

Loyola University Chicago, School of Law

LAW eCommons

Faculty Publications & Other Works

2021

Masculinity in Policing: The Need to Recruit More Women in American Police Departments Fall 2020 Symposium: Addressing the Crisis in Policing Today: Race, Masculinity, and Police Use of Force in America

Stephen Rushin

Loyola University Chicago School of Law, srushin1@luc.edu

Follow this and additional works at: <https://lawecommons.luc.edu/facpubs>



Part of the [Law and Gender Commons](#), and the [Law Enforcement and Corrections Commons](#)

Recommended Citation

Stephen Rushin, *Masculinity in Policing: The Need to Recruit More Women in American Police Departments*, 89 *GEO. WASH. L. REV.* 1512 (2021).

This Article is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Faculty Publications & Other Works by an authorized administrator of LAW eCommons. For more information, please contact law-library@luc.edu.

Masculinity in Policing: The Need to Recruit More Women in American Police Departments

*Stephen Rushin**

ABSTRACT

This Article, written as part of The George Washington Law Review Symposium on “Addressing the Crisis in Policing Today,” examines how American police departments can improve their recruitment and retention of women. Women currently make up a mere 13% of all police officers in the United States. This number has remained frustratingly low and stagnant for years.

This Article begins by considering the potentially harmful consequences of the underrepresentation of women in American policing. Some commentators have recently argued that the hiring of more women may, by itself, help transform policing. To evaluate this hypothesis, the first part of this Article examines the existing empirical research on officer gender and policing outcomes. It finds only mixed support for the claim that hiring more women, by itself, will produce better policing outcomes. Thus, this Article argues that hiring more women alone will not result in transformative reductions in rates of officer use of force or misconduct. Instead, the hiring of more women must be just one part of a broader plan to rethink the culture of American police departments.

The second part of this Article considers how American police departments can meaningfully increase the recruitment and retention of women officers through improved recruitment efforts, enhanced employment benefits, and revamped entrance exams. Combined, these steps could meaningfully increase the number of women in law enforcement, thereby gradually contributing to broader cultural change within the institution of policing.

TABLE OF CONTENTS

INTRODUCTION	1513
I. THE PROBLEMATICALLY FEW WOMEN IN POLICING	1515
II. INCREASING THE NUMBER OF WOMEN OFFICERS	1520
CONCLUSION	1526

* Stephen Rushin is an Associate Professor of Law at Loyola University Chicago. Professor Rushin holds a Ph.D. in Jurisprudence and Social Policy and a J.D. from the University of California, Berkeley.

INTRODUCTION

In the wake of the killing of George Floyd in May 2020, and the summer of protests that followed, policymakers across the country have considered a wide range of ways to reform or reimagine policing in America. In the months following, states and cities have amended their internal disciplinary procedures,¹ implemented new use of force policies,² established new causes of action for individuals harmed by police misconduct,³ increased the transparency of police officer data,⁴ expanded the use of body worn cameras,⁵ and limited the power of arbitrators to overturn discipline handed down by police chiefs.⁶ This Symposium Article considers another way that states and localities might improve the institution of policing in the United States: by recruiting and retaining more women officers. For decades, the number of women officers has remained low, particularly in smaller and

¹ See, e.g., Walker Orenstein & Peter Callaghan, *The Legislature Just Passed a Police Reform Bill. What It Does—and Doesn't Do—to Reshape Law Enforcement in Minnesota*, MINNPOST (July 21, 2020), <https://www.minnpost.com/state-government/2020/07/the-legislature-just-passed-a-police-reform-bill-what-it-does-and-doesnt-do-to-reshape-law-enforcement-in-minnesota> [<https://perma.cc/PM4Z-EYNG>] (listing some of the reforms from the Minnesota legislation passed after George Floyd's death); MINN. STAT. § 626.892 (2020) (outlining the new procedures for selecting arbitrators in police internal disciplinary cases).

² See, e.g., Meena Venkataramanan, *Austin City Council Unanimously Limits Police Officers' Use of Force and Asks for Cuts to Department Budget*, TEX. TRIB. (June 11, 2020, 10:00 PM), <https://www.texastribune.org/2020/06/11/austin-police-reform-budget-cut-george-floyd-protests> [<https://perma.cc/N4LN-WDG5>] (outlining changes to Austin use of force policy).

³ See, e.g., Nick Sibilla, *Colorado Passes Landmark Law Against Qualified Immunity, Creates New Way to Protect Civil Rights*, FORBES (June 21, 2020, 7:36 PM), <https://www.forbes.com/sites/nicksibilla/2020/06/21/colorado-passes-landmark-law-against-qualified-immunity-creates-new-way-to-protect-civil-rights> [<https://perma.cc/L86S-KTMH>] (detailing the Enhance Law Enforcement Integrity Act, which helps plaintiffs bypass traditional qualified immunity barriers by providing a new cause of action in state court that is exempt from the Colorado Governmental Immunity Act).

