppress opposition to antidemocratic regimes (Francis, 2014; Kruse, 2005; Vitale, 2017). Municipalities with weak institutions may see increased police pushback against or reduced responsiveness to local government as a point of leverage to garner unmet police demands.

Local electoral and participatory institutions also act as mechanisms to promote or discourage democratic engagement among communities. Degrees by which electoral and participatory institutions strengthen or diminish democratic engagement influence the legitimacy of these institutions. Key local politics work from the 1980s demonstrates legitimacy and institutional strength at work in real time: when representation, and thus legitimacy, improved through the election of Black Mayors, these cities were more likely to improve civilian oversight of police activity (Saltzstein, 1989). Yet, new urban politics research demonstrates electoral institutions in the forms of formal representation (Schaffner et al., 2020), and political participation in local government (Einstein et al., 2019; Michener, 2020), broadly exclude residents of colour, lower-income residents, compared with whites and wealthy elites (white homeowners, businesses, etc.).

These undemocratic features of local government reduce its strength, and legitimacy among excluded communities (Michener, 2022; Schaffner et al., 2020). In turn, these arrangements align the power of economic elites with elected officials, and often the police. These arrangements often play out as growing police influence on issues regarding the prevention of and punishment for property crimes (Bridges, 1999; Herring, 2014; Herring et al., 2019; Willison, 2021). Police become more responsive to economic elites, or local government faces incentives to further cede discretion of police activities to police, on policy issues relevant to economic elites.

Patronage politics and corruption

The risk of police accountability failures may increase if local governments suffer from clientelism and corruption, which typically leverages policing towards some constituencies more than others. Corruption in municipal governments is nothing new, but models of corruption have shifted over time in American local politics: from urban regimes of the late 19th and 20th centuries (Bridges, 1999) to models of clientelism or patronage politics among local economic elites and local governments or elected officials (Nelson and Afonso, 2019). While we see informal or less transparent models of corruption in municipalities today, one consistent factor over time is the suppression of opposition groups, primarily racial or ethnic groups, to promote the interests of economic elites. As discussed, policing is often leveraged directly or indirectly through clientelism to protect business interests.

Scholarship shows how often the primary type of state engagement experienced in communities of colour and by Black Americans in particular is policing (Lerman and Weaver, 2014; Page and Soss, 2021). The contemporary use of policing for social control of communities of colour came with the broad political response to the Civil Rights movement. Consequently, reshaping the political economy of American policing and the carceral state, with for-profit prisons and jails, and policing incentives like asset forfeiture further incentivising the use of policing approaches (Goldstein et al., 2018).

In segregated communities where economic elites have direct engagement with law enforcement, informal clientelism models arise. In California, for example, Business Improvement Districts consist of private business organisations coordinating with police to conduct sweeps of their property for them, to keep ‘undesirable’ members of the public out of such districts (including people who are low-income and people experiencing homelessness (Berkeley Law Policy Advocacy Clinic, 2018; Herring, 2019). Civil–military relations research suggests that, when legitimacy is reduced among municipal governments through democratic erosion *and* models of corruption (Feaver, 1999), the risks of sanctioned violence against minority group members increase. Such violence by the police, in turn, allows police to either elide municipal instruction or influence city officials on policies within their remit.

White public opinion

As discussed, a contributing factor to the authoritarian tendencies of American municipal governments is the relationship between police and white economic elites. This relationship is institutionalised in various forms, allowing whites to preserve sociopolitical hierarchies over communities of colour through alliances with police, at the discretion of elected officials or

through other clientelistic arrangements (Epperly et al., 2020). Yet, the legitimacy of municipal governments is not only threatened through unrepresentative institutional arrangements. Here, how white Americans perceive police, and perceptions of legitimacy of local government among the public, overall, may influence incentives for both police, and local government, to change relationships between police and city government, altering the potential for police subversion of civilian oversight.

