

BEN GRUNWALD & JOHN RAPPAPORT

The Wandering Officer

ABSTRACT. “Wandering officers” are law-enforcement officers fired by one department, sometimes for serious misconduct, who then find work at another agency. Policing experts hold disparate views about the extent and character of the wandering-officer phenomenon. Some insist that wandering officers are everywhere – possibly increasingly so – and that they’re dangerous. Others, however, maintain that critics cherry-pick rare and egregious anecdotes that distort broader realities. In the absence of systematic data, we simply do not know how common wandering officers are or how much of a threat they pose, nor can we know whether and how to address the issue through policy reform.

In this Article, we conduct the first systematic investigation of wandering officers and possibly the largest quantitative study of police misconduct of any kind. We introduce a novel data set of all 98,000 full-time law-enforcement officers employed by almost 500 different agencies in the State of Florida over a thirty-year period. We report three principal findings. First, in any given year during our study, an average of just under 1,100 officers who were previously fired – three percent of all officers in the State – worked for Florida agencies. Second, officers who were fired from their last job seem to face difficulty finding work. When they do, it takes them a long time, and they tend to move to smaller agencies with fewer resources in areas with slightly larger communities of color. Interestingly, though, this pattern does not hold for officers who were fired earlier in their careers. Third, wandering officers are more likely than both officers hired as rookies and those hired as veterans who have never been fired to be fired from their next job or to receive a complaint for a “moral character violation.” Although we cannot determine the precise reasons for the firings, these results suggest that wandering officers may pose serious risks, particularly given how difficult it is to fire a police officer. We consider several plausible explanations for why departments nonetheless hire wandering officers and suggest potential policy responses to each.



AUTHORS. Ben Grunwald is Assistant Professor, Duke University School of Law. John Rappaport is Assistant Professor and Ludwig and Hilde Wolf Research Scholar, University of Chicago Law School. The authors thank Guangya Liu at Duke and Morgen Miller, Rafeh Qureshi, and Bartosz Woda in the Coase-Sandor Institute at the University of Chicago Law School for help constructing the data set; Dhammika Dharmapala and Richard McAdams for generously sharing data; Matt Adler, Will Baude, Panka Bencsik, Sam Buell, Mitch Downey, John de Figueredo, Michael Frakes, Barry Friedman, Brandon Garrett, Roger Goldman, Hiba Hafiz, Emma Kaufman, Kate Levine, Darrell Miller, Richard Myers, Michael Pollack, Kyle Rozema, Seth Stoughton, and Samuel Walker for feedback and suggestions; Dylan Demello, Carly Gibbs, Morgan Gehrls, Viraj Paul, and Catherine Prater for research assistance; and Terry Baker at the Florida Department of Law Enforcement for assistance interpreting the data. The paper also benefited from presentations at Duke University School of Law, Gonzaga University School of Law, the American Society of Criminology Annual Conference, the Law and Society Association Conference, the Criminal Law Roundtable at UNC School of Law, the Junior Faculty Forum at Richmond School of Law, the Stockholm Criminology Symposium, the ETH Zurich Conference on Data Science and Law, the European University Institute for the Rule of Law, and the Law of the Police Conference. John Rappaport acknowledges The Darelyn A. & Richard C. Reed Memorial Fund for financial support.



ARTICLE CONTENTS

| | |
|--|------|
| INTRODUCTION | 1680 |
| I. THE LAW-ENFORCEMENT LABOR MARKET | 1691 |
| A. Hiring | 1691 |
| B. Discipline | 1693 |
| II. LITERATURE REVIEW | 1698 |
| A. Correlates of Police Misconduct | 1698 |
| B. Labor Economics | 1702 |
| III. DATA | 1704 |
| A. Automated Training Management System (ATMS) | 1704 |
| B. Supplemental Data Sources | 1709 |
| C. Limitations | 1710 |
| IV. DESCRIBING THE WANDERING OFFICER | 1711 |
| A. The Law-Enforcement Labor Market in Florida | 1712 |
| 1. Hirings | 1712 |
| 2. Separations | 1713 |
| B. The Wandering Officer | 1716 |
| 1. How Common Are Wandering Officers? | 1716 |
| 2. How Easily Do Wandering Officers Find New Work? | 1718 |
| a. Reemployment Rates | 1719 |
| b. Time to Reemployment | 1722 |
| c. Distance Traveled for Reemployment | 1724 |
| d. Number of Subsequent Jobs | 1724 |
| 3. Where Do Wandering Officers Go? | 1727 |
| a. Agency Size | 1727 |
| b. Agency Resources | 1728 |
| c. Racial Composition | 1729 |
| d. Unemployment | 1731 |
| e. Crime | 1733 |



