

## Good Cops, Bad Cops, Whatcha Gonna Do?

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### Abstract

The American television show *Cops* debuted on Sunday, March 11, 1989, on Fox and has become one of the longest-running series in television history. The scenes in the show undoubtedly contribute to many people's perceptions of police officers and of the nature of modern police work. This study examines the behavior of police officers in the show *Cops* to see whether the police are protecting or violating people's rights to their persons and property independent of whether the police are enforcing the law.

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### I. Introduction

The American television show *Cops* debuted on Sunday, March 11, 1989, on the Fox network and has become one of the longest-running series in television history, now in its twenty-eighth season on the Spike TV network. *Cops* is filmed in cinema verité style as an unnarrated, unscripted, reality television show in which film crews follow law enforcement officers through their daily duties. Its opening theme song, "Bad Boys" by the reggae band Inner Circle, has achieved iconic pop culture status. Each twenty-two-minute episode features three separate vignettes, each typically an interaction between the police and a person suspected of a crime.<sup>1</sup>

The show is repeated in syndication on numerous other networks, and few Americans have never seen the show. To give some idea of its continuing popularity, consider that the January 28, 2014, episode on Spike TV was ranked fifth out of twenty-six shows

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<sup>1</sup> *Cops*, "About Us," Cops.com.

airing that evening—ranking higher than offerings on both ABC and NBC.<sup>2</sup>

The scenes shown in *Cops* undoubtedly contribute to many people's perceptions of police officers and the nature of modern police work. The portrayals featured on the show are clearly designed to be sympathetic toward the police, and the show's opening voice-over says solemnly that *Cops* is "filmed on location with the men and women of law enforcement."

Doyle (2003) provides an authoritative narrative of how the show works based on thirty episodes. He describes *Cops* as "reality fiction" with heavily edited scenes (fifty to one hundred hours of filming are required to get one hour of usable footage). The police officers are made human by the opening identification tags and scenes of police camaraderie; suspects are always nameless and even blurred out if they have refused to sign the show's waiver. To maintain viewer interest, the incidence of violence on the show is also much higher than in real life (Oliver 1994). Most importantly, Doyle (2003) documents the cozy relationship between the police and the show. For instance, the show has been known to let police departments review tapes and erase any unwanted footage. Police mistakes, such as raids on the wrong homes, are never aired.

In *Wilson v. Layne* (1998), the Supreme Court authorized the practice of allowing news crews to observe and record the execution of warrants. Still, legal scholars have criticized the practice of media ride-alongs. Cronan (1999) argues that ride-alongs may violate the Fourth Amendment protection against unreasonable searches. Markin (2004, p. 60) claims that ride-alongs "transform the press from government watchdog to government lapdog."

Police officers are entrusted to protect and serve the public, but ample evidence shows that the police can also violate that trust and become criminals themselves. Running protection rackets, stealing drugs and money from suspects, falsifying evidence and testimony to secure convictions, using excessive force (including unjustified shootings), and instigating sexual and racial harassment are among the many well-known ways that police officer behavior goes awry. Hardly a day goes by without a new accusation of police misconduct, and the ensuing public debate about police behavior can even spill into the streets as people protest what they perceive as rampant police abuse. For example, tens of thousands of people protested

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<sup>2</sup> The Futon Critic, ratings for January 28, 2014, TheFutonCritic.com.

around the country in December 2014 after a series of questionable deaths at the hands of police (Roberts and Short 2014).

While *Cops* has never shown a police officer committing a crime of the type listed above, the police it does show are not always protecting people's rights. It is possible for a law itself to violate people's rights. The law once required African Americans to sit in the backs of public busses, and while the police who enforced that law were not guilty of any crime, they most certainly did violate the rights of the affected African Americans. Thus, even when a police officer upholds the law, he or she can still violate a person's rights if the law itself is unjust.