⁴ See, e.g., Stephanie Wykstra, *The Fight for Transparency in Police Misconduct, Explained*, VOX (June 16, 2020, 7:30 AM), <https://www.vox.com/2020/6/16/21291595/new-york-section-50-a-police-misconduct> [<https://perma.cc/XBK7-84BT>] (describing the repeal of section 50-a, which shielded misconduct records from disclosure in New York for years).

⁵ See, e.g., Orion Rummmler, *The Major Police Reforms Enacted Since George Floyd's Death*, AXIOS (Oct. 1, 2020), <https://www.axios.com/police-reform-george-floyd-protest-2150b2dd-a6dc-4a0c-a1fb-62c2e999a03a.html> [<https://perma.cc/N9EZ-JMJR>] (listing major reforms passed in cities and states over the last several months and discussing body camera legislation and executive orders from Seattle, Denver, Houston, and Connecticut).

⁶ See, e.g., OR. REV. STAT. § 243.706(3) (2020) (including the new Oregon procedures limiting the discretion of arbitrators in police disciplinary cases on appeal); Dirk VanderHart, *Oregon Legislative Session on Police Accountability Coming Soon*, OPB (June 11, 2020, 6:08 PM), <https://www.opb.org/news/article/police-accountability-arbitration-oregon-special-session-legislature> [<https://perma.cc/DKQ3-5E2H>] (providing a history of the passage of the new arbitration law).

rural agencies.⁷ Women are also exceedingly rare in police management.⁸

This Article argues that the recruitment of more women officers is likely to be an important and necessary step to reforming the institution of policing more broadly. The first Part of this Article offers a critical assessment of the existing literature on the representation of women in policing. More specifically, this Part engages with an emerging claim made by some leading policing advocates about the link between the recruitment of women and changes in policing outcomes. It finds some evidence that the recruitment and retention of more women may produce better policing outcomes, including reductions in officer use of force and civilian complaints. But the overall body of empirical literature on this topic is mixed, with some studies failing to find any connection between officer gender and policing outcomes. Nevertheless, this does not reduce the need for departments to increase their efforts to hire and retain women officers. Instead, it is a sobering reminder that, particularly when women consistently represent a very small minority of officers in virtually all departments, relatively small marginal increases in the representation of women on the force may do little by themselves to transform the broader organizational culture. Nonetheless, there remains strong theoretical and policy reasons for increasing the representation of women as a means for improving the institution of policing.

Thus, the second Part of this Article considers some immediate steps that communities can take to increase their chances of recruiting and retaining women. It considers how localities can improve their recruitment materials to better attract women applicants. More specifically, rather than delegating officer recruitment—including advertisement and outreach—to the police department, communities should take a proactive role in the recruitment priorities of their police departments. In doing so, communities should ensure that recruitment efforts emphasize so-called “guardian” rather than “warrior” policing. Additionally, this Article proposes how departments and communities could invest in benefits packages designed to make policing competitive with other industries, and particularly cater to some of the common needs of working mothers. It imagines how more communities could develop internal programs to mentor and guide women after hiring, to increase their probability of advancing within the agency. And it addresses the ways in which entrance exams—particularly fit-

⁷ See *infra* notes 9–12 and accompanying text.

⁸ See *infra* notes 9–12 and accompanying text.

ness tests—can serve as an unintended barrier to women entering the profession. Although none of these steps is likely to have a dramatic impact on the recruitment of women to policing, when combined, they could help gradually erode the hypermasculine culture that is so common in many police departments.

I. THE PROBLEMATICALLY FEW WOMEN IN POLICING

According to the Bureau of Justice Statistics, the number of women police officers in the United States has increased slightly from around ten percent of all officers in 1997 to closer to thirteen percent since 2013, holding steady in this range as of 2016.⁹ Despite this gradual increase in the representation of women in policing, women still represent only about one in every eight frontline officers, and about one in every ten frontline supervisors.¹⁰ As of 2016, only about three percent of all departments had a female police chief.¹¹ And women officers are particularly rare among smaller law enforcement agencies.¹² Additionally, the low comparative number of women officers only tells part of the story. As some scholars have previously observed, women officers often complain that they are tokenized.¹³

A number of commentators have argued that the underrepresentation of women contributes to worse outcomes in police departments. Most prominently, Georgetown Law professor and Washington D.C. reserve police officer, Rosa Brooks,¹⁴ has argued that the recruitment of more women may be an important step in reducing rates of police violence. As Brooks argued in a recent *Washington Post* op-ed, “[o]ne simple way to achieve a less violent and more equitable form of law enforcement is to push agencies to hire more women.”¹⁵ Brooks is far from the first commentator to make

⁹ SHELLEY S. HYLAND & ELIZABETH DAVIS, U.S. DEP’T OF JUST., LOCAL POLICE DEPARTMENTS, 2016: PERSONNEL 5 (2019), <https://www.bjs.gov/content/pub/pdf/lpd16p.pdf> [<https://perma.cc/J5EN-VPBB>].