| | |
|---|-------------|
| 4. Do Wandering Officers Engage in More Misconduct? | 1734 |
| a. Firing | 1734 |
| b. Complaints | 1741 |
| c. Explanations | 1747 |
| V. PREDICTING WHICH WANDERING OFFICERS GET FIRED AGAIN | 1754 |
| VI. MECHANISMS AND REFORMS | 1758 |
| A. Poor Information | 1758 |
| B. Unawareness of Risk | 1761 |
| C. Inadequate Alternatives | 1762 |
| D. Countervailing Benefits | 1764 |
| E. Cost Externalization | 1767 |
| CONCLUSION | 1771 |
| APPENDIX | 1772 |

INTRODUCTION

With all that has been said and written about the tragic death of twelve-year-old Tamir Rice in Cleveland, one fact attracts less attention than it should: the officer who fired the fatal shot had been “allowed . . . to resign” from his previous job in Independence, Ohio, after suffering a “dangerous loss of composure” during firearms training.¹ According to his supervisors, Tim Loehmann “would not be able to substantially cope, or make good decisions” in stressful scenarios.² A year or so later, however, the Cleveland Police Department failed to review Loehmann’s personnel file before giving him a gun.³ Another Ohio department later hired Loehmann *after* he killed Rice and was fired by Cleveland.⁴

This story is not unique. Consider what happened in tiny Tulia, Texas. In a massive early-morning raid on July 23, 1999, police arrested a full fifth of Tulia’s black adults.⁵ After parading them across the courthouse lawn in their nightclothes, Tulia authorities charged the arrestees—roughly forty out of fifty of whom were black—with felony drug offenses. The evidence in each case consisted of the testimony of a single undercover narcotics officer, Tom Coleman. Coleman claimed he had purchased drugs, mostly powder cocaine, from each of the defendants—over one hundred buys in total. Most were convicted, their sentences ranging from 20 to 361 years. The State crowned Coleman “Lawman of the Year.”

-
1. Shaila Dewan & Richard A. Oppel Jr., *In Tamir Rice Case, Many Errors by Cleveland Police, Then a Fatal One*, N.Y. TIMES (Jan. 22, 2015) (internal quotation marks omitted), <https://www.nytimes.com/2015/01/23/us/in-tamir-rice-shooting-in-cleveland-many-errors-by-police-then-a-fatal-one.html> [<https://perma.cc/QY2N-Y3ML>].
 2. *Id.*
 3. *Id.*
 4. Matthew Haag, *Cleveland Officer Who Killed Tamir Rice Is Hired by an Ohio Police Department*, N.Y. TIMES (Oct. 8, 2018), <https://www.nytimes.com/2018/10/08/us/timothy-loehmann-tamir-rice-shooting.html> [<https://perma.cc/V379-SDT2>]. Loehmann ended up withdrawing his application, however, before commencing work. Amir Vera, *Officer Who Shot Tamir Rice Withdraws Application to Small Police Department in Ohio*, CNN (Oct. 13, 2018), <https://www.cnn.com/2018/10/13/us/tamir-rice-officer-application/index.html> [<https://perma.cc/TST3-BHKS>]. He continues to contest Cleveland’s decision to terminate him. Jane Morice, *Appeal Filed on Behalf of Cleveland Police Union to Overturn Firing of Timothy Loehmann, Ex-Cleveland Cop Who Fatally Shot Tamir Rice*, CLEVELAND (Mar. 3, 2019), <https://www.cleveland.com/crime/2019/03/appeal-filed-on-behalf-of-cleveland-police-union-to-overturn-firing-of-timothy-loehmann-ex-cleveland-cop-who-fatally-shot-tamir-rice.html> [<https://perma.cc/U9FC-8KKW>].
 5. The following facts are drawn from NATE BLAKESLEE, *TULIA: RACE, COCAINE, AND CORRUPTION IN A SMALL TEXAS TOWN* (2005); and Vanita Gupta, *Critical Race Lawyering in Tulia, Texas*, 73 *FORDHAM L. REV.* 2055 (2005).