Can *Cops* shed light on the frequency of rights violations of this type? Ariel, Farrar, and Sutherland (2015) have found evidence that the use of body cameras by police can reduce both the use of force by police officers and the frequency of citizens' complaints about the use of excessive force. If body cameras can have this effect, surely an entire independent film crew would be even more effective. This assumption is at odds with Oliver's (1994) finding that *Cops* portrays more police violence than occurs real life. It appears that whatever ameliorative effects cameras may have in general are more than made up for by the editor's need to show violence to beef up ratings and viewer interest.

Another issue is that plainclothes detectives typically not shown on *Cops* conduct the bulk of real-life investigations for assaults, burglaries, rapes, murders, and other serious violent and property crimes, so we may miss these important police activities on the show. Simple traffic stops are also rarely part of the show. It is hard to say if the types of crimes seen on the show are representative of real-life police work.

To summarize, there are several potential selection biases that suggest the show is unrepresentative of actual police work. (1) Police may behave differently on camera than off. (2) The officers on the show are selected from the ranks of the most educated and well spoken, and the show producers and police departments are in tacit, if not overt, collusion to show police work in a positive light. (3) The show's editors select for the most violent and most salacious scenes and omit many types of investigations altogether.

The impact on rights violations as seen on the show from all of these selection biases is ambiguous. Well-spoken and polite police officers can violate people's rights just as easily as uneducated, mean cops when the law itself is the problem. Further, police violence need

not indicate that a rights violation has occurred, as violence may be justified to apprehend a criminal such as a robber.

This study examines the behavior of police officers on *Cops* to see whether they are protecting or violating people's rights to their persons and property, independent of whether the police are enforcing the law. The behavior of handpicked police officers being followed by film crews cannot be representative of how policing works in the real world. With that said, *Cops* is highly representative of reality TV portrayals of police work, and these portrayals are important in determining how citizens view police activity. Whether normal, law-abiding citizens who rarely interact with the police see police as well-educated, gentle rights protectors or not is more a function of media images than reality.

## II. Protecting versus Violating Rights

Reasonable people can disagree about whether a law is just or not. But few can argue that all laws are just. History is replete with examples of laws that almost everyone believes, at least in hindsight, to be unjust. Furthermore, such examples can be found even among otherwise civilized, democratic societies with considerable checks and balances built into the system. Jim Crow laws are but one example among many in the United States alone.

For this paper, we employ a classical liberal conception of rights. We suppose that people have the right to life, liberty, and property. Thus, when someone attacks a person's body or property, the victim's rights have been violated. Embedded in this conception is the right of people to peacefully go about their lives engaging in voluntary trade and interactions with others. So long as these interactions are voluntary, without fraud, and peaceful, the classical liberal believes they should be allowed. Leonard Read (1998, p. 7), founder of one of the first modern libertarian organizations in the United States, summarized this perspective as follows:

I mean let anyone do anything he pleases that's peaceful or creative; let there be no organized restraint against anything but fraud, violence, misrepresentation, predation; let anyone deliver mail or educate or preach his religion or whatever, so long as it's peaceful; limit society's agency of organized force—government—to juridical and policing functions, tabulating the do-nots and prescribing the penalties against unpeaceful actions; let the government do this and leave all else to the free, unfettered market!

Legislators do not always agree with this perspective. Many actions, such as using or selling illegal drugs or engaging in prostitution, are deemed illegal by legislators but involve no rights violation in the classical liberal sense. While some people may not like other people doing drugs or selling their bodies or the likely consequences of these actions, these crimes, like many others, are seen as “victimless” to the classical liberal and thus should be legal (Block 2008). Opponents of drug use and prostitution claim these crimes are not actually victimless, as families and other third parties are in fact harmed when people do drugs or solicit prostitutes. The classical liberal response is to note that people do not have a property right to a happy family life, that prohibition is more socially harmful than legalization, and that the activities that could potentially harm a third party are so vast that, taken seriously, there are no limits to the state’s power to regulate our lives.<sup>3</sup>

Debates about whether certain activities are truly victimless will surely go on, and we propose no easy way to resolve these questions here. Instead, our approach with respect to *Cops* is to examine different scenes to see if the police are working in accordance with classical liberal precepts. If there is no violation of a person or a person’s property by another person, we will judge any police interference as rights violating. If there is a violation of someone’s person or property by a another person, then the police are acting justly by interfering with the situation to arrest the perpetrator and/or assist the victim.