¹⁰ *Id.* at 1.

¹¹ *Id.* at 7.

¹² *See id.* at 5 tbl.5 (showing the differential rates of female employment in police departments by population served).

¹³ *See generally* Carol A. Archbold & Dorothy Moses Schulz, *Making Rank: The Lingering Effects of Tokenism on Female Police Officers’ Promotion Aspirations*, 11 POLICE Q. 50 (2008) (conducting a study on tokenism among women in American police departments through an examination of a midwestern police department via face-to-face interviews).

¹⁴ *Why Professor Rosa Brooks Added Police Officer to Her Resume*, Geo. L. (Feb. 9, 2021), <https://www.law.georgetown.edu/news/why-professor-rosa-brooks-added-police-officer-to-her-resume/> [<https://perma.cc/8S2R-KCXZ>].

¹⁵ Rosa Brooks, *One Reason for Police Violence? Too Many Men with Badges*, WASH.

such an argument. Similar opinion articles have appeared in recent years in outlets across the country including *The Atlantic*,¹⁶ *ABC News*,¹⁷ *CNN*,¹⁸ *Ms. Magazine*,¹⁹ and *NPR Marketplace*,²⁰ just to name a few. The available empirical literature also has wider implications related to the link between the recruitment of women officers and policing outcomes, but there is some disagreement over the actual effect of recruiting more women officers.

Studies disagree on whether women officers use less force or engage in less misconduct than men. Some research has found that women officers may be comparatively less likely to use their weapons or coercive force than their male counterparts. For example, Amie M. Schuck and Cara Rabe-Hemp examined use of force by and against police officers between 1996 and 1997 in six major police departments.²¹ They found that women officers and “same-gender female-female officer pairs generally use less force in police-citizen encounters than do their male counterparts.”²² Similarly, in 2008 Rabe-Hemp examined data on police-citizen encounters from St. Petersburg, Florida and Indianapolis, Indiana, concluding that women officers were generally less likely than male officers to exhibit extreme controlling or coercive behaviors as part of their policing work.²³

POST (June 18, 2020, 6:00 AM), <https://www.washingtonpost.com/outlook/2020/06/18/women-police-officers-violence> [https://perma.cc/M3Y5-2JRW].

16 Christina Asquith, *Why Aren't U.S. Police Departments Recruiting More Women?*, ATLANTIC (Aug. 30, 2016), <https://www.theatlantic.com/politics/archive/2016/08/police-departments-women-officers/497963> [https://perma.cc/6MFE-VCEX].

17 Erin Schumaker, *'Hire More Women' Has Been Touted as a Quick Fix to Police Brutality Since Rodney King. Here's Why Empty Calls for Equality Fail*, ABC NEWS (Aug. 2, 2020, 10:00 AM), <https://abcnews.go.com/US/hire-women-touted-quick-fix-police-brutality-rodney/story?id=71648383> [https://perma.cc/G89M-YTSP].

18 Ashley Fantz & Casey Tolan, *Want to Reform the Police? Hire More Women*, CNN (June 23, 2020, 10:38 AM), <https://www.cnn.com/2020/06/23/us/protests-police-reform-women-policing-invs/index.html> [https://perma.cc/38LS-7BN5].

19 Cari Shane, *The U.S. Needs Sweeping Police Reform. Start by Hiring More Women*, MS. MAG. (June 8, 2020), <https://msmagazine.com/2020/06/08/police-reform-women> [https://perma.cc/RNF8-K4ME].

20 Ivonne Roman, Opinion, *Hiring and Promoting Women Police Officers Could Bring Real Justice Reform and Make Communities Safer*, MARKETWATCH (June 10, 2020, 5:14 PM), <https://www.marketwatch.com/story/hiring-and-promoting-women-police-officers-could-bring-real-justice-reform-and-make-communities-safer-2020-06-10> [https://perma.cc/8MU3-N3RD].

21 Amie M. Schuck & Cara Rabe-Hemp, *Women Police: The Use of Force by and Against Female Officers*, 16 WOMEN & CRIM. JUST. 91, 97 (2005).

22 *Id.* at 108.

23 Cara E. Rabe-Hemp, *Female Officers and the Ethic of Care: Does Officer Gender Impact Police Behaviors?*, 36 J. CRIM. JUST. 426, 429 (2008). This study found, however, that women were not necessarily more likely to use supportive behavior in civilian interactions relative to male officers. *Id.* at 431–32.