Under pressure from the media and postconviction litigation, Coleman's cases later began to crumble. Coleman, it turns out, had never recorded his buys, nor were there any witnesses; most of the time, there was no corroboration of any sort. No drugs, money, or weapons had been seized during the raid. Coleman's written reports were vague. He misidentified suspects, some of whom had rock-solid alibis. And marijuana and crack, not powder cocaine, were the prevalent vices in Tulia's impoverished black community. By 2003, Coleman's credibility was shredded. He was indicted for perjury. Seeing the writing on the wall, the prosecutors eventually joined the trial judge in recommending that the convictions be vacated. In August 2003, the governor pardoned the Tulia defendants.

Much of what brought Coleman down stemmed from what the *New York Times* called his "wretched work history."⁶ His first job was at a jail in the City of Pecos,⁷ where he was "lazy and inattentive at work and in constant danger of being fired."⁸ He "abruptly quit" and left the state, only to return and find work as a deputy at the nearby Pecos County Sheriff's Office.⁹ After five years there, Coleman again "abruptly left town . . . owing thousands of dollars in delinquent bills."¹⁰ After a "brief stint as a jailer" in Denton County, Coleman became a sheriff's deputy in Cochran County.¹¹ He lasted about two years there, skipping town after the county attorney witnessed him stealing gas from the county pumps.¹² He owed thousands of dollars to local businesses.¹³ The Cochran County Sheriff sent an angry letter about Coleman to the State. "Coleman should not be in law enforcement," the sheriff wrote, "if he is going to do people the way he did this town."¹⁴

At this point, Coleman managed to join the regional task force that sent him to Tulia. The task force hired Coleman despite a background check revealing that he "was a discipline problem, that he was 'too gung ho,' that he had been accused of kidnapping his son in a custody battle, . . . and . . . that he had . . . 'possible

6. Bob Herbert, *Kafka in Tulia*, N.Y. TIMES (July 29, 2002), <https://www.nytimes.com/2002/07/29/opinion/kafka-in-tulia.html> [<https://perma.cc/DDD2-R24X>].

7. Nate Blakeslee, *The Color of Justice*, TEX. OBSERVER (June 23, 2000), <https://www.texasobserver.org/611-the-color-of-justice> [<https://perma.cc/65FX-LNVB>].

8. BLAKESLEE, *supra* note 5, at 97.

9. *Id.*

10. Blakeslee, *supra* note 7.

11. *Id.*

12. *Id.*; see BLAKESLEE, *supra* note 5, at 85.

13. BLAKESLEE, *supra* note 5, at 86.

14. Blakeslee, *supra* note 7.

mental problems.”¹⁵ During Coleman’s tenure with the task force, Cochran County indicted him for stealing the gas and notified Swisher County, where Tulia sits.¹⁶ The Swisher County Sheriff’s Office arrested Coleman—*during* the undercover operation—but he never faced trial and the charges were dropped.¹⁷ Even after leaving Tulia, Coleman continued to bounce around. In the eighteen months after departing, Coleman worked for three different task forces. He was fired from the third, in Waxahachie, for sleeping with a sex worker who was an informant for his then-employer.¹⁸

Coleman is the archetypal “wandering officer,” or what those in policing circles have called a “gypsy cop.” These are police officers who are fired or who resign under threat of termination and later find work in law enforcement elsewhere.¹⁹ And although Coleman and Loehmann are prime examples, there are scores of others. Indeed, as the following examples show, wandering officers appear all over.

- While William Melendez was working for the Detroit Police Department in 1997, local prosecutors alleged that he had leveled false accusations of drug possession. The federal government later indicted him for planting evidence, filing bogus reports, and perjury (he was acquitted). Melendez was forced out of the department in 2007 after his license lapsed. Two other Michigan municipalities—Highland Park and then Inkster—put Melendez back on the street. In 2015, while in Inkster, Melendez brutally beat a motorist about the head, leading to a \$1.4 million civil settlement and two criminal convictions.²⁰
- While working for the St. Louis Police Department in 2006, Eddie Boyd III pistol-whipped a twelve-year-old girl; a year later, he struck another child in the face with his gun or handcuffs before falsifying a report.

15. BLAKESLEE, *supra* note 5, at 329 (quoting Pecos County Chief Deputy Sheriff Cliff Harris).

16. *Id.* at 86-87; Gupta, *supra* note 5, at 2061.

17. BLAKESLEE, *supra* note 5, at 87.

18. *Id.* at 233.

19. See, e.g., TOM BARKER, POLICE ETHICS: CRISIS IN LAW ENFORCEMENT 56 (3d ed. 2011); Gordon Dill, *South Carolina Police Shortage Means Employment for “Gypsy” Officers*, 7NEWS (Feb. 11, 2016, 11:00 PM), <https://www.wspa.com/news/south-carolina-police-shortage-means-employment-for-gypsy-officers/1018404454> [<https://perma.cc/KT8S-VP72>] (“A gypsy cop! That’s been termed an officer that will jump from agency to agency. They have maybe 10 agencies under their belt within a 5 year period.” (quoting Florence McCants, South Carolina Criminal Justice Academy)).