Much research shows white Americans are more likely to perceive militarised police officers as benevolent, even during the use of force and cases of police brutality. Perceptions of police officers as protectors or guardians, or as justified in using force, interact with racialised hierarchies. White Americans with higher levels of racial animus or outgroup threat are more likely to justify police use of force against minority populations (Carter et al., 2016; McCarthy, 2018; Silver and Pickett, 2015). Research also shows that Sheriffs who receive more federal spending for militarised equipment are more likely to be rewarded electorally (Mavridis et al., 2021).

Framing the struggle to control political opposition in the 1960s, and subsequently narcotics and crime in the 1970s–1980s, as a response to security threats allowed politicians ‘to claim an existential threat to a valued referent object in order to make the audience tolerate extraordinary measures that otherwise would not have been acceptable’, involving all sectors and individuals in a society but only for ‘the security part’ (Waever, 2011). City politicians created regimes of exception for drugs and crime controlled by militarised police, namely issues, places, and people for which and/or whom legal rights and democratic norms would not apply (Weaver and Prowse, 2020). These regimes of exception generated alternative experiences of democracy for communities and individuals affected by these problems.

How elected officials are perceived by the public, overall, in local jurisdictions may also influence the likelihood that they can hold police accountable. The public’s perception of elected officials signals to police as to whether or not civilian authorities have a credible check on police powers. Mistrust in government increased substantially over the past decade in the United States (Pew Research Center, 2015). Mistrust in government is highest for elected officials compared with other parts of government (Rainie and Perrin, 2019). While levels of trust in local elected officials are higher than levels of trust in national elected leadership (McCarthy, 2018), reduced legitimacy in perceptions of elected leaders overall increases the risk by offering opportunities for organised factions of the police, especially militarised factions, to undermine representative government (Croissant et al., 2010; Wallace-Wells, 2020). Rates of mistrust in elected officials increased dramatically during the Trump administration, corresponding with active public support for antidemocratic processes (Carey et al., 2019; McCarthy, 2018).

Populism has long existed in American politics (Bonikowski and Gidron, 2016), but it has increased since the early 2000s, especially during the 2008 economic recession, as racial resentment and animus rose among white Americans against racial and ethnic communities (Jardina, 2019) over economic concerns and threats to the status quo (Mutz, 2018). President Obama’s every effort to communicate or change policy about policing involved walking a racial politics tightrope, and his presidency saw growing white racial resentment (Waddan,

2020). That resentment and the consequent splintering of the Republican Party (Williamson et al., 2011) paved the way for Trump's election in 2016 (Dyck et al., 2018). Trump leveraged and stoked public opinions of racism and racial animus, campaigning on a platform of populist radical right (PRR) rhetoric, denouncing existing norms, institutions, and political processes, extolling racial animus, and prioritising white Americans as the 'people' who were left behind (Ecarma, 2020; Lacatus, 2019).

Rising populism challenges elected officials' legitimacy, independent of whether or not corruption actually exists. The Trump campaign and administration's use of PRR rhetoric to simultaneously reduce the legitimacy of government and elected officials through racial animus influence risks by promoting racialisation in government and undermining elected, civilian leaders. Moreover, the Trump administration went a step further and encouraged violence among core constituencies. During the COVID-19 pandemic, Trump supporters stormed local and state government buildings and homes of elected officials in armed protests against elected officials (Ecarma, 2020). Public opinion research conducted prior to the 2020 election demonstrated strong support for authoritarianism among white, Trump supporters, predicted not by support for the president but by high levels of ethnic antagonism against racial and ethnic communities (Bartels, 2020). Militarised police may be more empowered to subvert civilian authorities' oversight in favour of increased violence, in the case of external and public pressures promoting violence, especially under conditions of reduced legitimacy of local civilian governments.

During the 2020 Black Lives Matter protests, police forces were accused of using excessive force against protestors and undermining civilian authorities due to the influence of both progressive police militarisation and deference to police power over civilian government during perceived political or security threats. This happened not only in Minneapolis, where the police killing of George Floyd ignited the protests, but in cities across America (Wallace-Wells, 2020). Our explanation suggests that BLM protests reveal a long-running problem in American cities caused by city governments' racialised politics interacting with police militarisation, where racialisation becomes both a *cause* and *consequence* of subversion of civil authorities' control over police departments. In our proposed model, elected officials have incentives in racialised hierarchies to leverage police authority to maintain hierarchies. Police departments have incentives to bargain for greater authority and control as a transaction for the maintenance of these hierarchies, especially if they do not rely on local governments for resource capacity. As such, racialisation is both a starting point into the subversion of civil authorities' control over police departments and an *outcome* that further reduces the legitimacy of government as measures are taken to exclude groups from legal rights and democratic norms (Go, 2020; González, 2020).