These findings were somewhat consistent with prior findings by Joel H. Garner and Christopher D. Maxwell, who examined six law enforcement agencies and found that women officers were substantially less likely to use physical force than male officers.²⁴ These and other similar studies have led one commentator to conclude that “women are less likely to be involved in employing both *deadly* force and *excessive* force.”²⁵ But many of the studies that reach similar conclusions rely on an examination of a relatively small number of officers or a small number of agencies, which raises questions about their generalizability.

On the other hand, some studies have concluded that recruiting more women may actually result in no change in rates of officer use of force²⁶—or possibly even result in *increases* in the frequency or severity of force. For example, Camille Deller and Steven C. Deller found that departments with a larger share of women officers use deadly force more often than departments with smaller shares of women officers.²⁷ These findings are roughly consistent with a previous examination of the same basic research question by Brad W. Smith sixteen years earlier.²⁸ Smith concluded that a higher percentage of women officers within a department was associated with an increase in police-caused deaths.²⁹ As the Deller study posits, these findings may be the result of women hired into police departments eventually “succumb[ing] to the culture of the male-dominated force.”³⁰ Similarly, a study conducted by Liqun Cao and Bu Huang found that the number of women working in a police department had no statistically significant effect on the rate of civilian complaints against officers in that

24 JOEL H. GARNER & CHRISTOPHER D. MAXWELL, JOINT CTR. FOR JUST., UNDERSTANDING THE USE OF FORCE BY AND AGAINST THE POLICE IN SIX JURISDICTIONS 6–5 (2002), <https://www.ncjrs.gov/pdffiles1/nij/grants/196694.pdf> [<https://perma.cc/5R4H-JYUH>] (finding that women were around seventy-two percent less likely to use force than men).

25 KIM LONSWAY, MARGARET MOORE, PENNY HARRINGTON, ELEANOR SMEAL & KATHERINE SPILLAR, NAT’L CTR. FOR WOMEN & POLICING, HIRING & RETAINING MORE WOMEN: ADVANTAGES TO LAW ENFORCEMENT AGENCIES 4 (2003) (emphasis in original) (footnote omitted).

26 See, e.g., Eugene A. Paoline, III & William Terrill, *Women Police Officers and the Use of Coercion*, 15 WOMEN & CRIM. JUST. 97, 107–08 (2004) (finding that male and female officers used coercive force in similar amounts).

27 Camille Deller & Steven C. Deller, *Women in Law Enforcement and Police Use of Deadly Force*, 29 WOMEN & CRIM. JUST. 163, 176 (2019).

28 Brad W. Smith, *The Impact of Police Officer Diversity on Police-Caused Homicides*, 31 POL’Y STUD. J. 147, 158 (2003).

29 *Id.*

30 Deller & Deller, *supra* note 27, at 168.

agency.³¹ These studies, however, rely on examinations of correlations between the representation of women in an agency and subsequent rates of overall officer use of force. They fall short of being able to prove that the recruitment or hiring of more women actually *cause* or *contribute* to the subsequent frequency of use of force by their employing agency in the aggregate. Nevertheless, they are illustrative of some of the considerable ambiguity in the existing literature.

The existing literature does not prove that the recruitment of additional women will necessarily drive down rates of officer use of force, reduce the rate of complaints, or reduce general rates of misconduct. This takeaway is reiterated by Margarita Poteyeva and Ivan Y. Sun's meta-analysis of all empirical studies between 1990 and 2006 that evaluated the effect of officer gender on policing attitudes.³² In total, the meta-analysis identified two studies that found a significant relationship between officer gender and policing attitudes, ten studies that found mixed results, and nineteen studies that failed to find any relationship.³³

Still, the recruitment and retention of women officers represents a vitally important organizational goal for American police departments. For one thing, recruiting a critical mass of women may be important to eroding the masculine culture that dominates so many departments—particularly if women recruits are derived from a diverse array of backgrounds and not merely those that reproduce the same cultural norms of existing male officers. Greater representation of women on police forces may also help improve a department's response to certain categories of crimes, especially crimes that disproportionately affect women, like domestic violence or sexual assault. For example, Amalia R. Miller and Carmit Segal found a significant correlation between the representation of women on various police forces and subsequent declines in intimate partner homicide rates and repeat domestic violence offenses.³⁴ This is consistent with the hypothesis that a larger number of women officers may help communities better implement community-oriented policing and better connect

³¹ Liqun Cao & Bu Huang, *Determinants of Citizen Complaints Against Police Abuse of Power*, 48 J. CRIM. JUST. 203, 209 (2000).

³² Margarita Poteyeva & Ivan Y. Sun, *Gender Differences in Police Officers' Attitudes: Assessing Current Empirical Evidence*, 37 J. CRIM. JUST. 512 (2009).

³³ *Id.* at 514.