20. Jim Schaefer & Gina Kaufman, *How Problem Cops Stay on Michigan’s Streets*, DET. FREE PRESS (Sept. 13, 2018), <https://www.freep.com/story/news/local/michigan/2017/07/09/how-problem-cops-stay-street/414813001> [<https://perma.cc/6CRU-6HUB>].

Shortly after he resigned his position with St. Louis, Boyd was hired in St. Ann, Missouri, and later, again, in Ferguson.²¹

- Nicholas Hogan, an officer with the Tukwila Police Department in Washington, pepper-sprayed a suspect who was restrained on a gurney in a hospital in 2011. Hogan was federally indicted for the act and Tukwila fired him. In 2012, the police department in nearby Snoqualmie hired him only to fire him later for having an affair with the wife of a fellow officer. He was also subsequently incarcerated for the pepper-spray incident.²²
- New Orleans Police Department officer Carey Dykes was “sued for alleged brutality, accused of having sex with a prostitute while on duty and caught sleeping in his patrol car instead of responding to a shooting.”²³ An internal affairs investigation found seventeen violations of department rules. New Orleans fired Dykes in 2001. Later the same year, Dykes found police work at the Delgado Community College in New Orleans and then the Orleans Parish Sheriff’s Office.²⁴

Additional examples abound, each as shocking as the last.²⁵ Yet the scope and nature of the wandering-officer phenomenon are difficult to pin down. Some

21. Timothy Williams, *Cast-Out Police Officers Are Often Hired in Other Cities*, N.Y. TIMES (Sept. 10, 2016), <https://www.nytimes.com/2016/09/11/us/whereabouts-of-cast-out-police-officers-other-cities-often-hire-them.html> [https://perma.cc/3DP8-WP6M].

22. Mike Carter, *Jail Time for Ex-Tukwila Cop Who Pepper-Sprayed Handcuffed Man in Hospital*, SEATTLE TIMES (Mar. 21, 2017), <https://www.seattletimes.com/seattle-news/crime/ex-tukwila-cop-sentenced-to-9-months-for-pepper-spraying-handcuffed-man-in-hospital> [https://perma.cc/G6WV-Zz6R].

23. Kimbriell Kelly et al., *Forced Out over Sex, Drugs and Other Infractions, Fired Officers Find Work in Other Departments*, WASH. POST (Dec. 28, 2017), https://www.washingtonpost.com/investigations/forced-out-over-sex-drugs-or-child-abuse-fired-officers-find-work-in-other-departments/2017/12/22/e0512774-d3a7-11e7-95bf-df7c19270879_story.html [https://perma.cc/MCX4-8EXK].

24. *Id.*

25. See, e.g., Anthony Cormier & Matthew Doig, *Embattled Officers Land on Their Feet*, HERALD-TRIB. (Sarasota, Fla.) (Dec. 8, 2011), <https://www.heraldtribune.com/news/20111208/special-report-embattled-officers-land-on-their-feet> [https://perma.cc/KF6X-CTTG]; Anthony L. Fisher, *Why It’s So Hard to Stop Bad Cops from Getting New Police Jobs*, REASON (Sept. 30, 2016), <https://reason.com/archives/2016/09/30/why-its-so-hard-to-stop-bad-cops-from-ge> [https://perma.cc/MW5C-HFH6]; Jose Gaspar, *McFarland’s Hiring of Four Police Officers Raises Questions*, CALIFORNIAN (Nov. 18, 2011), http://www.bakersfield.com/news/jose-gaspar-mcfarland-s-hiring-of-four-police-officers-raises/article_9dfdf646-d669-5618-a3c7-85ff0eedb4e.html [https://perma.cc/6CFQ-NDCE]; Gary A. Harki, *Still in Uniform: Problem Police Rarely Lose Certification in West Virginia*, SUNDAY GAZETTE-MAIL (Charleston, W. Va.), Dec. 27, 2009, at A1; David Kroman, *“Disqualifying Conduct” Rarely an Obstacle for Fired Police to Get Rehired*, CROSSCUT (Apr. 5, 2016), <https://crosscut.com/2016/04/fired-officers>

experts, from their own experience, or from anecdotes like these, insist that wandering officers are legion²⁶—and possibly increasingly so.²⁷ Others deny that wandering officers exist²⁸ or discern an exaggerated narrative cobbled together

