Protesting the Police: Anti-Police Brutality Claims as a Predictor of Police Repression of Protest

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Abstract: Police face a unique dilemma when policing protests that explicitly target them, such as the anti-police brutality protests that have swept the United States recently. Because extant research finds that police response to protests is largely a function of the threat—and especially the threat to police—posed by a protest, police may repress these protests more than other protests, as they may constitute a challenge to their legitimacy as a profession. Other research suggests police agencies are strongly motivated by reputational concerns, suggesting they may treat these protests with special caution to avoid further public scrutiny. Using data on over 7,000 protests events in New York over a 35-year period from 1960 to 1995, I test these competing hypotheses and find that police respond to protests making anti-police brutality claims much more aggressively than other protests, after controlling for indicators of threat and weakness used in previous studies. Police are about twice as likely to show up to anti-police brutality protests compared with otherwise similar protests making other claims and, once there, they intervene (either make arrests, use force or violence against protesters, or both) at nearly half of these protests, compared to about one in three protests making other claims.

Keywords: protest policing, social movements, police brutality

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In late summer of 2014, the world watched as unrest escalated in Ferguson, Missouri and spread throughout the United States. Following the fatal police shooting of Michael Brown, an unarmed black teen, residents took to the streets to demand accountability for those responsible and justice for the victim, and for a community where relations with the police had long been strained. In the weeks that followed, police response to the demonstrations seemed to add fuel to the fire and helped provoke a national conversation in the United States on racism, police use of force, and the militarization of police departments. Months later, protest once again erupted around the U.S. following a grand jury's failure to indict the officer in the Ferguson shooting, followed quickly by the failure of another grand jury to indict a police officer responsible for choking Eric Garner to death in New York. This increased attention to police brutality has prompted calls for greater civilian oversight (Pearce 2014) and transparency (Ortiz 2014), restrictions on the use of military equipment by police (Roberts 2014), and for the use of body cameras by both police and residents (Feenly 2014). While arguably much of this attention and pressure for change would have resulted regardless of how police responded to the demonstrations, what was considered a heavy-handed response to the protests by many may have added to the scrutiny of police and the calls for reform (Grim and Goyette 2014).

These recent events in Ferguson, New York City, and around the U.S. are simply the most recent installments of a long history of residents of the U.S. using protest to hold police accountable for their actions. When tasked with policing such protests, police face a unique dilemma. While they are tasked with maintaining order and

protecting property just as at other protests, they face the added complication resulting from the fact that the protesters they are policing *are protesting them*.

One of the hallmarks of the current approach to protest policing in the United States, which scholars refer to as "negotiated management" (e.g. McCarthy and McPhail 1998), is that police are trained to be neutral when policing protests, to not take sides on the issue in question. While police may not always live up to this ideal, they may be especially unlikely to maintain such neutrality when policing protests against the police. Police may feel particularly defensive over allegations of police misconduct, creating even greater tension between police and protesters than that seen at other protests. But, they may also be especially concerned about public scrutiny of their response to these protests in particular, increasing motivation to avoid escalation and confrontation. Drawing on extant literature on protest policing in the United States, and policing more broadly, I develop cases for both competing theories of how police are likely to respond to protests against them: (1) that police will generally be *more* repressive of protests against them than protests making other claims; and (2) that police will generally be *less* repressive of these protests than other protests.

To adjudicate between these two possibilities, I analyze data from over 7,000 protests events in New York state from 1960-1995 using logistic regression. While the dataset ends in the mid 1990s, I will argue it is still useful for understanding police response to the new wave of anti-police brutality protest currently sweeping the United States. The findings suggest that police respond to protests making anti-police brutality claims more aggressively than other protests, after controlling for relevant indicators of threat and weakness previously theorized or shown to impact police response to protest. This article furthers a lively line of research investigating explanations for why some

protests, and some movements, experience more repression than others. It contributes to a smaller number of studies that look to the police themselves, as intermediaries tasked with meting out repression on the ground at protests but also guided by their own goals and interests as police, to better understand these patterns of repression.

PREDICTING POLICE PRESENCE AND ACTION AT PROTESTS

Scholars of social movements have developed and tested several explanations for why repression varies across movements and specific protest events, as well as across time and space. These explanations include the threat posed by the movement or protest, the weakness of the movement or protest, threat and weakness in combination, political opportunities, timing, and law enforcement characteristics (for reviews see Davenport 2007, Earl 2011). The threat and weakness of the movement or protest have received the bulk of the attention in empirical research, as I will discuss. Because it is often the most visible, most studies attempting to explain repression focus on protest policing (Earl 2011), despite the fact that repression of dissent can take various forms (Earl 2003). In these studies, repression is often measured as police presence and action (arrests, use of force, etc.) at protests (e.g. Earl, Soule and McCarthy 2003; Davenport, Soule, and Armstrong 2011).

The threat posed by a movement, group, or specific protest event to political elites has been consistently found to be a powerful predictor of which protests and movements will be repressed by authorities (Davenport 1995, Davenport 2000, Davenport 2007, Earl and Soule 2006, McAdam 1982, McAdam 1983, Soule and Davenport 2009). In short, the more threatening a movement or protest is to authorities, the harder it will be repressed (Earl 2011).