³⁴ Amalia R. Miller & Carmit Segal, *Do Female Offices Improve Law Enforcement Quality? Effects on Crime Reporting and Domestic Violence Escalation* 24 (Univ. of Zurich, UBS Int'l Ctr. of Econ. in Soc'y, Working Paper No. 9, 2014), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2519470 [<https://perma.cc/RBC2-TZX6>].

with a wider range of community members.³⁵ Even if recruiting women by itself does not produce immediate changes in outcomes, the recruitment of additional women is important because representation matters. Just as departments have strived to recruit more individuals of color, so too have departments attempted to recruit more women to ensure that agencies in the future better represent the communities that they serve.

Particularly in the last few years, departments have faced particularly acute challenges in recruiting all types of highly qualified candidates. A 2019 survey by the Police Executive Research Forum (“PERF”) of 411 law enforcement agencies found that 63% of departments saw the number of job applicants decline significantly (36%) or slightly (27%) over the last five years.³⁶ Some communities saw particularly dramatic declines. Nashville reported a nearly 60% decline in the number of applicants between 2010 and 2019.³⁷ Applications in Seattle dropped between 40% and 50%, while those to the Jefferson County Sheriff’s Office in Colorado fell by around 70%.³⁸ Part of the problem identified by the PERF study is the ongoing difficulty agencies face in recruiting both racial minorities and women into the profession.³⁹ Compounding the problem, departments also report a particular difficulty retaining newly hired applicants.⁴⁰ Approximately 69% of all voluntary resignations happened among officers that were with their respective department for less than five years, and one of the most common reasons officers reported for leaving was a desire to pursue a career outside law enforcement.⁴¹ Thus, departments hoping to increase the representation of women on the force face an uphill struggle. They must first recruit qualified women. Then, they must offer a rewarding career, benefits package, and work-life balance that keep these qualified women on the force and in the profession long-

³⁵ Amie M. Schuck, *Female Officers and Community Policing: Examining the Connection Between Gender Diversity and Organizational Change*, 27 *WOMEN & CRIM. JUST.* 341, 356–57 (2017) (finding that gender diversity in policing may help departments adopt community policing by increasing “organizational agility”).

³⁶ POLICE EXEC. RSCH. F., *THE WORKFORCE CRISIS, AND WHAT POLICE AGENCIES ARE DOING ABOUT IT 20* (2019), <https://www.policeforum.org/assets/WorkforceCrisis.pdf> [<https://perma.cc/T45X-NTAJ>].

³⁷ *Id.* (noting a decline from 4,700 in 2010 to 1,900 in 2019).

³⁸ *Id.*

³⁹ *Id.* at 14 (“Agencies continue to struggle with recruiting women and members of minority groups.”).

⁴⁰ *See id.* at 21–22 (showing a comparatively high number of voluntary resignations among those who have been with the department for five years or less).

⁴¹ *Id.* at 22, 31.

term. And they must do all of this at a time when applications to police departments have generally declined.

But the roots of the ongoing underrepresentation of women in the profession go much deeper than the current policing crisis. As the next Part explains, there are numerous longstanding challenges to recruiting and retaining women in policing.

II. INCREASING THE NUMBER OF WOMEN OFFICERS

There are several steps that communities⁴² could conceivably take to increase the representation of women in policing. This section proposes four key areas in which police departments may begin to improve recruitment and retention of women officers: (1) better representation in recruitment materials, (2) competitive benefits that include family and childcare support, (3) increased career development resources geared toward women officers, and (4) reimagining of how physical fitness tests are administered.

First, the ongoing lack of women in policing may partially be the result of a common recruitment strategy adopted by many departments. Too often, departments create advertisement and recruitment videos that emphasize masculinity and so-called warrior policing styles rather than guardian styles of policing.⁴³ This emphasis on warrior policing styles in recruitment material may disproportionately appeal to men rather than women. Moreover, recruitment material that disproportionately feature men rather than women may have the same effect of reifying existing recruitment disparities.

Some of the best evidence for this hypothesis comes from a compelling new study by Wendy M. Koslicki, who conducted a quantitative content analysis of recruitment videos from over 200 of the largest police departments in the country.⁴⁴ Koslicki found wide variation in the kinds of themes emphasized by these recruitment videos. Although women were included in around 85% of the videos Koslicki

⁴² I use this term to refer to the thousands of local cities and counties that have established and oversee a local police department or sheriff's department in the United States. According to one estimate, there are around 12,575 such local police departments in the United States. BRIAN A. REAVES, U.S. DEP'T OF JUST., *LOCAL POLICE DEPARTMENTS*, 2007, at 9 (rev. ed. 2011), <http://bjs.gov/content/pub/pdf/lpd07.pdf> [<https://perma.cc/6PDJ-W3TC>].