-
- can-become-hired-officers [<https://perma.cc/W5D2-MVK7>]; Matt Lait, *Convicted Cop Hired as Police Chief*, L.A. TIMES (Feb. 2, 2008), <http://articles.latimes.com/2008/feb/02/local/me-maywood2> [<https://perma.cc/KQA8-ZTGV>]; Nomaan Merchant et al., *Broken System Lets Problem Officers Jump from Job to Job*, CHI. TRIB. (Nov. 3, 2015), <https://www.chicagotribune.com/news/nationworld/ct-police-officer-sexual-misconduct-investigation-20151103-story.html> [<https://perma.cc/B2D8-7HD9>]; Christopher N. Osher, *Colorado Laws Allow Rogue Officers to Stay in Law Enforcement*, DENV. POST (July 11, 2015), <https://www.denverpost.com/2015/07/11/colorado-laws-allow-rogue-officers-to-stay-in-law-enforcement> [<https://perma.cc/3NQM-SMEM>]; *Push to Keep “Gypsy Cops” with Questionable Pasts Off the Streets*, CBS NEWS (Sept. 27, 2016, 6:46 AM), <https://www.cbsnews.com/news/gypsy-cops-with-questionable-pasts-hired-by-different-departments-lack-of-oversight-police> [<https://perma.cc/UC8N-UPT6>]; Casey Toner & Jared Rutecki, *The Revolving Door: Troubled Officers Get Frequent Career Chances*, WBEZ (Jan. 8, 2018), <http://interactive.wbez.org/taking-cover/revolving-door> [<https://perma.cc/4QDT-4MX6>]; Steven Yoder, *How to Keep Bad Cops on the Beat*, AM. PROSPECT (July 11, 2013), <http://prospect.org/article/how-keep-bad-cops-beat> [<https://perma.cc/96XR-DQ5T>].
26. See, e.g., BLAKESLEE, *supra* note 5, at 206 (“Everybody’s talking about Tom Coleman—well, there are whole task forces of Tom Colemans out there.” (quoting Barbara Markham, former narcotics task force officer)); Roger Goldman & Steven Puro, *Revocation of Police Officer Certification: A Viable Remedy for Police Misconduct*, 45 ST. LOUIS U. L.J. 541, 545 (2001) (“Even when [unfit officers] are terminated, these officers often go to work for other departments within the state.”); Martha L. Shockey-Eckles, *Police Culture and the Perpetuation of the Officer Shuffle: The Paradox of Life Behind ‘The Blue Wall’*, 35 HUMANITY & SOC’Y 290, 300 (2011) (“In urban areas such as St. Louis, the officer who resigns rather than face licensure revocation typically finds employment in a neighboring municipality with relative ease.”); Richard Abshire, *Sheriff: Cases Show Staffers Not Above Law—Kaufman: He Faults Agencies That Let Officers Become “Gypsy Cops,”* DALLAS MORNING NEWS, Sept. 17, 2007, at 11B (“Sheriff Byrnes said too many law enforcement agencies have quietly dismissed problem officers and not prosecuted them for criminal conduct, enabling so called ‘gypsy cops’ to go from agency to agency, often taking trouble with them.”); Dill, *supra* note 19 (“It happens every day. It’s happened here. It happens everywhere.” (quoting Pacolet, South Carolina Police Chief Raymond Webb)); Candice Norwood, *Can States Tackle Police Misconduct with Certification Systems?*, ATLANTIC (Apr. 9, 2017), <https://www.theatlantic.com/politics/archive/2017/04/police-misconduct-decertification/522246> [<https://perma.cc/F8DF-X9YJ>] (“There are many cases around the country where officers leave their departments because of misconduct and then they are re-hired—sometimes knowingly, sometimes not—by other departments.” (quoting Professor Roger Goldman)).
27. See, e.g., Schaefer & Kaufman, *supra* note 20 (describing former executive director of the Michigan Commission on Law Enforcement Standards as conceding that the wandering-officer phenomenon is “a concern, and could be getting worse because of widespread cuts to police pay and benefits in recent years”).
28. See, e.g., Sarah Childress, *How States Are Moving to Police Bad Cops*, FRONTLINE (Apr. 8, 2016), <https://www.pbs.org/wgbh/frontline/article/how-states-are-moving-to-police-bad-cops> [<https://perma.cc/Q4CH-GBKD>] (“Skeptics of certification . . . argue that no police chief or

from cherry-picked anecdotes that distort broader realities.²⁹ When the rhetoric is swept away, “[i]t is unclear how far-reaching such problems may be.”³⁰ As policing expert Samuel Walker has remarked: “It is believed to be a problem nationwide. The phrase ‘gypsy cops’ has come up. There’s not any solid research on that. We don’t know how common it is.”³¹