Threat has been measured in a variety of ways, from protest size (Davenport, Soule and Armstrong 2011, Earl, Soule and McCarthy 2003, Earl and Soule 2006), the use of confrontational tactics (Davenport, Soule and Armstrong 2011, Earl, Soule and McCarthy 2003, Earl and Soule 2006, McAdam 1982, McAdam 1983) or violence (Davenport, Soule and Armstrong 2011, Earl and Soule 2006), the pursuit of revolutionary or radical goals (Bromley and Shupe Jr. 1983, Earl, Soule and McCarthy 2003, Earl and Soule 2006, McAdam 1982), having multiple goals (Earl, Soule and McCarthy 2003, Earl and Soule 2006), targeting the state (Davenport, Soule and Armstrong 2011) or targeting multiple entities (Earl, Soule and McCarthy 2003). For example, Earl, Soule and McCarthy (2003) found that larger protests and those employing more confrontational tactics were more likely to attract police presence and end in arrest and violence, causing them to conclude that threat was a stronger predictor of repression than competing explanations. The strength and consistency of evidence supporting the threat approach to explaining the differential repression of protests, not just in the literature on U.S. protest policing but also internationally and for a variety of forms of repression, led Davenport (2007) to argue that it amounts to a "law" that consistently explains how the state responds to different protests and movements.

Others have made what on the surface seems like an opposite claim: that weaker movements will experience greater repression at the hands of the state. Gamson (1990 [1975]) was the first to make this claim. He argued that repressors are more likely to target movements or groups who lack the political power or wherewithal to redress, resist, or withstand this repression. In short, states engage in repression when they believe this repression is likely to be effective, therefore avoiding costly or embarrassing failed attempts at repression.

Several studies have since tested this theory, with mixed results (Davenport, Soule and Armstrong 2011, Earl, Soule and McCarthy 2003, Earl and Soule 2006, Gamson 1990 [1975], Stockdill 1996, Wisler and Giugni 1999, Wood 2007). These studies have operationalized weakness in a variety of ways, falling under two conceptions of weakness: weakness-from-within and weakness-from-without (Earl et al 2003). First, some argue that movements or protests may be weak due to internal factors, specifically who constitutes the movement. Protests or movements by groups marginalized on the basis of race, class, or religion (Davenport, Soule and Armstrong 2011, Earl, Soule and McCarthy 2003, Earl and Soule 2006, Stockdill 1996, Wood 2007) or their status as college students (Earl and Soule 2006) may be seen as more vulnerable to repression, or it may be less politically unpopular to repress these groups than those who draw their ranks from more politically powerful or higher status segments of society. Also, protests or movements with less formal organization may similarly lack the power to redress repression and therefore be more often targeted (Earl, Soule and McCarthy 2003, Earl and Soule 2006). It is also theorized that external factors may influence how weak would-be repressive agents perceive a movement or protests to be. Specially, a lack of protection afforded by media coverage is expected to increase vulnerability to repression, and therefore its incidence (Earl, Soule and McCarthy 2003, Earl and Soule 2006, Wisler and Giugni 1999). The reasoning is that if "the whole world is watching," the state will be more cautious in doling out repression in order to avoid losing legitimacy and popular support. In the absence of such publicity, then, states are expected to be more repressive.

It is important to note that weakness explanations of repression are not incompatible with threat-based explanations. A movement or protest can be at once

weak and threatening, as is the case with radical movements made up of racial minorities (e.g. the Black Panthers). In fact, Gamson (1990 [1975]) and Stockdill (1996) have argued that it is precisely such a combination that is most likely to provoke repression, although Earl, Soule and McCarthy (2003) called this interaction into question empirically.

The weight of evidence on weakness as a driver of repression, and police presence and action at protests in particular, in the U.S. have been mixed at best. Some have found support for the weakness approach to understanding repression (Stockdill 1996, Wood 2007), but other studies have cast doubt on the power of weakness to explain repression (e.g. Earl and Schussman 2003, Earl and Soule 2006). Perhaps most notably, Davenport, Soule and Armstrong (2011) find time-specific support for weakness theories. They find that in the 1960s and 1970s (but not later), African American protests were more likely to draw police presence and provoke police action (arrest and force/violence). However, it is important to note that Davenport et al (2011) do not conceptualize African American protesters as an indicator of weakness as others have, but instead as another form of threat. They argue that police treat African Americans more harshly at protests, just as they do in other contexts, because they perceive them as more threatening.

TAKING POLICE SERIOUSLY

What links both threat and weakness approaches to explaining repression is that they tend to focus on the characteristics of the movement or protest event rather than the repressive agents, and especially on how these characteristics may impact political elite's will to repress (Earl and Soule 2006: 147). For example, Donner's seminal work argues that police protect the economic and political interests of elites and that this

explains how police departments have reacted to social movement actors in different periods of U.S. history (Donner 1990). As a result, there is often little attention paid to police departments as organizations or police as an institution with its own interests and goals. This is surprising considering that, in the United States, police are often responsible for responding to protests (Earl and Soule 2006). So while political elites may be more or less motivated to repress some protests compared to others, police are generally the ones to carry out this repression on the ground. While police serve as intermediaries for political elites' interests, they are also guided by their own interests and goals as a profession. Often, these interests and goals are distinct from those of elites, creating the possibility for police to independently shape the distribution of repression (Earl and Soule 2006).

A small set of studies on repression recognize this and venture to take police seriously on their own terms and examine dynamics within law enforcement to help explain variation in repression (Earl and Soule 2006, Soule and Davenport 2009, Waddington 1994, Waddington 1998). This may be especially critical in the U.S. context, where police officers have a relatively high level of discretion, are often disconnected from political elites, and where police departments are often characterized by an insular police culture (Earl and Soule 2006).