⁴³ For a summary of the literature on guardian and warrior policing, see generally Seth Stoughton, *Law Enforcement's "Warrior" Problem*, 128 HARV. L. REV. F. 225 (2014).

⁴⁴ Wendy M. Koslicki, *Recruiting Warriors or Guardians? A Content Analysis of Police Recruitment Videos*, *POLICING & SOC'Y* (May 19, 2020), <https://doi.org/10.1080/10439463.2020.1765778> [<https://perma.cc/UZU2-L9SS>].

observed,⁴⁵ around 34% of the videos she analyzed included the display of a military weapon,⁴⁶ 42.7% involved officers drawing their firearms,⁴⁷ and 13.1% involved officers in active pursuit of a suspect.⁴⁸ A little over 43% of the videos had a tone that Koslicki rated as falling between slightly and extremely militaristic.⁴⁹ Only about one-half of the videos featured officers engaging in positive community engagement and positive interactions.⁵⁰

The content of the videos Koslicki observed varied significantly from one agency to the next. As an example, she juxtaposed videos used by three different agencies: the Riverside Police Department, the San Francisco Police Department, and the Lubbock Texas Police Department.⁵¹ The video from San Francisco showed officers positively interacting with city residents and handing a child a sticker.⁵² The video from Riverside showed an officer in an intense encounter that involves the pointing of his firearm at a potentially dangerous suspect.⁵³ And the Lubbock Police Department in Texas included an unusual scene where an unidentified Black man hit a baseball with a baseball bat before

[a]n officer enters from the viewer's left, pointing a long gun at the civilian. The civilian leaps back, and then brings up the bat. The footage is cut short and the recruitment video switches scenes before the viewer is given any information as to why the officer entered the scene with a long gun raised at a single minority civilian that is not involved in any obvious criminal infraction.⁵⁴

Communities seeking to increase their recruitment of women may conceivably take several tangible steps to ensure that their recruitment materials do not unnecessarily serve as a barrier to such efforts. For one thing, departments could ensure that women are well represented in the visual depictions of policing in recruitment materials—perhaps in numbers consistent with the departments long-term vision rather than their present underrepresentation. Additionally,

⁴⁵ *Id.* at 10.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *See id.* at 11.

⁵¹ *Id.* at 12–14.

⁵² *Id.* at 13 fig.1.

⁵³ *Id.*

⁵⁴ *Id.* at 13–14.

communities could ensure that their recruitment materials emphasize the role of officers as guardians and community caretakers rather than warriors who regularly engage in physical violence and other stereotypically masculine behaviors. Not only might that sort of portrayal hold greater appeal to potential women applicants, but it is also objectively more consistent with the lived reality of most frontline police officers.⁵⁵

Prior studies of gendered differences in the motivations of police applicants suggest that these kinds of strategies may make some headway in attracting more women. As early as 1972, one study found that women were more likely than men to want to join a police department to help other people.⁵⁶ Similarly, the study found that women were more motivated than men by the “service function of policing.”⁵⁷ In 1999, the Bureau of Justice Assistance issued a grant to the National Center for Women and Policing (“NCWP”) to develop a guide that would “assist agencies seeking to recruit and retain more women” by identifying key barriers to the recruitment and retention of women officers.⁵⁸ In the early 2000s, the NCWP put forward a report (“NCWP Report”) recommending that recruitment brochures, posters, and other material prominently feature women in uniform performing policing tasks and specifically emphasize the skillsets actually necessary for community policing that may appeal most to women, including communication skills, the ability to work with a wide range of people, and the ability to resolve problems through de-escalation.⁵⁹

Another way that communities may improve recruitment material is by taking a more direct role in the development of them. Too often, as the NCWP Report acknowledged, “[m]any organizations tend to rely on the same recruiting strategies they have used for years

⁵⁵ See, e.g., Sue Rahr & Stephen K. Rice, *From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals*, NEW PERSPS. POLICING BULL., Apr. 2015, at 4, <https://www.ojp.gov/pdffiles1/nij/248654.pdf> [<https://perma.cc/C2X5-3UZS>] (arguing that the military boot camp model of training and recruitment does not reflect the reality of policing and a focus on other skills like critical thinking and decision making would align more with the requirements of the job).

⁵⁶ Anne Li Kringen, *Understanding Barriers That Affect Recruiting and Retaining Female Police Officers* 24 (Dec. 2014) (Ph.D. dissertation, Texas State University), <https://digital.library.txstate.edu/bitstream/handle/10877/5291/KRINGEN-DISSERTATION-2014.pdf> [<https://perma.cc/N3PT-69V5>].

⁵⁷ *Id.*

⁵⁸ NAT’L CTR. FOR WOMEN & POLICING, *RECRUITING AND RETAINING WOMEN: A SELF-ASSESSMENT GUIDE FOR LAW ENFORCEMENT* 11 (2000) [hereinafter NCWP REPORT], <https://www.ncjrs.gov/pdffiles1/bja/185235.pdf> [<https://perma.cc/ZH7N-2JHS>].