Local police forces

Operations and organisations of militarised police departments shape police relations with city administrations and communities, as well as the degree to which police act on unmet demands to exacerbate the risk of progressive encroachment on civilian officials' oversight of police behaviour. Historical changes to sources of police revenue, paired with changing roles

and influence of police unions, influence the potential for police to act on unmet demands, dependent on perceived public legitimacy of local government, and the strength of local government.

Unions, responsiveness, and the search for police funding sources

Parallel to militarisation in the second half of the 20th century, police' demands grew for increased pay and benefits, supported by local and national-level police unions. Most police officers belong to unions, though unionisation rates are lower in the southeastern part of the country (Walker, 2008). According to a 2017 estimate, approximately 75–80% of officers are members of independent local unions (Levy, 2014). Notably, independent local police unions have 'similar constitutions, governance structures, ideologies, missions, and strategies regardless of national affiliations', to large, national police labour unions like the AFL-CIO-linked International Union of Police Associations (IUPA), or independent professional ones like the Fraternal Order of Police (FOP) and the National Association of Police Organizations (NAPO) (DeLord and York, 2016). Overall, we see homogeneity across police unions regardless of jurisdiction and size.

As union membership grew in the late 1960s and early 1970s, the 'core concerns of police unionism became: wages and benefits; job security; hiring, retention, promotion, disciplinary processes; access to "good" jobs, shifts, assignments, overtime, etc.', like making shifts on weekends, late nights, and rough neighbourhoods contingent on seniority, and 'regulation of work practices by rules' (Kelling and Kliesmet, 1996). However, after the 1980's economic crisis and again 2008 financial crash, police pensions and benefits faced secular declines. Despite organisational homogeneity, fragmentation between local and national unions in bargaining strategies did not help unions buffer the effects of economic downturn (DeLord and York, 2016). The result was that police leaders started to seek additional revenue sources.

Strong union membership and unmet union demands generated incentives for police departments to consider seeking out or expanding the use of funding structures external to representative municipal government, or civilian authorities. Civil Asset Forfeiture (CAF) provided an opportunity for police departments to address unmet demands during economic downturn or otherwise. The ways in which police departments leverage CAF mirrors the 'rentier state theory', where militaries seek out external sources, reducing their need to be responsive to the civilian government for resource allocation (Mahdavy, 1970). While scholarly research has not investigated the relationships between police unions and CAF development or support, national police unions have shown fervent support for CAF over time in public documents (FOP, 2019; National Association of Police Organizations, 2016, 2017).

CAF itself arose as a part of the federal response to the Wars on Crime and Drugs, simultaneously providing an opportunity for additional revenue generation external to municipal governments during the 1980s budget cuts (Kantor et al., 2017). CAF refers directly to the seizure and forfeiture of assets used in and/or acquired from drug-related crimes (Worrall, 2001). Importantly, CAF is different from fines and fees that officers impose yet go to municipal government revenue; CAF revenues are primarily retained by police departments with little to no legislation restricting seizure revenue retainment (Goldstein et

al., 2018; Mughan et al., 2019). Seized assets and proceeds from their auctioning are distributed to local, state, and federal law enforcement officials (Blumensont and Nilsentt, 1998; United States Department of Justice and United States Department of the Treasury, 2018). Thus, although CAF aims to lower economic payoffs from the drug trade, it also leads to significant revenue increases for police departments (Worrall, 2001). The use of CAF has steadily increased since the 1980s (Benson et al., 1995) and again after 2008 across local police departments (Subramanian et al., 2022).