The answer matters. If wandering officers are rampant and dangerous, identifying and stopping them should be a police-reform priority—especially because, by their nature, they touch new communities with each move. And “[p]oor communities,” writes Monica Bell, “are more likely to hire ‘gypsy cops’ . . . because their resource constraints make it more difficult for them to discriminate between good and bad officers.”³² The answer also matters because, for many individuals, policing represents—indeed, embodies—“the law.”³³ Law-enforcement officers interact with tens of millions of American residents each year,³⁴ many of whom have little other contact with the state.³⁵ And “[t]he be-

sheriff would hire an officer with a tarnished record”); Heather Goldin, *Bill Seeks Licensing for Massachusetts Police Officers*, SENTINEL & ENTERPRISE (July 11, 2019), <https://www.sentinelandenterprise.com/2016/03/31/bill-seeks-licensing-for-mass-police-officers> [<https://perma.cc/J7Q9-D4SC>]; *id.* (“It’s not possible for an officer [fired for misconduct] to get another job in civil service.” (quoting Ray McGrath, Legislative Director, International Brotherhood of Police Officers)); Yoder, *supra* note 25 (“[California] doesn’t need to cancel certificates . . . because its training program and standards for entering the profession are among the best in the country—rogue officers are kept out of the force from the get-go.”).

29. See, e.g., Fisher, *supra* note 25 (“Police representatives maintain that these anecdotes are cherry picked. [The International Brotherhood of Police Officers’ legislative director] says those who support a national database [of officer decertifications] ‘use these wild examples’ of ‘some-what outlandish’ cases ‘that happened years ago.’”).
30. Williams, *supra* note 21.
31. Harki, *supra* note 25; see Schaefer & Kaufman, *supra* note 20 (citing former executive director of the Michigan Commission on Law Enforcement Standards as saying that the Commission “does not know how many problem cops there are in Michigan, let alone how many jump from job to job”).
32. Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 YALE L.J. 2054, 2137 (2017).
33. Montré D. Carodine, “Street Cred,” 46 U.C. DAVIS L. REV. 1583, 1593 (2013) (internal quotation marks omitted).
34. See Elizabeth Davis et al., *Contacts Between Police and the Public, 2015*, BUREAU JUST. STAT. 1 (Oct. 2018), <https://www.bjs.gov/content/pub/pdf/cpp15.pdf> [<https://perma.cc/8P4A-4XFU>].
35. See TOM R. TYLER & YUEN J. HUO, TRUST IN THE LAW: ENCOURAGING PUBLIC COOPERATION WITH THE POLICE AND COURTS 131 (2002).

havior of individual police officers” in these encounters “communicates information to members of the public that they use to make judgments about the nature of legal authority within their society.”³⁶

If wandering officers are just scapegoats, however, they may distract from other, more pressing problems in policing. After all, just because some wandering officers commit misconduct does not mean that, *ex ante*, they were any more likely to do so than their peers. Plenty of officers who have never been fired end up breaking the rules. In some other labor settings, experts have recognized that past experience does not predict future performance. “Malpractice claims against physicians,” for example, “are simply too stochastic to lend them much credence as an indicator of physician quality or risk.”³⁷

This Article brings much-needed data to the debate. It presents the first large-scale empirical investigation of the wandering-officer phenomenon and possibly the largest quantitative study of police misconduct of any kind.³⁸ We conduct our analysis using a novel data set that begins with employment records of all 98,000 full-time law-enforcement officers employed in the State of Florida, covering nearly five hundred agencies, over a thirty-year period. Crucially, our data permits us to distinguish between officers who separated from their agencies voluntarily and those who separated because they were fired. And for nearly two decades, it also identifies officers who resigned while under investigation. Although we cannot know precisely why all of these officers were pushed out—

