

Retributive Attitudes and Perceptions of Police Use of Excessive Force

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ABSTRACT

Public opinions of police use of force vary widely. Previous studies, however, have framed their examinations around the factors that influence support of police use of force in general, as compared to a focus on excessive force. This study utilized linear regression to examine the relationship between perceptions of police use of excessive force and retributive attitudes. The study employed a sample of 5,527 respondents from the American National Election Studies (ANES) 2020 Time Series Survey. Findings indicated that respondents' perceptions of the frequency of police use of excessive force depend on their retributive attitudes. The more retributive one's attitude, the less often they perceived the police to use too much force. Similarly, the more conservative one's political ideology, the less frequently they perceived police used excessive force. Perceptions of police excessive force also vary across demographics.

KEYWORDS

Retributiveness; Death Penalty; Police Use of Force; Police Excessive Force

INTRODUCTION

Police use of force has garnered significant attention in recent years due to high-profile incidents of excessive force. Although research demonstrates that police seldom use force^{1,2} and excessive force is even more rare, such instances spark public attention.³ Literature about public perception and attitudes toward police use of force has grown.^{2,4} Yet, much of this work focuses on support for police use of force in general terms (e.g., lawful use of force).^{5,6} However, as argued by Drakulich et al., instances of police use of excessive force draw public concern, evincing a need to examine perceptions of the frequency with which police use force beyond what is permitted by law.⁷

Retributive theory is a framework through which criminal justice actions can be viewed as responses to human behavior. While much has been written on support for police use of force, less is known about the factors that shape public perceptions of how often police use excessive force. Are there retributive attitudes that influence perspectives of police excessive force? Do one's political ideologies and demographics impact their perceptions of how frequently police use too much force? Utilizing the 2020 American National Election Studies (ANES) Study, this study explores the relationship between retributive attitudes and perceptions of police excessive force. We begin with an overview of police use of force and retributive theory and follow with a review of factors that influence perceptions of police excessive force.

LITERATURE REVIEW

Within the field of policing, the use of force is the amount of force applied by a police officer to secure compliance through physical force or verbal commands.⁸ As noted by several researchers, the application of physical force by the police is relatively rare.^{1,2} Acceptable uses of force derive from procedural justice, the fairness of the process through which police make decisions and exercise authority.^{9,10} Legal statutes, professional standards, and societal expectations guide appropriate conduct. However, recent high-profile abuses illustrate that some police officers use levels of force that violate these social and legal standards. According to Gerber and Jackson, police use of force becomes excessive when the amount of force surpasses what is necessary to control the situation and address the seriousness of the threat.⁴ Despite its rarity, excessive force is one of the most common forms of police misconduct and, therefore, is intensely regulated.^{5,11}

Retribution

Retributive theory is a theory of punishment that focuses on the concept of just deserts. It is one of the significant philosophical theories that seek to justify punishment as a response to criminal behavior. According to retributive theory, individuals who commit crimes deserve to be punished proportionally to the harm they have caused, regardless of the potential consequences of the punishment or its future deterrent effect.^{12,13} Retributive theory is composed of several tenets, including deserved

punishment, just deserts, and moral equality. Retributivists argue that punishment is morally justified because it is what wrongdoers deserve as a consequence of their actions. The punishment should be proportional to the severity of the crime committed. In other words, the punishment should fit the crime. Just deserts refers to the idea that individuals are morally responsible for their actions and should be held accountable. Punishment is viewed and treated as mechanism through which to restore moral balance and uphold the principles of justice. The retributive theory also argues for moral equality in punishment, which implies that those who commit the same crime should receive the same punishment. This concept aims to treat individuals as equals before the law and avoid arbitrary or discriminatory practices.