Waddington (1998) applies the distinction between "on the job" and "in the job" trouble to the protest context to help explore how police interests shape protest policing. "On the job" trouble refers to problematic encounters, incidents and tasks police must deal with as part of their job. When it comes to protest, this means maintaining order, protecting property, and preventing injury (including to themselves). "In the job" trouble refers to dealing with police and legal bureaucracies and having to answer for their

actions on the job. When it comes to protest, this often means dealing with official inquiries into police conduct after the fact. Police seek to avoid both types of trouble, but at times these two goals come into conflict. By trying to avoid "on the job" trouble at a protest by trying to maintain control and minimize disruption, police sometimes create "in the job" trouble for themselves by taking repressive action. If they try too hard to avoid such trouble by taking a more hands-off approach, they may open the door for more on the job trouble as the protest becomes unruly or disruptive. So, Waddington concludes, while police have an interest in minimizing disruption, they also have an interest in tolerating it to a degree. Scholars must acknowledge this difficult balancing act in order to understand why police respond differently at different protests.

Elaborating on this distinction, and drawing on literature on the U.S. policing profession's increasing concerns with reputation over the last half century (e.g. Epp 2010; as will be discussed), I argue that the difficulty of this balancing act is amplified when police are policing anti-police brutality protests. At these protests, police have a heightened interest in minimizing disruption and quelling the protest in order to avoid additional attention to allegations of police misconduct and to avoid injury to police or damage to police property (which may be greater risks at these protests where police are the explicit targets). So, the stakes of "on the job" trouble are likely greater at these protests. The potential "in the job" trouble of these protests is also greater than at other protests, as police should want to avoid giving ammunition to their critics, or inviting greater inquiry into their conduct, by arresting or using force against those protesting police brutality.

Earl and Soule (2006) demonstrate that U.S. police react more strongly to what threatens them as police than to what threatens political elites. Their "blue approach" to

explaining police response to protests argues that police departments' interest in maintaining order powerfully structure the outcomes of protests, so that protests that constitute a greater threat to the public order on the ground are consistently more repressed than other protests. Factors indicating diffuse threats to the political order, and status quo such as espousing revolutionary goals also powerfully predict repression but not as strongly or consistently as situational threats to order more of concern to police, such as property damage. More recently, Ayoub (2010) has found similar patterns in Europe, while Chang and Vitale (2013) suggest that, in authoritarian regimes, elite threats may be at least as salient as situational threats. I expand on this line of research and elaborate on Earl and Soule's "blue approach" by considering how police may respond to protests that constitute a particular type of threat to police as an institution—protests against police conduct, and police brutality in particular.

Applying Earl and Soule's (2006) framework to the question of anti-police brutality claims as a predictor of repression, we might expect that protests against police brutality pose a special threat to police departments, as such protests may be seen as challenging the legitimacy and authority of the police. Such a challenge may earn the ire of police to an extent that challenges to legislatures or corporations, for example, do not. Police may be more likely to repress these protests out of defensiveness or a perception of personal slight or disrespect by protesters at these protests in particular.

Therefore, I hypothesize that:

Hypothesis 1: Police will be more *likely to repress protests against police brutality than protests making other claims.*

More specifically:

Hypothesis 1a: Police will be more *likely to attend protests against police brutality than protests making other claims.*

Hypothesis 1b: Once present, police will be more *likely to intervene, that is to use force or make arrests, at protests against police brutality than at protests making other claims.*

However, critics might suggest alternative hypotheses given that extant literature on how police departments' concerns with reputation shape police practices suggests that anti-police brutality claims would actually have the opposite effect on police repression of protest. Epp (2010) demonstrates that, beginning the 1970s, police departments became increasingly concerned about litigation over police misconduct and brutality. He further argues that this concern was less motivated by the financial costs of such litigation as much as by costs to their public image at a time when police were struggling to establish their legitimacy as a profession. These pressures, Epp argues, caused police departments to make sweeping reforms to more tightly monitor and regulate police conduct and use of force from within the organization. These reputational concerns are fueled in part by efforts since the 1960s to professionalize policing (Fogelson 1977). This all suggests that police are powerfully motivated by a desire to avoid public embarrassment or challenges to their reputation over brutality claims. It is possible that this may cause police to treat these protests with more of a "velvet glove" compared with other protests.

In fact, McPhail, Schweingruber and McCarthy (1998) and McCarthy and McPhail (1998) argue that these pressures, among others, drove a move away from "escalated force," an approach to protest policing characterized by intolerance of disruption and the use of force to disperse protests, towards a model of "negotiated

management" characterized by relative tolerance of disruption, management of protest through permitting systems, and a decline in the use of force against protesters. While more recent works have questioned whether protest policing has changed once again following the 1999 World Trade Organization protests and the attacks of September 11th (e.g. Gilham 2011, Vitale 2005), McCarthy and McPhail's research is still accepted by scholars as the authoritative account of protests policing protocols from the 1960s through the1990s, the period that will be empirically analyzed here.

This work by McCarthy and McPhail fits within the larger new institutionalist literature on organizational change and behavior (e.g. Edelman and Suchman 1997, Powell and DiMaggio 1991). As police were experiencing a crisis of legitimacy in the U.S. beginning the 1960s, there were also working to establish themselves as a profession (Fogelson 1977). And as DiMaggio and Powell (1983) argue, such professionalization projects are often the driving force behind normative isomorphism processes like those that helped fuel the shift towards negotiated management. During this period, court rulings and reports by national commissions criticizing police handling or protests, such as the Kerner Commission, the Eisenhower Commission, and the Scranton Commission, created coercive pressure on police to change how they policed protests (McCarthy and McPhail 1998).

Considering this evidence that police as a profession are motivated by reputational concerns and legitimacy and respond to external pressures to reform their practices, and especially that such concerns were heightened within the last fifty years, we might expect that police would treat protests against police brutality with special caution. Reluctant to prove the protesters' point and bring even greater scrutiny on themselves at a time when their credibility is already called into question, police

departments might take greater effort to control police conduct and use of force in these cases. This suggests an alternative hypothesis:

Hypothesis 2: Police will be less *likely to repress protests against police brutality than protests making other claims.*

More specifically:

Hypothesis 2a: Police will be less likely to attend protests against police brutality than protests making other claims.