⁵⁹ *Id.* at 48.

rather than targeting their recruiting to expand and diversify the pool of qualified applicants.”⁶⁰ For example, communities may simply rely on their departments to develop recruitment materials, resulting in the development of materials that reify and internalize the department’s existing masculine culture. Thus, communities should consider taking a more proactive role in developing the recruitment materials used by their police departments to ensure that they reflect the kind of representative organizational culture and mission that community members hope to achieve.

Second, in order to increase the recruitment and retention of women officers, communities must offer competitive benefits. Prior examinations of police recruitment efforts have found that departments that offer competitive pregnancy and childcare leave policies, childcare options, and flexible scheduling may be particularly attractive to women applicants.⁶¹ For example, the NCWP Report cited the development of a childcare facility at the Portland, Oregon Police Bureau’s headquarters that is available for full-time and part-time employees on a drop-in basis.⁶² Similarly, the Sacramento Sheriff’s Department offers an alternative to full-time service employment for officers who need additional scheduling flexibility to accommodate family or child caretaking needs.⁶³

One potential challenge to implementing this type of reform may be the involvement of labor law policies and the mechanism by which police officers tend to obtain additional employment benefits. The majority of police officers nationwide are part of labor unions that collectively bargain with their employers about wages, benefits, and other terms and conditions of employment.⁶⁴ Thus, changes in employment benefits often flow through the collective bargaining process. Changes in benefits are the result of police unions requesting a particular benefit during collectively bargaining with the city or department leadership. But police unions are overwhelmingly and predictably run by white men,⁶⁵ who may not prioritize the kinds of

⁶⁰ *Id.* at 45.

⁶¹ *See id.* at 112–15.

⁶² *Id.* at 114.

⁶³ *Id.* at 115.

⁶⁴ *See REAVES, supra* note 42, at 13 (finding that roughly two-thirds of officers in the United States work for agencies authorized to collectively bargain).

⁶⁵ *See generally* Eli Hager & Weihua Li, *A Major Obstacle to Police Reform: The Whiteness of Their Union Bosses*, MARSHALL PROJECT (June 10, 2020), <https://www.themarshallproject.org/2020/06/10/a-major-obstacle-to-police-reform-the-whiteness-of-their-union-bosses> [https://perma.cc/622U-2CXA] (finding that of the fifteen largest departments where a majority of officers are people of color, only one union leader is Black).

benefits that most help women officers. In order to potentially address this concern, communities could consider affirmatively offering the kinds of benefits demanded by women applicants, notwithstanding the ordinary collective bargaining process.

Third, police departments must work to develop cultures that give women a fair opportunity for professional success and advancement. As Nancy Leong has argued, communities may be able to better retain women long-term if they manage “the culture of police departments,” take seriously complaints by women about inequitable treatment or sexual harassment, and consistently promote outstanding women officers.⁶⁶ But as Judie G. Wexler and Vicki Quinn observed in a study of 143 candidates for sergeant positions in San Francisco in 1985, women express lower evaluations of their own competency relative to men and greater fears regarding their ability to receive promotions.⁶⁷ This finding is consistent with a broader problem observed by a number of researchers studying the recruitment of women in policing: the so-called problem of tokenism.

Women officers may feel as if they are included in police departments as visible tokens of diversity, resulting in both high visibility and social isolation from the rest of the organization.⁶⁸ As a result, some women officers report difficulty assimilating into departments, as well as intense performance pressure.⁶⁹ For example, Carol A. Archbold and Dorothy Moses Schulz found that more than half of the women officers they interviewed in a large midwestern police agency felt they were treated like a “token female officer.”⁷⁰ Similarly, more than half of the women officers who were interviewed reported feeling like they were treated differently than their male counterparts.⁷¹ A third of women officers found it particularly hard to gain acceptance among their peers in certain units within the department, specifically identifying the Investigations Unit as an unwelcoming environment.⁷² Around 79% of the women officers reported that they had to work harder than male officers to prove themselves within the depart-

⁶⁶ Nancy Leong, *In a Different Force*, 86 GEO. WASH. L. REV. 1552, 1562 (2018).

⁶⁷ Judie Gaffin Wexler & Vicki Quinn, *Considerations in the Training and Development of Women Sergeants*, 13 J. POLICE SCI. & ADMIN. 98, 104 (1985).

⁶⁸ See Carol A. Archbold & Dorothy Moses Schulz, *Making Rank: The Lingering Effects of Tokenism on Female Police Officers' Promotion Aspirations*, 11 POLICE Q. 50, 52 (2008).

⁶⁹ *Id.*

⁷⁰ *Id.* at 57.