Critics of retributive theory point out that it can lead to harsh and inflexible punishment without considering the potential for rehabilitation or addressing the root causes of criminal behavior. It is also challenging to determine a universally agreed-upon level of proportionality for each crime, leading to discrepancies in sentencing.¹² In modern legal systems, retributive theory often coexists with other theories of punishment, such as deterrence, rehabilitation, and restorative justice. The balance between these theories varies depending on the jurisdiction and the prevailing societal values.¹³

Retributiveness and Excessive Force

Support for the death penalty is frequently used in research to measure retributiveness or punitiveness.^{6,15,16,17} As such, it is also used to indicate social and criminal justice perspectives.^{18,19} Exum approached the relationship between police use of force and the death penalty from a legal viewpoint. When police use excessive force, rights protected under the Fourth Amendment are violated. Exum argued that by viewing police use of lethal force as a form of punishment and “the administration of the death penalty on the streets” (p.988), then the Fourth Amendment is invoked. According to the Fourth Amendment, people are protected from unreasonable search and seizure. Thus, the Fourth Amendment is a lens through which to scrutinize the (un)reasonableness of lethal force by police.²⁰

However, as explained by Mourtgos and Adams, “evaluations of police use-of-force are often examined from the viewpoint of a prevailing community standard, not that of a purely legal viewpoint (p.872).”⁵ Therefore, what the public views as excessive may not align with prevailing legal standards. According to Cullen et al., embracing a more retributive or punitive crime ideology, which involves advocating an “eye-for-an-eye” approach to crime control, will likely influence perceptions of police-citizen encounters.²¹ Research has indicated that those who favor the death penalty tend to be more approving of the use of force by law enforcement.^{6,22} Applying the retribution theory, Silver and Pickett argue that this could be the result of embracing perspectives of just deserts.⁶ Silver and Pickett studied the connection between police use of force and support for the death penalty through a politicized policing outlook, concluding that there are predictors between attitudes toward police use of force, excessive force, and the likelihood of supporting the death penalty as a measure of retributiveness.⁶

Public perception of police use of force is premised upon various individual factors. Indicators of public perception of police use of force have been found in race/ethnicity and political affiliation. Studies consistently find that minority racial and ethnic groups are less likely to support police use of force than whites.^{5,6,19} Specifically related to perceptions of excessive force, Black and Latinx Americans perceive that the police use excessive force at significantly higher rates.⁷ They also found that racial prejudice was a significant predictor of support for police use of excessive force across political groups.⁵ Scholars have also accounted for various demographic factors, finding that those with more income and higher education were less likely to perceive excessive force as a common occurrence.⁷

Based on the review of the extant literature, we hypothesize the following:

H₁: Perceptions of the frequency of police use of excessive force will be inversely related to retributive attitudes.

H₂: Liberal political ideologies will correspond with perceptions that excessive force is used more frequently by police.

METHODS AND PROCEDURES

This study utilized secondary data from the American National Election Studies (ANES) 2020 Times Series Study.²³ Data were gathered through various methods, including phone, web, and video surveys and interviews. Pre-election surveys and interviews were administered between August 18, 2020, and November 3, 2020. Post-election data were collected between November 8, 2020, and January 4, 2021. The final ANES 2020 study sample comprised 8,280 pre-election respondents and 7,449 post-election responses.²³ For the purposes of this study, only those who participated in the pre-and post-election ANES surveys were eligible for inclusion (*n*=7,449). Any cases without data for the variables of interest were removed from the sample. The final sample was composed of 5,527 respondents.^A

^A See American National Election Studies (2021) for a complete explanation of ANES methods and sampling.

Variables

The dependent variable was the perceived frequency with which police use excessive force. In the post-election survey, respondents were asked, "How often do you think police officers use more force than is necessary?" A five-item scale was provided with higher values indicating a high frequency of police excessive force. About 54.5% of respondents reported perceiving that the police used too much force half the time or more. The average response was 2.82, illustrating that the average survey respondent believed that more than half the time, the police use more force than necessary.