Hypothesis 2b: Once present, police will be less likely to intervene, that is use force or make arrests, at protests against police brutality than at protests making other claims.

DATA AND METHODS

To test these competing hypotheses, I use data on protest events over a 35-year period from 1960 to 1995 (N= 7,463). These data are drawn from the *Dynamics of Collective Action* (DOCA) dataset (2009), which contains information on over 20,000 protest events that received coverage in daily editions of the *New York Times*. Protests were defined by the DOCA project to be any public, collective (meaning that more than one person was involved) events employing extra-institutional means (such as rallies, boycotts, or sit-ins) to further some sort of articulated claim.

While the DOCA dataset ends in 1995, it is nonetheless useful for understanding many dynamics related to protest, and—specific to the purposes of this paper, for understanding the relationship between police brutality claims and police response to protests. I tested whether this relationship varied across the decades in the dataset and found that it did not (results available upon request), suggesting that how police respond to anti-police brutality protests remained consistent over this long period. This gives us

greater confidence in the durability of the effects found, as the 1960s, 1970s, 1980s, and early 1990s varied greatly in terms of policing protocols, protest levels, and the level of attention to and protest about police brutality specifically. In the conclusion, I explore the implications of my findings for more contemporary times, considering more recent changes in protest policing as well as the increased visibility of police brutality due to technological changes.

Newspaper Data

This study furthers an active line of research drawing on newspaper data to study dynamics of protest, and a growing number of studies that use this dataset in particular. While it is a very common data source for social movement scholars, newspaper data is not without its critics. In short, what newspapers choose to cover, and how they cover these events are both subject to bias, so that data collected from newspapers cannot be taken as an accurate reflection of protest activity or dynamics. However, Earl et al. (2004) argue that newspaper data can be appropriate for some questions, if proper steps are taken. Problems come in two primary flavors: description bias and selection bias. The DOCA only records "hard news items" about the event (i.e., the who, what, when, where, and why of the event) and these hard news items have been shown to be relatively free from bias in how the event is covered (referred to as description bias). But, newspapers, even those with national and international coverage like the *New York Times*, may also focus more on events closer to home, and events that are larger, more dramatic, or more disruptive. Therefore, the protest events reported on by a given newspaper, or even many different newspapers, may not be representative of protest events in general, and scholars must address this selection bias. As others have done

(Earl, Soule and McCarthy 2003, Earl and Soule 2006, McCarthy and McPhail 1998, Ring-Ramirez, Reynolds-Stenson and Earl 2014), I restrict my analysis to only those occurring in New York state to account for selection bias based on geographical proximity, the most common form of newspaper reporting bias relevant to protest data, (Earl et al. 2004).[1]

Coders collected various information on each reported protest event, including who was protesting, what claims they were furthering, the tactics they used, and whether police attended, made arrests, or used force or violence, among other variables. The team of coders achieved inter-coder reliability scores above 90% (Earl, Soule and McCarthy 2003).

Analytic Strategy

To test whether making anti-police brutality claims impacts whether police attend the protest, I run logistic regression of anti-police brutality claims and all the controls on whether or not police were reported as present at the protest. To test the effect on police intervention, I run a bivariate probit model with selection, on police intervention (use of arrests and/or force), using Stata's heckprob command.

A bivariate probit model with selection is a Heckman selection model used when the dependent variable in the outcome equation (in this case predicting police intervention) and the selection equation (in this case predicting police presence) are both dichotomous. Heckman selection models correct for non-random missing data created by non-random selection of cases into the sample being examined. We can only examine

[1] Models run on the entire dataset, with events from across the U.S., were also run. The findings were very similar to those of the models restricted to New York state.

police intervention for those protests where events were present; protests where they do not show up are treated as missing for the police action variables. This is problematic because we know that police do not show up at random to protests, meaning that the selection of cases into the sample on which the intervention model is run is not random. Heckman (1979) argued that not taking into account the factors patterning this selection is comparable to omitted variable bias and advocated using a simple selection model to adjust for this.

Heckman selection models work in two stages. The first predicts selection into the sample and the second predicts the outcome of interest (in this case, police intervention at protests) using that sample, adjusted using the results of the selection equation. For the selection model, I include all those variables used to predict police presence in our first logistic regression. For the outcome model, I include all of these same variables except for four which preliminary models revealed predicted presence but not intervention: targeting the state, the presence of counterdemonstrators, minority instigators, and front page coverage.[2] These four variables serve as instrumental variables in the selection equation, exclusion restrictions necessary for the proper specification of a Heckman selection model.

When examining both police presence and police intervention, I also examine whether it matters who is protesting police brutality, and specifically whether protesters are drawn from the same minority group about which the anti-police brutality claims are about.

[2] I also ran a regular logistic regression on police intervention, which dropped all cases where police were not present. The results were comparable to the Heckman model results. While no variables changed in their significance, the magnitudes of some of the coefficients were larger without the Heckman correction.

Dependent Variables

The dependent variable for the first model is a dummy indicating whether or not police were present at the protest. This occurred at about one quarter of protests included in this analysis. The dependent variable in the second model records if police took repressive action once at the protest. Combining three dummy variables (for the use of force, violence,[3] and arrest), a dummy variable was created for whether or not police intervened in any of these ways. At about 44% of protests they attended, police did not intervene through arrest, force, or violence.[4]

Key Independent Variable

Among the many claims that protest events could be coded as making, there are a handful of claims challenging police brutality against various minority groups, including several racial minorities as well as LGBT individuals. These codes were combined to construct a dummy indicating whether or not one of the claims being furthered by the protest event is a claim against police brutality. Of the 7,463 protests, 228 made claims against police brutality, just over 3% of all protests.