-
36. *Id.* at 130. Tyler and Huo’s work “suggest[s] that personal experiences generalize to shape broader views about the law and legal institutions,” *id.* at 135, as well as one’s “status in the democratic community,” Vesla M. Weaver, *The Only Government I Know: How the Criminal Justice System Degrades Democratic Citizenship*, BOS. REV. (June 10, 2014), <http://bostonreview.net/us/vesla-m-weaver-citizenship-custodial-state-incarceration> [<https://perma.cc/3FR3-XFNZ>]; see also Bell, *supra* note 32, at 2067 (explaining how current policing regimes “can operate to effectively banish whole communities from the body politic”); Tom R. Tyler et al., *Street Stops and Police Legitimacy: Teachable Moments in Young Urban Men’s Legal Socialization*, 11 J. EMPIRICAL LEGAL STUD. 751, 757 (2014) (asserting that “personal experiences with the police . . . are [a] key determinant of legal socialization,” which is “the developmental process by which individuals internalize the norms of the law”). Experiences with the police “are translated into common stories about who is an equal member of a rule-governed society and who is subjected to arbitrary surveillance and inquiry.” CHARLES R. EPP ET AL., PULLED OVER: HOW POLICE STOPS DEFINE RACE AND CITIZENSHIP 2 (2014).
37. Michelle M. Mello & Troyen A. Brennan, *Deterrence of Medical Errors: Theory and Evidence for Malpractice Reform*, 80 TEX. L. REV. 1595, 1616 (2002) (citing FRANK A. SLOAN ET AL., INSURING MEDICAL MALPRACTICE 176-78 (1991)).
38. In a previous study, touted as “perhaps the largest study of police misconduct ever conducted in the United States,” Robert Kane and Michael White analyzed the careers of roughly 1,500 New York City officers (plus a 1,500-officer comparison group) across a twenty-year period. See ROBERT J. KANE & MICHAEL D. WHITE, JAMMED UP: BAD COPS, POLICE MISCONDUCT, AND THE NEW YORK CITY POLICE DEPARTMENT 3-5 (2013). As we explain, our study covers more officers, more jurisdictions, and more years than does the Kane and White study.

something that can be difficult to ascertain, even with access to an agency's personnel records—we do have a general indication, such as whether the firing related to performance, training, or misconduct. The employment records also contain demographic information about each officer—such as age, race, sex, and education—enabling us to describe the wandering officer in detail.

We report three principal findings. First, wandering officers—defined as officers who have been fired from a position in law enforcement or corrections before landing a law-enforcement job at another agency—are fairly common in absolute terms. In any given year, roughly 1,100 full-time law-enforcement officers who had been previously fired were working for other Florida agencies. And for reasons we explain, we suspect that this is a low-end estimate, both for Florida and for what it implies about other jurisdictions. At the same time, when viewed in relative terms, the number appears more modest: no more than 3% of officers employed in a given year in Florida during the study period were wanderers.

Second, assuming that many fired officers are seeking new law-enforcement work and are willing to move to another agency, they seem to face difficulty finding employment. Officers who were fired from their immediately preceding job subsequently obtain work in Florida law enforcement at half the rate of officers who separate voluntarily, and the discrepancy is growing over time. Fired officers also take much longer to start another job and typically move to smaller agencies with fewer resources in communities with slightly higher proportions of residents of color. Interestingly, most of these discrepancies disappear for officers who were fired earlier in their career rather than from their immediately preceding job. We hypothesize that agencies view these officers as having redeemed themselves.

Third, wandering officers are far more likely—than both rookies and veterans who have never been fired—to be fired from their next job. They are also more likely to receive complaints at the state licensing board for “moral character violations,”³⁹ including complaints for violent or sexual misconduct and for integrity-related misdeeds. We cannot fully rule out the possibility that these elevated risks are due to the characteristics of the agencies that hire wandering officers or to enhanced monitoring or discipline of these officers. Perhaps some agencies even hire wandering officers on a de facto “probationary” basis, intending simply to terminate them if problems arise. For reasons we discuss, however, we are doubtful that these are the principal explanations for our results.

We also explore whether certain officer or agency characteristics—such as officer age or education or agency hiring and training requirements—predict

39. As we describe in more detail below, “moral character violations” can include committing any felony or certain enumerated misdemeanors (regardless of criminal prosecution) or committing other specified acts such as using excessive force or making false statements in a court proceeding. *See* FLA. ADMIN. CODE ANN. r. 11B-27.0011(4) (2019).

which wandering officers are most likely to fail. The idea is that agencies might manage risk by screening for certain officer characteristics or adopting more stringent hiring or training requirements in the event that, for whatever reason, they choose to hire a wandering officer. Unfortunately, we find little reason for optimism on this front, although agencies may have information about officer or agency characteristics that is more predictive than what we can observe here.