The study's primary independent variable was retributiveness. Previous scholars have demonstrated that retributive attitudes are related to endorsing the death penalty.^{6,17} Therefore, using the pre-election survey, respondents were asked, "Do you favor or oppose the death penalty for persons convicted of murder?" Responses ranged from Oppose strongly (less retributive), to favor strongly (more retributive) on a four-item scale, with 62.1% reporting that they favored the death penalty to some degree. The average response was 2.85, illustrating that the average survey respondent supported the death penalty at some level.

The second independent was political ideology. In the pre-election survey, respondents were asked where they would place themselves on a seven-point liberal-conservative scale where higher values demonstrate conservative political ideology. Approximately 39.1% reported being conservative to some degree. The study controlled for a variety of respondent demographics, including age, self-reported sex, sexual orientation, race/ethnicity, total family income, education, and political ideology. Using generational categories employed by Pew Research, age was measured in 5 generational categories.²⁴ Generation Z represents respondents born between 1997-2002, ages 18 to 23. Millennial represents respondents born between 1981-1996, ages 24-39; Generation X represents respondents born between 1965-1980, ages 40-55; Baby Boomers represent respondents born between 1946-1964, ages 56-74, and the Silent Generation represents respondents born 1928-1945, ages 75 and higher. As the largest category (29%, n=1,601), Baby Boomers were selected as the reference category.

The ANES survey asked, "What is your sex?" Male and female response categories were provided. Male was coded "0," and Female was coded "1." The majority of the respondents were male (50.6%, n=2,795). Respondents were also asked about their sexual orientation: "Do you consider yourself to be heterosexual or straight, homosexual or gay [or lesbian], or bisexual?" Four response categories were listed: Heterosexual or Straight, Homosexual or Gay (or Lesbian), Bisexual, or Something Else. Due to few responses in some response groups, the categories were condensed into two categories: Heterosexual or Straight (0) and Not Heterosexual (1). The majority of the respondents reported that they were heterosexual/straight (93.1%, n=5,145). Race/ethnicity was measured as White/Non-Hispanic, Black/Non-Hispanic, Hispanic, Asian or Native Hawaiian/other Pacific Islander/Non-Hispanic alone, Native American/Alaska Native or Other race/Non-Hispanic alone, and Multiple Races/Non-Hispanic. Due to low responses in some categories, they were collapsed into four categories: White/Non-Hispanic (70%, n=3,869), Black/Non-Hispanic (9.0%, n=496), Hispanic (11.2%, n=619), or Other (9.8%, n=543). White/Non-Hispanic was the referent category.

Finally, income was a summary variable from the pre- and post-survey, representing total family income as a 22-item scale. A higher rating demonstrates a higher income. In the pre-election survey, respondents were asked about their highest income level on an eight-item scale; higher values represent a higher level of education. About 39.9% reported having a bachelor's degree or higher. See **Table 1** for all descriptive statistics.

RESULTS

Ordinary least squares regression was used to examine the research question, *What is the relationship between perceptions of police use of excessive force and retributive attitudes?* The dependent variable, perceived frequency of police excessive force, was regressed on 13 items in total. The results are presented in **Table 2**. The model was fit to the ANES data using survey weights. The model was significant, $R^2=0.202$, $F(13)=184.747$, $p<.001$. Variance inflation values ranged from 1.01 to 1.49; thus, multicollinearity was not an issue. The independent variable, retributiveness, was significant, demonstrating a significant relationship between respondent perceptions of the frequency of police use of force and retributiveness. As support for the death increases, perceptions of how often the police use excessive force decrease ($b=-0.066$, $SE=0.011$, $p<.001$). This outcome supports our first hypothesis, that perceptions of the frequency of police use of excessive force would be inversely related to retributive attitudes.

Considering the second independent variable, political ideology ($b=-0.187$, $SE=0.008$, $p<.001$) was a significant predictor of the perception of police excessive force. Respondents who were more liberal perceived that police use too much force more frequently. Based on the standardized beta coefficients, political ideology ($\beta=0.320$) has the strongest effect on perceptions of police use of excessive force, over four times stronger than that of retributive attitudes ($\beta=0.078$). This finding supports our

second hypothesis, that liberal political ideologies will correspond with perceptions that excessive force is used more frequently by police.