Control Variables

Protesting against police brutality is likely to correlate with other factors theorized or previously shown to predict repression at protests. For example, protesters at demonstrations against police brutality may be more likely to engage in

[3] The codebook defines force as "any physical tactics [by police] during their activity at the event" whereas violence is defined as "attacking protesters, or us[ing] equipment such as guns, tear gas, nightsticks, or riot control equipment" (McAdam et al 2009).

[4] Police are reported to have made arrests at only about 3% of protests, used violence at about 8% of protests, but used some sort of physical force at about 26% of protests.

confrontational tactics, property damage, or violence, all factors that may increase the threat posed by a protest and therefore increase the likelihood that police will repress it. In fact, Earl et al (2003) found that the use of confrontational tactics more powerfully predicted police presence than any other protest characteristic. To account for this, I include dummies for whether or not protesters engaged in confrontational tactics (coded to be consistent with Earl and Soule 2006), whether or not property damage was reported, and whether or not violence by protesters was reported. It is also possible that protests making claims about police brutality, a radical claim (Earl and Soule 2006), are more likely to be making other radical claims at the same protest. Radical claims have also been theorized as a form of threat and found to provoke greater repression (Earl and Soule 2006). Therefore, I include a dummy for whether or not the protest made a radical claim/sought a radical goal (coded so as to conform to Earl and Soule 2006) other than that against police brutality.

Also, the more claims a protest makes, the greater the chance that one of them will be about police brutality. And, having greater number of goals or claims has also been theorized to constitute greater threat and shown to increase the chance of repression (Earl, Soule and McCarthy 2003, Earl and Soule 2006). Therefore, I also control for the number of goals/claims sought by the protest. Similarly, I also controlled for the number of participants[5], whether the protest targeted the state, and whether counterdemonstrators were present, all factors found to be significant predictors of repression in previous studies (Davenport, Soule and Armstrong 2011, Earl, Soule and McCarthy 2003, Earl and Soule 2006). Finally, I control for measures of weakness used in prior studies, such as minority presence (which we might expect to be positively correlated with making

[5] Logged to adjust for heteroskedasticity.

anti-police brutality claims), front-page coverage, the presence of social movement organizations, and the number of social movements organizations present (Davenport, Soule and Armstrong 2011, Earl, Soule and McCarthy 2003, Earl and Soule 2006).

RESULTS

Police Presence

The results show that protests against police brutality are more likely to draw police presence than protests about other issues, after controlling for all measures of threat and weakness (see Table 1). This effect is highly significant (at the .001 level).

[Table 1 about here]

This evidence, therefore, is consistent with hypothesis 1a that police are, overall, *more* repressive of protests that challenge their reputation as a profession. The evidence causes us to reject hypothesis 2a, that police will be treat these protests with greater caution. This means that any inclination to prevent confrontation with these protests to avoid additional scrutiny is outweighed by the desire to suppress the threat posed to police departments by these protests in particular. Of course, this does not rule out the possibility that in some cases, police do treat these protests with special caution in order to avoid greater criticism of their profession, but just that these instances are overshadowed by a tendency, overall, to treat these protests more aggressively.

To test for the possibility that this effect is moderated by *who* is protesting the police, I ran additional models (see Model 2 and Model 3 in Table 2) comparing cases in which those instigating the protests come from the same minority group about which the police brutality claims are being made with cases in which others are instigating the protest on their behalf. For example, if African-Americans instigate a protest challenging police brutality against African-Americans, this dummy would be turn

turned on, but if whites instigated a protest about police brutality against African-Americans, it would not.

[Table 2 about here]

The results of these additional models suggest that anti-police brutality protests are always more likely to draw police presence, regardless of whether it is instigated by the victims of the police brutality or not. However, the effect is slightly stronger (in terms of both effect size and significance) when there is a match between the instigators and the minority group the claim is focused on.

To put these finding in more meaningful terms, we turn to the predicted probabilities (Table 3) before discussing the effects of the control variables. The base probability in Table 3 shows the predicted probability of police presence if all dummies are set to zero and all other variables are set at their mean. Predicted probabilities are only displayed for significant effects.

[Table 3 about here]

The table shows that when protests make claims about police brutality, the probability that the police will show up nearly doubles from a base probability of 7% (when all dummy variables are set to zero and other variables are set at the mean) to 13% (when only the police brutality claim dummy is turned on, while all other dummy variables are left at zero and other variables are at the mean). These means that after controlling for measures of threat and weakness previously shown to help explain police presence at protests, *protests against the police are twice as likely as other protests to draw police presence*. This suggests that police are particularly threatened by such protests. When these protests are instigated by members of the minority group experiencing the police brutality, the predicted probability more than doubles to 14%.

When others instigate the protest, the effect is less dramatic but still notable, raising the chance of police presence from 7% to 11%.

The results also show that many of the control variables also help explain police presence at protest, generally consistent with previous studies. Making radical claims other than against police brutality is positively correlated with police presence. Table 3 shows that making radical claims raises the chance of police presence to 9%. Police are similarly more likely to attend protests targeting the state rather than other targets (such as schools or corporations). Larger protests, measured in terms of the logged number of participants, are more likely to draw police presence. In terms of predicted probabilities, we see that raising the size of the protest from the mean to one standard deviation above the mean increases the probability of police presence from 7% to 9%. Raising it an additional standard deviation increases the probability by another 2%.