Consequently, these relationships led to accusations that CAF incentivises state and local law enforcement agencies to search for and acquire assets connected to crime (Levy, 2014; Page and Soss, 2021). Worrall finds a disturbing trend: increased proceeds from CAF for 3 years make law enforcement agencies dependent on such revenues, with smaller police departments more likely to be reliant on CAF revenues because they have smaller municipal budgets than larger agencies (Worrall, 2001: 177). Today, police departments dependent on CAF proceeds more likely to neglect investigations and clearance of non-CAF violent and property crimes (Goldstein et al., 2018). Recent research has also shown that local governments respond to CAF by reducing local investment in police budgets, recognising the revenue opportunities from CAF (Kantor et al., 2017). Overall, CAF provided an external revenue source for police departments to meet unmet demands while decreasing incentives for responsiveness to public and civilian authorities.

While police unions arose in response to unmet fiscal demands, unions also historically and contemporarily reduced police forces' accountability to city officials by strengthening bargaining power for external resource allocation, as in the case of CAF, and reducing transparency and oversight of police activities by municipal governments. This opacity of police departments' activities and resources is akin to strong militaries in weak states.

In the United States, police unions often promote policies that support the interests of police forces and officers rather than the interests of the public or the city administration. Police unions' role in 'determining policy outcomes, strategies and resource allocation', while being focused on their members' interests and embracing conservative positions on law and order, is found in other democracies, though with substantial variation in the governments confronting police unions (Fleming et al., 2006).

Policing and urban politics literature demonstrates that unionisation not only promotes officer's desire to increase enforcement (Magenau and Hunt, 1996) but also insulates and protects officers' preferences on enforcement as opposed to public accountability or opposition or critique to enforcement. Here, unionisation is associated with reduced transparency of police behaviour and attempts to insulate officers and protect them from public scrutiny into misconduct or disciplinary charges (Kelling and Kliesmet, 1996; Walker, 2008).

Unionisation was a direct response to consolidated political power among police agencies in their role to mitigate Black liberation during the Civil Rights Movement. Local elected leaders in the 1960s supported police collective bargaining as a condition of continued police support (Hardaway, 2022). Such relationships continue today. In local and state politics, police unions

have been pressuring for policies that reduce public scrutiny and performance evaluation and prevent disciplining of police officers (Girardin, 2020; Tan, 2020). Police unions also endorse mayoral and gubernatorial candidates who support maintaining or increasing salaries and benefits, and promote police enforcement tactics (Yin, 2020). A similar electoral logic plays a role in reversing the principle–agent relationship in other bureaucracies involving strong public unions, especially at the city government level because lower turnout and slimmer margins of victory increase the marginal utility of such intervention (Moe, 2006). Here, unionised bureaucracies, like the police, are less responsive to civil oversight in the case of weak civil institutions and strong electoral incentives.

The unions’ political activities include presidential elections. The largest union, the FOP, has long endorsed conservative presidential candidates promoting law and order policies, including Alabama’s segregationist Governor George Wallace and Richard Nixon (Zoorob, 2019a). The FOP supported President Donald Trump’s electoral bids in 2016 and 2020 (Jibilian, 2020). When the FOP endorsed Trump in 2016, candidate Trump defended the police as ‘the most mistreated people’ and wanted to ‘give power to the police because crime is rampant’ (Zoorob, 2019a). After taking power, the Trump administration undid President Obama’s relatively unsuccessful efforts to increase police oversight. Notably, he loosened Obama’s Executive Order restricting the supplies of surplus military equipment via the federal 1033 Programme, exacerbating the militarisation of police tactics (Penzenstadler and Chen, 2020).

Police departments’ and unions’ power meant that they were able to both define militarisation as an appropriate form of policing and add an additional source of revenue outside the control of local government: federal aid. The rise of police militarisation and violence in the U.S. fundamentally altered police force relationships with city governments. Since the 1960s, American police forces’ weapons and tactics became like the military when ‘policing experts interpreted the new rebellion after the passage of the Civil Rights and Voting Rights Acts’ as political instability and advised using counterinsurgency methods against Civil Rights protests and actors (Schrader, 2019).