Variable	Mean	SD	Range	N	%
<i>Belief that the police use too much force</i>	2.82	0.959	1 - 5	5527	
<i>Retributiveness: Support death penalty</i>	2.85	1.134	1 - 4	5527	
<i>Political Ideology</i>	4.13	1.636	1 - 7	5527	
<i>Age by 5 Generations</i>					
Generation Z: 1997 through 2002				488	8.80
Millennial: 1981 through 1996				1596	28.90
Generation X: 1965 through 1980				1505	27.20
Baby Boomers: 1946 through 1964				1601	29.00
Silent: 1928 through 1945				338	6.10
<i>Sex</i>					
Male				2795	50.60
Female				2732	49.40
<i>Sexual Orientation</i>					
Heterosexual				5145	93.10
<i>Non-Heterosexual</i>					
Homosexual, Gay, or Lesbian				158	2.90
Bisexual				166	3.00
Something Else				58	1.00
<i>Race/Ethnicity</i>					
White/non-Hispanic				3869	70.00
Black/non-Hispanic				581	8.80
Hispanic				496	9.00
<i>Other</i>					
Asian, Native Hawaiian, Pacific Islander				225	4.10
Native American, Alaska Native, Other				100	1.80
Multiple Races				218	3.90
<i>Income</i>	13.92	6.23	1 -22	5527	
<i>Education</i>	4.17	2.075	1 - 8	5527	

Table 1. Univariate Statistics N=5,527

The demographic control variables provided a variety of outcomes. In terms of age, two of the four generational categories presented significant relationships. In comparison to the Baby Boomer Generation (age 56-74), respondents in both Generation Z (age 18-23) ($b=0.252, SE=0.043, p<0.001$) and the Millennial Generation ($b=0.194, SE=0.029, p<0.001$) have perceptions that the police use excessive force more frequently than Baby Boomers. However, neither Generation X ($b=0.035, SE=0.029$) nor the Silent Generation ($b=-0.0795, SE=0.048$) respondents' perception of police use of excessive force differed significantly from the Baby Boomer Generation.

When considering sex, female respondents perceive that the police use excessive force more frequently ($b=0.70, SE=0.022, p<0.001$) than males when holding all else constant. Consistent with prior research, female survey respondents have a 16.8% reduction in the odds of favoring the death penalty when holding all else constant. As for sexual orientation, respondents who identify as non-heterosexual perceive that the police use excessive force more frequently than heterosexuals ($b=0.302, SE=0.044, p<0.001$). Black ($b=0.723, SE=0.039, p<0.001$), Hispanic ($b=0.405, SE=0.035, p<0.001$), and Other race ($b=0.353, SE=0.037, p<0.001$) respondents perceived that police use too much force significantly more often than White respondents. Finally, focusing on income and education, as respondents' income ($b=-0.016, SE=0.002, p<0.001$) and education ($b=-0.037, SE=0.006, p<0.001$) increased, their perception of the frequency of police use of excessive force decreased.

Variable	<i>b</i>	SE
Retributiveness	-0.066***	0.011
Political Ideology	-0.187***	0.008
Age: Generation Z	0.252***	0.043
Age: Millennial	0.194***	0.029
Age: Generation X	0.035	0.029
Age: Silent	-0.079	0.048
Sex: Female	0.079***	0.022
Sexual Orientation: Non-Heterosexual	0.302***	0.044
Race: Black, non-Hispanic	0.723***	0.039
Race: Hispanic	0.405***	0.035
Race: Other	0.353***	0.037
Income	-0.016***	0.002
Education	-0.037***	0.006
Constant	3.877***	0.058

Note: **p* < .05. ***p* < .01. ****p* < .001.