Police are more much likely to attend protests using confrontational tactics than protests using more contained tactics. In terms of predicted probabilities, Table 2 shows that confrontational tactics raises the chance of police presence enormously—from 7% to 30%. Violence by protesters shows a similarly dramatic positive effect on the probability of police presence; when protesters use violence, the probability of police presence increases from 7% to 24%. Greater tactical variety also raises the chance of police presence, as does the presence of counterdemonstrators. Counterdemonstrators raise the chance of police presence from 7% to 24%, a more than three-fold increase.

As with previous studies (e.g. Earl, Soule and McCarthy 2003), the findings for control variables that measure weakness were more mixed, consistent with previous studies. The presence of minority protesters did positively raise the chance of police presence from 7% to 9% (as did African American protesters specifically in an

unreported analyses). But, front-page coverage, which is expected to provide protection and lower the chance of repression, is instead positively related to police presence.

Police Intervention

Table 4 shows the results of logistic regression of police brutality claims and these same controls on police intervention at protests, using a bivariate probit model with selection. It provides the results of the model predicting police intervention, as well as the selection model on police presence that is used to correct these results. The results show that police are not only more likely to show up to protests against the police, they are also more likely to intervene once present at these protests, although the result is not as significant as in the case of police presence. This provides further evidence for hypothesis 1, that police are, on the whole, more repressive of protests against them than of otherwise comparable protests. As with predicting presence, I also account for who is instigating the protest. Interestingly, when anti-police brutality protests are instigated by the same minority group that the anti-police brutality claims are focused on, this effect is not significant, yet it is when others instigate the protest.

This suggests that the perceptions of threat driving police presence may be distinct from that driving police intervention. Police departments may see anti-police brutality protests instigated by those directly affected by police brutality to be especially at risk of getting out of hand, as emotions may run higher, making these protests a higher priority for monitoring through police presence. Police will of course, also be more likely to intervene at these protests overall simply because they are much more likely to attend them in the first place. But once at a protest, police may find protests by other constituencies to be even more in need of containment, as these protests may be seen as reflecting a more widespread or mainstream challenge to police authority. Like

whites' involvement in the civil rights movement, or other cases of involvement by "conscience constituents" (McCarthy and Zald 1977), involvement in anti-police brutality by allies, or individuals not directly affected, may lend greater legitimacy and resources to the cause, and therefore increase its threat to police reputation and the pressure for reform.

[Table 4]

We can also see that many of the same controls that help explain police presence also help explain police intervention once present, with a few exceptions. As we saw with presence, police intervention is positively and significantly related to advancing radical goals others than opposing police brutality, using confrontational tactics, using a greater variety of tactics, and using violence. However, targeting the state and having counterdemonstrators does not explain police intervention as it does for police presence and, perhaps most interestingly, while larger protests were more likely to draw police presence, they were less likely to result in police intervention (arrest and/or use of force against protesters). This is consistent with Earl, Soule and McCarthy (2003)'s argument that at larger protests, police may avoid intervening unless absolutely necessary. The two weakness control variables that were significant predictors of police presence, front-page coverage and minority protests, are no longer significant. Finally, it should also be noted that the insignificant rho suggests that the results of these models are not significantly different than those that a model without selection would have produced.

Examining the effect of police brutality claims and these controls in terms of predicted probabilities (see Table 5) provides more insight. The base probability that, once present, police will take some action at protest, that is make arrest and/or use force against protesters, is 31%. When the protest is about police brutality, this climbs to 43%.

In other words, *protests against the police have a one in two chance of ending in arrest or the use of force against protesters, compared to about one in three among all protests*. When these anti-police brutality protests are instigated by a group other than the victims of the police brutality, for example if white students stage a demonstration about police brutality against African-Americans, the chance of intervention is actually slightly higher, at 49%.

[Table 5]

Only confrontational tactics and the use of violence match or exceed anti-police brutality claims in their power to raise the chance that police will make arrests or use force at a protest. Use of violence raises the chance of police intervention to 44% and confrontational tactics raises it to a staggering 60%. Other factors had more modest, but still significant and notable, impacts on the predicted probability of police intervention. Furthering other radical goals increases the chance of intervention from 31% to 39%. Reducing the size of the protest one standard deviation leads to a 3% bump in the chances of police intervention and an additional standard deviation reduction leads to another 3% increase. Increasing tactical variety one standard deviation increases the predicted probability of police intervention from 31% to 34% and an additional one standard deviation increase in tactical variety raises the chances three more percentage points.

CONCLUSION

Recently, as well as at many other points in U.S. history, people have come together to demand reform of police conduct, especially the disproportionate use of force against marginalized groups. Like protests on other issues, these demonstrations have often been an important way for communities to voice grievances, hold authorities

responsible, change policies, and shift public attention and discourse. But these protests also present a unique dilemma, compared with other protests, for the police departments tasked with policing them. I explore this dynamic and find that, despite the possibility that reputational concerns would lead police to deal with such protests with special caution, police actually react to the threat posed by these protests with a more heavy-handed response than other protests. They are about twice as likely to show up to these protests compared with otherwise similar protests making other claims and, once present, they take some action (either make arrest, use force or violence against protesters, or both) at nearly half of protests (compared to about 1 in 3 protests making other claims).

In line with Earl and Soule (2006), I demonstrate that threat posed to police *as police* may lead to particularly repressive outcomes, above and beyond other measures of threat or weakness that help explain repression at protests. I extend their "blue approach" by considering how a specific, previously unexamined form of threat to police—potential challenges to their authority and legitimacy in the form of claims against police brutality—shapes protest policing. In doing so, I bring more attention to symbolic dimensions driving repression than is often done in this literature. Whereas Earl and Soule's blue approach attends to situational threats posed to police by protests, I am focused on what is better understood as a reputational threat, claims challenging police legitimacy and authority.