In most cases, this approach to evaluating police behavior on *Cops* is easy to implement. If a police officer stops and searches a person and finds drugs, that officer is violating that person’s rights. There is no actual victim in that case. But an officer who stops a suspected shoplifter is protecting the rights of the storeowner. Shoplifting has a victim, and thus the police officer is acting justly by apprehending the shoplifter. There are cases that are more difficult to judge, but the vast majority of interactions on *Cops* are easy to classify in one of these two categories.

### **III. Protecting versus Violating Rights on *Cops***

Our data sample is based on forty-eight episodes of *Cops* featuring 144 separate scenes—52 hours and 48 minutes of show time in all.

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<sup>3</sup> Here we are deliberately sidestepping the distinct but related argument in economics about how to determine the optimal amount of any activity in the presence of negative (or positive) externalities.

The database includes thirty-six episodes (108 scenes) from season 19, which aired from September 9, 2006, through July 28, 2007, and twelve episodes (thirty-six scenes) from season 25, which aired from December 15, 2012, through March 30, 2013.<sup>4</sup> Scenes were shot on location in fourteen states.<sup>5</sup>

Each scene was watched and coded for whether the police officer was protecting (P) or violating (V) a person's rights according to the classical liberal viewpoint. In some cases, the police officer was deemed to be both rights protecting and rights violating (B) or the officer's behavior was uncertain (U). The appendix provides our coding and a summary for each scene scored.

Suspects stopped for minor traffic violations (minor speeding, taillight out, not coming to a complete stop at a stop sign, etc.) were coded as rights violating because such technical violations are unlikely to generate a victim. By stopping the person, the police officer is interfering with that person's liberty to go about their business. In many scenes, it was abundantly clear that the traffic stop was little more than a pretense to search for drugs. Serious speeding or other reckless driving was coded as rights protecting, however, as such actions are likely to harm someone.

It was difficult to decide how to categorize drunk or drugged driving (driving under the influence, or DUI). On the one hand, the mere act of impaired driving involves no victim, and the legal blood alcohol limits are arbitrary, like many other traffic laws. As such, some classical liberals are opposed to DUI laws entirely (Balko 2010; Tucker 2015). On the other hand, seriously impaired driving, even if not apparently reckless, represents a high chance to create a victim, and it is hard to know where to draw the line. While it has been suggested that private road owners might create designated drunk driving lanes, we suspect liability concerns would push private road owners toward even stricter standards than we currently see on most public roads (412Libertarian 2014). In any case, we decided to err on

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<sup>4</sup> Season 25 Special Edition, "Stupid Behavior 5," March 9, 2013, and season 25 Special Edition, "Morons on Parade 6," March 16, 2013, were omitted from the sample, because these "best of" episodes repeated scenes from other episodes during the season.

<sup>5</sup> The fourteen states are California, Florida, Georgia, Idaho, Kansas, Massachusetts, Missouri, Nevada, Ohio, Oregon, Pennsylvania, Tennessee, Virginia, and Washington.

the police's side in these cases, and thus we coded stops for suspicion of DUI as rights protecting.<sup>6</sup>

Parole violations represent another difficult case. If the original crime was a rights-violating crime (like assault) and a suspect violated the terms of parole, we coded the arrest as rights protecting. If the original crime was not rights violating (like dealing drugs), then we coded an arrest for parole violation as rights violating.

There were fourteen cases in which the police interaction represented both a rights protection and a rights violation. For example, the police may stop someone on a pretense traffic stop but then discover an outstanding warrant for domestic assault. In such cases, we coded the scene with a B for both because the initial stop was rights violating while the arrest for the domestic assault is rights protecting.

A representative example of a rights-violating scene comes from season 19, episode 3, filmed in Palm Springs, California. The police officer stopped a man in a parked car in a “drug neighborhood.” The officer searched the car (with consent) and found methamphetamine. There were many scenes of this sort in the sample, but not all of them were so cut-and-dried. In season 19, episode 18, a dwarf was dancing and asking for money on the side of the street. While this behavior can be annoying for passersby, it hardly is a violation of anyone's property rights.<sup>7</sup> The police took him off the street but helped him find a job instead of arresting him. This scene was coded nevertheless as a rights-violating action by the police since it was clear that the man would have been arrested had he not complied. (The same person was arrested in episode 21—again for panhandling.)