⁷¹ *Id.* at 58.

⁷² *Id.*

ment.⁷³ Additionally, half of the women officers reported feeling disrespected or not fully accepted by their male coworkers.⁷⁴

Fairly promoting women within a police department without creating feelings of tokenism may be challenging at times, but a number of agencies have taken creative approaches to make women officers feel more welcomed and supported. For example, in their training materials, the NCWP Report points to the Houston Police Department's Women's Issues Office as an example of a model program designed to particularly cater to women in the agency.⁷⁵ Created in 1994, this office is staffed by a sergeant and serves as a liaison in sexual harassment or gender discrimination cases and internal complaints.⁷⁶ Similarly, the Aurora Police Department hired an independent consultant to create a mentorship program for women officers, focused on supporting career advancement and increasing participation in promotion examinations.⁷⁷

These sort of concerted efforts to support and mentor women after recruitment may help address the ongoing problem with officer retention. As one study found through surveying 343 line-level officers, women officers cited gender discrimination and sexual harassment as two of the most prominent reasons for choosing to leave a police department.⁷⁸ Mentorship programs or offices dedicated to addressing issues of particular relevance to women may help alleviate the feeling of tokenism experienced by so many women officers, while also providing these officers with better access to experienced peers that may enhance career development opportunities for women officers. More broadly, an increase in supportive offerings for women officers may begin to help shift the broader organizational cultures within police departments.

Finally, agencies should seriously consider how they administer physical fitness tests that often discourage women recruits. A 2011 study by Gary Cordner and AnnMarie Cordner surveyed all women officers and police chiefs across a three-county area in Pennsylvania.⁷⁹ It found that, far and away, one of the most common reasons that

⁷³ *Id.* at 61.

⁷⁴ *Id.* at 63.

⁷⁵ NCWP REPORT, *supra* note 58, at 97.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* at 93 (citing Eric D. Poole & Mark R. Pogrebin, *Factors Affecting the Decision to Remain in Policing: A Study of Women Officers*, 16 J. POLICE SCI. & ADMIN. 49 (1988)).

⁷⁹ Gary Cordner & AnnMarie Cordner, *Stuck on a Plateau? Obstacles to Recruitment, Selection, and Retention of Women Police*, 14 POLICE Q. 207 (2011).

both police chiefs and women officers gave for the relatively low number of women in the profession was the physical fitness portions of the civil service examinations.⁸⁰ Over half of all police chiefs and women officers alike said that they “agreed” or “strongly agreed” that “physical fitness tests tend to eliminate women and/or push them down the eligibility list.”⁸¹ In contrast, only a tiny minority of chiefs and women officers cited issues with the written exams, oral interviews, or background checks.⁸² This is consistent with the findings of other studies,⁸³ and lends support to prior recommendations made by at least one legal scholar for the rethinking of physical fitness entrance exams so that agencies do not disproportionately deny women an opportunity to enter the profession.⁸⁴

CONCLUSION

There are no easy solutions to reforming America’s police departments. No one solution, by itself, will likely move the needle considerably. Instead, policymakers will need to take a multifaceted approach to broadly reform the institution of policing across the nation’s approximately 18,000 decentralized, local agencies.

Increasing the number of women would be one of many possible incremental steps in reforming American policing. It won’t happen overnight. It will require ongoing efforts from large numbers of local elected leaders, police chiefs, and sheriffs. But over time, it may gradually help erode the hypermasculine culture so commonly found in police departments. And it would allow police departments to better and more accurately represent their constituents.

⁸⁰ *Id.* at 213.

⁸¹ *Id.* at 213–14.

⁸² *Id.*; see also CITY OF MINNEAPOLIS INTERNAL AUDIT DEP’T, EQUITY IN POLICE RECRUITING DATA ANALYTICS CONSULTATION (PHASE I), at 12 (2019), <https://lims.minneapolismn.gov/Download/File/2421/2019%20MPD%20Equity%20in%20Recruiting%20Data%20Analytics%20Consult%20Report.pdf> [<https://perma.cc/37YK-34GL>] (finding out of 2,483 applicants, women represented 16.7% of applicants, yet represented 20.42% of applicants who did not pass the fitness test and represented only 5.34% of applicants who did not pass the Subject Matter Expert phase).

⁸³ See, e.g., Kimberly A. Lonsway, *Tearing Down the Wall: Problems with Consistency, Validity, and Adverse Impact of Physical Agility Testing in Police Selection*, 6 POLICE Q. 237 (2003) (finding a lack of agreement about the physical skills necessary for policing and that agencies that use certain physical fitness tests see a decrease in their ability recruit women).

⁸⁴ See, e.g., Leong, *supra* note 66, at 1561–62 (arguing for a move away from metrics like the number of push-ups an applicant can complete in two minutes).