I also move research on repression forward by complementing ethnographic research on how police navigate the dilemmas created by their role in protest, like that done by Waddington, with large quantitative studies modeling predictors of protest policing outcomes. In doing so, I illuminate quantitatively the aggregate effect of the

type of dynamics Waddington documents, dynamics of how police decide when and how they intervene to quell protest. Furthermore, I do this by drawing on data from a period (the 1960s-1990s) in which the role of police in protests, and the profession of policing more broadly, was undergoing important shifts.

Most importantly, my findings suggest that when police are faced with protests challenging their conduct, motivations to suppress these potential challenges to their authority may trump competing motivations to improve a tarnished public image through a less aggressive response. If police respond to protests challenging their conduct with extra effort to silence these displays of dissent compared with otherwise similar protests, as these analyses suggest, this raises important questions about how individuals can act together to hold police responsible for their actions.

One of the hallmarks of negotiated management, the current approach to protest policing, is that police are trained to police protests impartially (McCarthy and McPhail 1998). In theory, police should not behave any differently at a white supremacist protest than at a civil rights protest, for example. But when it comes to policing protests against the police, this mandate for impartiality creates a conflict of interest as police motivation to defend the legitimacy of their profession comes into play. As my results make clear, police do not treat these protests just as they would similar protests making other claims; instead they are much more likely to try to quell protests that criticize police conduct. While my data ends in 1995, recent scholarship argues that, over the last twenty years, protest policing has been moving away from the negotiated management model and become more aggressive and less impartial (e.g. Gilham 2011, Starr and Fernandez 2009, Vitale 2005, Wood 2014). As Wood (2014) explains, the wave of protest in the late 1990s and early 2000s and the terrorist attacks of September 11th combined to usher

in a period of militarization of protest policing in which keeping up the image of even-handed, dispassionate protest policing presumably became a lower priority. Furthermore, others (e.g. Ciccariello-Maher 2013, King and Waddington 2006) have argued that the current approach is protest policing is increasingly "two pronged," with police using direct force against protesters judged as threatening and using strategies of negotiation and de-escalation with less threatening protesters, and that more generally, legitimacy-building "soft approaches" and more coercive policing are often complementary rather than competing approaches (Williams 2014). This all suggests that the pattern of disproportionate repression of police brutality protests found in this study may be even more pronounced today.

One might argue, however, that the same shifts that have helped the issues of police brutality gain greater attention in recent years, and which helped give rise to movements like Black Lives Matter, may also be altering the dynamics of how police respond to protests about police brutality (and policing more general). More specifically, the proliferation of cell phones with capacity to record high quality videos and the use of social media that facilitates rapid circulation of these videos has increased transparency and visibility of officer conduct (Freelon, McIlwain and Clark 2016; Newell 2014; Goldsmith 2010; Stuart 20011). This, arguably, may make contemporary police more image-conscious and lead them to deal with police brutality protests with greater caution than in the past. But, the heavy-handed response to protests in Ferguson suggest otherwise (Grim and Goyette 2014) and whether technology has altered police-protester interactions at police brutality protests is an open question.

What my findings make clear is that, while protest has historically been an important way for communities to put pressure on authorities and hold them accountable to public will, in the case of anti-police brutality protests, increased effort by police to repress such protests pose extra challenges for those pressing for change. Furthermore, the fact that police are even more likely to attend police brutality protests instigated by members of minority groups victimized by police, compared with those instigated by allies who are not directly impacted by police brutality, suggests that mobilization by such allies may provide some protection against police repression, at least where police presence is concerned. However, we also see that this is not the case for intervention once police they are present at a protest. Further research is needed to understand the effect that the participation of white allies, or more generally the participation of allies not directly impacted by police brutality, has on police response to these protests.

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Table 1: Logistic Regression on Police Presence

	Presence
Anti-Police Brutality Claim	**0.689*** (0.176)**
Threat	
Other Radical Goals	0.355*** (0.079)
Number of Goals	-0.042 (0.052)
Logged Number of Participants	0.129*** (0.016)
State Target	0.307*** (0.068)
Confrontational Tactics	1.741*** (0.074)
Tactical Variety	0.547*** (0.061)
Property Damage by Protesters	0.209 (0.131)
Violence by Protesters	1.421*** (0.101)
Counter-demonstrators Present	1.457*** (0.130)
Weakness	
Front-Page Coverage	0.492*** (0.083)
Minority Protesters	0.268*** (0.075)
SMO present	0.067 (0.092)
Number of SMOs	-0.031 (0.045)
Constant	-3.782*** (0.135)
N	7,379

* $p<0.05$; ** $p<0.01$; *** $p<0.001$

Table 2: Logistic Regression on Police Presence, Taking Instigators into Account

	Model 1	Model 2	Model 3
Anti-Police Brutality Claim	**0.689*** **		
	(0.176)		
Instigated by Brutality Victims		**0.786** **	
		(0.265)	
Instigated by Others			**0.528***
			(0.240)
Threat			
Other Radical Goals	0.355***	0.354***	0.343***
	(0.079)	(0.079)	(0.079)
Number of Goals	-0.042	-0.033	-0.042
	(0.052)	(0.052)	(0.052)
Logged Number of Participants	0.129***	0.129***	0.130***
	(0.016)	(0.016)	(0.016)
State Target	0.307***	0.315***	0.329***
	(0.068)	(0.068)	(0.068)
Confrontational Tactics	1.741***	1.736***	1.734***
	(0.074)	(0.074)	(0.074)
Tactical Variety	0.547***	0.545***	0.544***
	(0.061)	(0.061)	(0.061)
Property Damage by Protesters	0.209	0.220	0.219
	(0.131)	(0.131)	(0.131)
Violence Used by Protesters	1.421***	1.427***	1.426***
	(0.101)	(0.101)	(0.101)
Counter-demonstrators Present	1.457***	1.460***	1.453***
	(0.130)	(0.131)	(0.130)
Weakness			
Front-Page Coverage	0.492***	0.488***	0.499***
	(0.083)	(0.083)	(0.083)
Minority Presence	0.268***	0.257***	0.308***
	(0.075)	(0.076)	(0.074)
SMO present	0.067	0.062	0.065
	(0.092)	(0.092)	(0.092)
Number of SMOs	-0.031	-0.032	-0.031
	(0.045)	(0.045)	(0.045)
Constant	-3.782***	-3.776***	-3.782***
	(0.135)	(0.135)	(0.135)
N	7,379	7,379	7,379