One scene coded as both rights violating and rights protecting was from season 25, episode 8. The police joined a high-speed car chase that ended with a crash into an innocent person. They found large amounts of marijuana, money, and guns and were excited that they would get to confiscate the money under asset forfeiture laws. Even though the arrests for drugs and guns, as well as the likely asset seizure, are rights violating, because of the reckless driving and the harming of the innocent bystander, we coded this scene for both.

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<sup>6</sup> As it turns out, there were only two DUI cases in the database, both of which resulted in chases, so this decision had a negligible impact on the final results.

<sup>7</sup> It is possible that a private road or sidewalk owner would ban this behavior. But leaving aside that issue, there is no one likely to be harmed by the activity in the context presented here.

Without a doubt, the most surreal scene appeared in season 25, episode 10, filmed in Sacramento, California. An officer was called to a person's home to investigate the theft of a woman's marijuana plants, which she said she had a permit to grow (medical marijuana is legal in California). She claimed the next-door neighbor had stolen some of her large marijuana plants in planters. The officer chuckled, saying, "I gotta be honest, this is the first time anyone's—I've ever gone out to anyone's house that's called the police for their marijuana plants being stolen." He went to ask the neighbor if he could look in the neighbor's backyard for the plants. The neighbor denied having them, but allowed the search. The officer found the plants in the backyard and returned them to their owner. Because the complainant did not want to press charges, no police report was filed. Since the police helped the woman retrieve her stolen property, we coded this scene as a rights-protecting action.

#### IV. Findings

The appendix presents the raw counts (and percentages) of rights-protecting and rights-violating actions by police officers in our sample of *Cops* episodes. The race and gender of the primary police officer and primary suspect were catalogued as white (W) or nonwhite (NW) and male (M) or female (F).<sup>8</sup> We included race and gender because we wanted to see if they had any relationship to rights violations. Among police officers, 21 were nonwhite and 123 were white; 137 were male and only 7 were female. Among suspects, the racial breakdown was fairly even, with 77 whites and 66 nonwhites in the sample. Only 25 suspects were female; 118 were male. These demographic breakdowns are consistent with Oliver's (1994).

Overall, the breakdown of rights-protecting versus rights-violating actions was about even, with 45.8 percent deemed violating and 47.2 percent deemed protecting.

There was essentially no difference between white and nonwhite police officers when it came to rights-protecting versus rights-violating activities overall. Male officers were likewise about equally distributed in the two classifications. Although the sample size is very small, there was but a single rights-violating action among the seven

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<sup>8</sup> Sometimes there were multiple police or suspects of different races and genders in the scene. If any nonwhite person was present, the scene was coded NW, and if any woman was present, the scene was coded F. The one transsexual suspect was coded as a female. In another case, the "suspect" was an animal and thus was not coded at all for race or gender.

female police officers in the sample; thus, 85.7 percent of the female police officers were rights protecting in their interactions with the public.

In our sample, there was a somewhat smaller chance that a nonwhite suspect would experience a rights-protecting experience (43.9 percent) versus a rights-violating experience (47.0 percent). In contrast, white suspects were slightly more likely to see their rights protected than violated (49.4 percent versus 45.4 percent, respectively). These differences are hardly dramatic, but such disparities could contribute to the gap in perceptions of police behavior among white and nonwhites. Weitzer and Tuch (2004) find that these racial perception gaps are a function of nonwhites having more interactions with police than whites, often in contentious, higher-crime neighborhoods.

Female suspects were considerably more likely to experience a rights-violating interaction with police (60.0 percent of interactions were rights violating, while 36.0 percent were rights protecting). This finding undoubtedly reflects the show's interest in showing salacious prostitution busts, which almost exclusively involve female suspects.