During the 1970s–1980s, police forces were involved in the Wars on Drugs, equated with matters of internal security (Adachi, 2016). Local, state, and national level politicians ceded areas of control over police forces – in terms of oversight, equipment, and tactics – as drugs and crime became key, racialised electoral issues in that era. The Wars on Drugs, Crime, and Terror also provided opportunities for ‘exceptions’ to the Posse Comitatus Act of 1878, a law preventing the military from being used as a constabulary for domestic law enforcement sans Congressional approval. Specifically, the drug exception of 1981 allowed the military to train and equip local law enforcement organisations, as well as maintain and operate such equipment under certain conditions (Congressional Research Service, 2018).

In 1996, Congress authorised the military to assist local law enforcement in situations involving biological, chemical, and nuclear weapons (Congressional Research Service, 2018: 47). Militarised tactics, weapons, and approaches to maintaining order acquired a further qualitative boost when police forces became involved in national defence via the War on Terror after 9/11 (Balco, 2013). Such involvement provided access to military equipment, training from the federal Department of Homeland Security (DHS), coordinating with the

Immigration and Customs Enforcement (ICE) agency, and even international counter-terror training from Israel (Katzenstein, 2020).

In 2015, the military was authorised to assist police departments in prevention and recovery from bomb attacks of public places, government offices, transportation, and infrastructure (Congressional Research Service, 2018: 47). In 2016, Congress authorised further military support for local police departments – for activities ranging from operating and maintaining equipment provided by the military to, training and transport of local police personnel – for substantive issues ranging from counter narcotics and crime activity, both domestic and international, upon request by federal, state, local, tribal agencies (Congressional Research Service, 2018: 48).

Federal, military investment in local police activities altered institutional relationships between police departments and city officials, the intended accountability mechanisms for local police departments. Not only were accountability mechanisms for local police disrupted, but new, militarising, resources granted them by Congress through militarisation delegated additional power or authority to police forces themselves. Federal resources provided external revenue sources to police not conditional on local government. Here, police militarisation directly influenced the responsiveness of local police departments to elected, civilian authorities, in ways that may undermine local democracy. Applying our theory directs us to those local democracies which were already weak vis-a-vis militarised police.

Conclusion and discussion

Militarisation and conditions for police subversion of civilian accountability

We argue that reduced civilian discretion over police activity in the face of militarised policing is an under-recognised risk in American politics literature. We further posit that police militarisation was initiated by civilian leaders of city governments to gain governmental legitimacy, and by-proxy police support, in racialised contexts. By doing so, this article interrogates the relationship between militarised policing and discretion of control over such policing by civilian leaders in the United States. We contextualise rising police department violence based on the potential for such violence to overwhelm municipal accountability mechanisms for policing. Comparative politics scholarship on civil–military relationships offers fundamental theoretical insights into the mechanisms behind police and local government interactions, to understand how such relationships change and under what conditions.

Municipal governments’ decisions to trade institutional strength for maintain legitimacy produced opportunities for police insubordination or subversion of city governments. Three conditions seen in comparative civil–military relations research influence the potential for militarised police actors to avoid accountability to civilian authorities, and to escalate violence. They are public legitimacy of civilian government, strength of local institutions, and unmet military (police) demands. City governments with low public legitimacy, and/or weak municipal institutions, facing with high demands by militarised police departments, are more likely to experience police subversion of democratic accountability from local government.

Limitations and future research

Understanding the proximity of local police departments to civilian leadership is essential to identifying degrees of discretion and potential for unchecked police power/violence in militarised police departments. However, limited empirical literature exists measuring degrees of discretion, oversight and accountability mechanisms, or structural governing arrangements between police departments and municipal governments (administrative or elected civilian leaders) (Ali and Pirog, 2019; Mastrofski, 2004; Nowacki, 2015). Identifying degrees of discretion granted to bureaucrats and oversight by elected leaders that enhance or constrain administrative authority, or gauge insight about who is controlling who (or who is really the principal) (Moe, 2006), is a major political science field. Yet, little data exists about the structural relationships between municipal governments and police departments across the United States outside of measures of staffing and funding. Stuart Schrader (2019) finds that American counterinsurgency methods and personnel from efforts to quell communist insurgencies in Latin America and other parts of the world returned to reshape American policing methods against leftwing groups from the 1960s onwards. Sinclair and Williams (2007) find that colonial policing in the Philippines affected American policing via exchanges of personnel by the 1920s. Recent sociology research shows how racism and international prerogatives of counterinsurgency contributed to the development of American police forces as akin to security forces when interacting with the public (Go, 2020; Seigel, 2018), yet a gap exists in understanding of how militarisation and legacies of racism and inequality shape how police forces interact with the institutions they are supposed to report to and be held accountable by.