* $p<0.05$; ** $p<0.01$; *** $p<0.001$

Table 3: Predicted Probability of Police Presence by Protest Characteristics

Protest Characteristic	Probability of Police Presence
Base Probability	7%
Anti-Police Brutality Claim	**13%**
Instigated by Brutality Victims	**14%**
Instigated by Others	**11%**
Threat	
Other Radical Claim	9%
Large Protest (1 std. above the mean number of participants)	9%
Very Large Protest (2 std. above the mean number of participants)	11%
State Target	9%
Confrontational Tactics	30%
High Tactical Variety (1 std. above mean number of tactics used)	9%
Very High Tactical Variety (2 std. above mean number of tactics used)	11%
Violence	24%
Counterdemonstrators Present	24%
Weakness	
Front-Page Coverage	11%
Minority Protesters	9%

Table 4: Bivariate Probit Model with Selection on Police Intervention

		Model 1	Model 2	Model 3
Police Intervention	**Anti-Police Brutality Claim**	**0.320***		
		(0.146)		
	Instigated by Brutality Victims		**0.065**	
			-0.068	
	Instigated by Others			**0.154***
				-0.073
	Threat			
	Other Radical Goals	0.218**	0.075**	0.073**
		(0.079)	-0.027	-0.027
	Number of Goals	-0.047	-0.016	-0.017
		(0.048)	-0.017	-0.017
	Logged Number of Participants	-0.039*	-0.013*	-0.015*
		(0.019)	-0.006	-0.007
	Confrontational Tactics	0.735***	0.280***	0.272***
		(0.129)	-0.042	-0.043
	Tactical Variety	0.162**	0.055**	0.053**
		(0.060)	-0.02	-0.02
	Property Damage by Protesters	-0.082	-0.024	-0.026
		(0.091)	-0.032	-0.032
	Violence Used by Protesters	0.338**	0.127**	0.118**
		(0.118)	-0.039	-0.04
	Weakness			
	SMO present	-0.034	-0.012	-0.009
		(0.093)	-0.033	-0.033
	Number of SMOs	0.013	0.004	0.003
		(0.048)	-0.016	-0.016
	Constant	-0.457	0.327**	0.359**
		(0.375)	-0.121	-0.125
Police Presence	Anti-Police Brutality Claim	0.410***		
		(0.101)		
	Instigated by Brutality Victims		0.460**	
			(0.156)	
	Instigated by Others			0.328*
				(0.135)
	Threat			
	Other Radical Goals	0.200***	0.199***	0.194***
		(0.045)	(0.045)	(0.045)
	Number of Goals	-0.025	-0.021	-0.025
		(0.029)	(0.029)	(0.029)
	State Target	0.168***	0.173***	0.181***
		(0.038)	(0.038)	(0.038)
	Logged Number of Participants	0.073***	0.073***	0.073***
		(0.009)	(0.009)	(0.009)

Table 4: Bivariate Probit Model with Selection on Police Intervention *(Cont.)*

		Model 1	Model 2	Model 3
	Confrontational Tactics	0.999***	0.996***	0.996***
		(0.042)	(0.042)	(0.042)
	Tactical Variety	0.310***	0.309***	0.308***
		(0.035)	(0.035)	(0.035)
	Property Damage by Protesters	0.132+	0.139+	0.138+
		(0.077)	(0.077)	(0.077)
	Violence Used by Protesters	0.849***	0.854***	0.852***
		(0.060)	(0.060)	(0.060)
	Counter-demonstrators Present	0.827***	0.827***	0.825***
		(0.075)	(0.075)	(0.075)
	Weakness			
	Front Page Coverage	0.280***	0.278***	0.284***
		(0.048)	(0.048)	(0.048)
	Minority Presence	0.155***	0.149***	0.177***
		(0.043)	(0.044)	(0.042)
	SMO present	0.032	0.029	0.032
		(0.051)	(0.051)	(0.051)
	Number of SMOs	-0.02	-0.02	-0.02
		(0.025)	(0.025)	(0.025)
	Constant	-2.168***	-2.162***	-2.167***
		(0.074)	(0.074)	(0.074)
rho		0.02	0.01	0.15
N		7,379	7,379	7,379

+ $p<0.1$; * $p<0.05$; ** $p<0.01$; *** $p<0.001$

Table 5: Predicted Probability of Police Intervention by Protest Characteristics

Protest Characteristic	Probability of Police Intervention (if present)
Base Probability	31%
Anti-Police Brutality Claim	**43%**
Instigated by Others	**49%**
Threat	
Other Radical Goal	39%
Small Protest (1 std. below mean number of participants)	34%
Very Small Protest (2 std. below mean number of participants)	37%
Confrontational Tactics	60%
High Tactical Variety (1 std. above mean number of tactics)	34%
Very High Tactical Variety (2 std. above mean number of tactics)	37%
Violence	44%