Table 1 also shows pairwise breakdowns by the race and gender of the police and race and gender of the suspect. While white police officers were only slightly more likely to violate the rights of nonwhite suspects (46.4 percent) than those of white suspects (44.9 percent), nonwhite police officers were considerably more likely to violate the rights of nonwhite suspects (60.0 percent) than those of white suspects (37.5 percent). The cop-gender–suspect-gender breakdowns followed the overall pattern, with female suspects more likely to have their rights violated and female police officers less likely to be rights violating.

## V. Conclusions

The selection of police officers, the existence of the camera crew, and the show's need to maintain the police's cooperation all conspire to paint the police in a favorable light. Indeed, the level of professionalism, patience, and good humor exhibited by the police officers in the show is impressive given the stresses and risks associated with the job. We never identified an instance in *Cops* where a police officer violated the law.

Nevertheless, about half of the police-citizen interactions depicted on the show involve a rights violation by the police, at least in the eyes of the classical liberal. Many scenes depict drug use or

prostitution, which classical liberals consider victimless crimes. Thus, from the classical liberal perspective, when police enforce the laws against drugs and prostitution, they are violating people's rights.

Is the representation of police work on *Cops* accurate? Certainly not. Various selection biases, discussed in this paper's introduction, cause us to seriously question whether the show reflects reality. The official FBI data on arrests are not very helpful in addressing this issue. In 2012, the FBI reports that there were 2,306,400 arrests related to weapons, prostitution/vice, gambling, drug use, liquor, vagrancy, suspicion, and curfew/loitering. These arrests are almost certainly rights violating from the classical liberal point of view. Several other arrest categories (other sex crimes, drunkenness, disorderly conduct) also could include rights-violating actions by police, and who knows how many of the 3,448,900 uncategorized arrests were rights-violating as well? Still, even the most expansive reading of the official FBI data would suggest that rights-violating arrests constitute less than half of the over twelve million total arrests (Puzzanchera and Kang 2014). On the other hand, rights-violating police activities might not end up in an arrest, so the total could be much higher. It is hard to tell from the official data.

Given these limitations, this study is more about the media's portrayal of policing rather than the reality of policing. As far as the show is concerned, we find that police officers on the episodes of *Cops* in our sample were actually protecting property rights and serving people in only slightly more than half of the scenes. And in nearly half of the scenes, the police were violating people's rights to go about their lives peacefully by enforcing laws that are unjust by classical liberal standards.

**Appendix: Rights Violation and Rights Protection in Cops**

	Total	V	P	U	B	V%	P%	U%	B%
All	144	66	68	3	7	45.8	47.2	2.1	4.9
Cop W	123	57	59	0	7	46.3	48.0	0.0	5.7
Cop NW	21	9	9	3	0	42.9	42.9	14.3	0.0
Suspect W	77	35	38	2	2	45.4	49.4	2.6	2.6
Suspect NW	66	31	29	1	5	47.0	43.9	1.5	7.6
Cop M	137	65	62	3	7	47.4	45.3	2.2	5.1
Cop F	7	1	6	0	0	14.3	85.7	0.0	0.0
Suspect M	117	51	57	3	6	43.6	48.7	2.6	5.1
Suspect F	25	15	9	0	1	60.0	36.0	0.0	4.0
Cop W Suspect W	69	31	34	2	2	44.9	49.3	2.9	2.9
Cop W Suspect NW	56	26	25	1	4	46.4	44.6	1.8	7.1
Cop NW Suspect W	8	3	5	0	0	37.5	62.5	0.0	0.0
Cop NW Suspect NW	10	6	4	0	0	60.0	40.0	0.0	0.0
Cop M Suspect M	112	50	53	3	6	44.6	47.3	2.7	5.4
Cop M Suspect F	24	15	8	0	1	62.5	33.3	0.0	4.2
Cop F Suspect M	6	1	5	0	0	16.7	83.3	0.0	0.0
Cop F Suspect F	1	0	1	0	0	0.00	100.0	0.0	0.0

**Key**

V = rights violating

P = rights protecting

U = uncertain

B = both rights violating and rights protecting

W = white

NW = nonwhite

M = male

F = female

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