Table 2. Linear Regression (N=5527)

DISCUSSION

This study examined the relationship between perceptions of police use of excessive force and retributiveness. Prior studies researching the connection between police use of force focus on an array of factors such as warranted police use of force, legal concerns about the use of force, and general support for police use of force. These studies leave room for questions concerning further connections in the relationship between public perceptions of how often the police use too much force and the retributive nature of such actions.

The 2020 ANES captures public perceptions of issues such as police excessive force and retributive attitudes. This study explored retribution by using support for the death penalty as a predictor of perceptions of how often police use excessive force, resulting in several important findings. First, we found that retributiveness predicts perceptions of the frequency of police use of excessive force. We predicted that those with stronger retributive attitudes would perceive that the police use excessive force less often, and we found that as attitudes became more retributive, perceptions of excessive force decreased.

A second important finding is the relationship between perceptions of excessive force and political ideology. The more liberal one’s political ideology, the more often they believed that the police used too much force. Conversely, as political ideology became more conservative, respondents perceived that the police used excessive force less often. This aligns with prior findings that political attitudes influence views of police use of force.⁶ In fact, a key finding of the study is that political ideology is the greatest predictor of perceptions of the frequency of police use of excessive force.

Findings concerning racial perspectives were not surprising. We found that respondents belonging to non-white race and ethnic groups perceive that the police use excessive force more frequently than white respondents, which supports the work of Drakulich et al., as they suggest, such variations in perceptions may be due to prior experiences with the police or racial resentment.⁷ Other demographics such as sex, sexual orientation, income, and education were all predictors of perceptions of police excessive force, consistent with the findings of prior work.^{5,6,7}

While previous scholars have considered many factors supporting police use of force, this study uniquely assesses how retributive attitudes influence perceptions of how often the police use too much force. Considering this survey was conducted after protests surrounding the police-involved deaths of George Floyd and Breonna Taylor, understanding contemporary perceptions of police excessive force is essential. Utilizing retributive attitudes provides additional insight into public perceptions of excessive force.

Despite this study’s contribution, it does have limitations. First, utilizing a single measure, support for the death penalty, as a proxy for retributive attitudes. The ANES measures limited how retributive attitudes could be assessed. Future studies should consider an expanded measure of retributive attitudes. For example, other researchers have still employed death penalty support

as a proxy for retributive sentiments using multiple survey items, rather than a singular question.¹⁷ As noted by Silver and Pickett, subsequent research on police force should consider the influence of perceptions of other criminal justice attitudes, aside from the death penalty, such as procedural justice, racial bias, confidence in the criminal justice system, and other police-specific practices.⁶

Another limitation of this study is the use of secondary data and relying on data from survey questions not specific to this study. Therefore, some of the indicators are vague. For example, respondents were asked, “How often do you think police officers use more force than necessary?” This question does not specify a scenario, such as during arrests or investigatory stops. Neither does it account for race-based disparities in the use of excessive force.

Future studies exploring police excessive force should include questions with context.^{26,27,28} Distinguishing between the use of force and excessive force and accounting for situational factors may provide more nuanced outcomes. Also, employing qualitative methods to assess perceptions of police force and retributive attitudes would provide richer insight into individual perspectives and how they view the relationship between these concepts.

CONCLUSION

Police use of excessive force is one of the primary issues in current calls for police reform in the US. Assessing public perceptions of excessive police force allows for a more comprehensive understanding of society’s view of police force. For public concern about police use of force and excessive force, research indicates that it is infrequent.^{4,2} However, evidence demonstrates that these perceptions are greatly influenced by race and political ideology.^{4,5,6,7} Disentangling perceptions from reality is critical to improving community-police relationships and developing evidence-based police reform.

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PRESS SUMMARY

The purpose of this study was to examine the relationship between perceptions of police use of excessive force and retributive attitudes along with demographics. Findings indicated that respondents' perceptions of the frequency of police use of excessive force depend on their retributive attitudes. The more retributive one's attitude, the less often they perceived the police to use too much force. Similarly, the more conservative one's political ideology, the less frequently they perceived police used excessive force.