There is burgeoning research on relationships between civilian government and police forces. Yet this new research is limited to other country contexts and single jurisdiction case studies and often does not incorporate intergovernmental relationships between police and administrative or elected officials, instead focusing on civilian monitoring, non-governmental watchdogs, courts, and media (Ali and Pirog, 2019; Filstad and Gottschalk, 2009; Smith and Holmes, 2003; Stelkia, 2020; White, 2000).¹

The absence of research on administrative and political relationships between police forces and city governments is in stark contrast with the growing research on county Sheriffs, an elected county-level office with magisterial powers combining bureaucratic, law enforcement, and judicial aspects. Thompson argues that Sherriffs' institutional role is more influential than their partisan identity, ethnicity, education, and time in office in determining how they deal with immigration (Thompson, 2020). On the other hand, Farris and Holman argue Sheriffs' personal attitudes towards immigrants and immigration – positively or negatively inclined towards them – shape enforcement actions in the context of limited oversight (Farris and Holman, 2016). Zoorob shows the incumbency advantages and tenures of Sheriffs far exceed their appointed city police chief counterparts (Zoorob, 2019b). Another working paper shows that militarisation increased Sheriffs' re-election probabilities (Mavridis et al., 2021).

Current research describing police reform often calls for increased oversight and scrutiny of local police activity but does not offer a framework grounded in institutional mechanisms

influencing discretion over police activity and funding that hinge on relationships between police and local administrative and elected officials (Vitale, 2017). This limited research is not surprising, given the opacity of municipal police departments. Limited official data exist on police killings and violence against citizens across demographic categories, while estimates of police fatalities rely on journalistic accounts and civilian documentation (Edwards et al., 2019). Research on the variable institutional structures of U.S. municipal governments, especially county governments (de Benedictis-Kessner and Warshaw, 2020), illuminates this persistent knowledge gap and the need for further research into the structures and functions of municipal governments to understand why and how police departments are likely to escape accountability or deploy excessive violence.

Future research should develop a typology of institutional relationships between police departments and civilian administrations in U.S. municipalities, including degrees of discretion granted to police departments, oversight from bureaucratic and elected municipal authorities, and coordination between police departments and municipal bureaucratic and elected authorities. Generating measures of the perceived legitimacy of civilian government, the strength of local institutions, and police forces' unmet demands or perceived demands, will provide insight into how these relationships work together, and influences towards or away from subversion of civilian authorities. The Varieties of Democracy datasets provide a useful model of similar measures at federal levels of government around the globe that are applied for data collection and measurement development for local jurisdictions in the United States. Surveys of local governments could improve the validity of estimates of police discretion, authority, and subversion within local jurisdictions. In addition, in-depth, qualitative case studies across divergent types of municipal government would explain the mechanisms of police relationships with civilian authorities across models of legitimacy, institutional strength, and police demands.

The demand in American society is urgent, the difficulty of police reform obviously impressive, and the theoretical opportunity impressive. In understanding and addressing these challenges, we hope that we have shown that comparative politics and political science more broadly offer some answers and valuable future research agendas.

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Footnote

1. Police departments are qualitatively different from other municipal bureaucracies and, to a variable extent, from police departments in other countries. Police departments in the United States were strategically developed as formalised, local militia groups to suppress

uprisings and retain racial hierarchies and now act as a quasi-administrative, quasi-military entity. Thus, measuring degrees of discretion for police departments is challenging compared with other work investigating bureaucratic discretion.

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