These findings present a puzzle: if wandering officers are so risky, why do agencies hire them? Our data do not permit us to isolate a single causal mechanism, and the reality is that several are probably at play. First, agencies may hire wandering officers because they fail to identify them as such, either due to inadequate background checks or candidates' deliberate concealment of their disciplinary history.⁴⁰ The favored solution seems to be improving the existing national decertification database. This database records decisions by state agencies to "decertify" officers, which prevent them from working elsewhere in the same state. Coverage, however, is spotty. Likewise, in 2015, the President's Task Force on 21st Century Policing recommended expanding the existing database into a comprehensive national register to address the problem of officers who are fired and decertified in one state and then move to another state and land a job in law enforcement there.⁴¹ We discuss the importance, but also the substantial limitations, of the national decertification database as a tool to stop wandering officers, and we suggest potential improvements.

Second, agencies might know they are hiring a wandering officer but be unaware that such officers are, in general, risky hires. Some agencies might, for example, think an officer who has been fired will be *more* conscientious than others, if firing acts as a deterrent sanction. As one official put it, "You think it's a second chance so they'll try hard, which is what they're telling you."⁴² Moreover, most agencies probably hire too few wandering officers to notice that, as our data

40. See, e.g., Goldman & Puro, *supra* note 26, at 549 (describing two officers hired by the West Palm Beach Police Department despite serious, undiscovered problems at their previous police departments); Ian Cohen, *Questionable Hires, Low Morale Plague Palm Beach Police*, PALM BEACH DAILY NEWS (Apr. 3, 2019), <https://www.palmbeachpost.com/news/20190322/exclusive-questionable-hires-low-morale-plague-palm-beach-police> [<https://perma.cc/MK5P-USD6>] (reporting that the Palm Beach Police Department "ignored or missed red flags in the applications of its officers, some of whom had applied [to] and were rejected with cause from multiple agencies before being accepted by Palm Beach").

41. See *Final Report*, PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING 29-30 (2015), https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf [<https://perma.cc/3SPA-DQT3>] (quoting *National Decertification Index—FAQs*, INT'L ASS'N DIRECTORS L. ENFORCEMENT STANDARDS & TRAINING, https://www.iadlest.org/Portals/o/Files/NDI/FAQ/ndi_faq.html [<https://perma.cc/5EAH-QAUQ>]).

42. Cormier & Doig, *supra* note 25 (quoting Lieutenant David Hubbard of the Eustis, Florida Police Department).

suggest, their actual pattern of behavior seems to cut the other way. In light of our new evidence, law-enforcement agencies should be cautious about hiring wandering officers. And agencies that do hire them might invest in enhanced monitoring and support or, alternatively, adopt recidivist penalties designed to deter misconduct in this high-risk population.

Third, agencies may know that wandering officers are risky hires but lack any better alternatives – that is, the wandering officers they hire may be *less* risky than the alternative candidates. Consistent with our finding that wandering officers tend to move to agencies with fewer resources, cash-strapped agencies – and particularly those in undesirable locations – may be unable to offer compensation competitive enough to attract candidates of higher quality than the wandering officers they hire. In that case, and assuming officers must be hired at all, the solution may be to improve the pool of candidates by raising salaries or reducing barriers to entry. Certainly, if law-enforcement agencies were sophisticated, for-profit entities that internalized the costs of bad hiring decisions, this story would be compelling. As we discuss in a moment, however, there are reasons to think that agencies do not internalize these costs.

Ideally, to test this third hypothesis, we would compare each wandering officer who was hired with the “marginal officer” – the officer the agency would have hired had it decided not to hire the wanderer. Unfortunately, we are unable to identify the actual marginal officer with our data. We make progress on this problem by isolating, for each wandering officer, a plausible candidate cohort – a group of officers who were hired around the same time by nearby agencies with similar budgetary resources. We find that wandering officers are still riskier than this narrower comparator group, providing some evidence that this third hypothesis is, at best, a partial explanation.

Fourth, agencies may know that wandering officers are risky but hire them because of the unique benefits they are perceived to bring. Some agencies, for example, may actually seek out “cowboy” veteran officers to work the toughest beats. Given the “band of brothers” ethos that pervades American policing, some law-enforcement leaders, too, may feel a “warm glow” upon hiring officers who have been cast out by other agencies.⁴³ This may explain the seemingly cavalier attitudes police chiefs sometimes express toward hiring officers who have been fired before. “We believe in redemption,” explained one police chief.⁴⁴ “This

43. See, e.g., Barbara E. Armacost, *Organizational Culture and Police Misconduct*, 72 GEO. WASH. L. REV. 453, 454 (2004) (describing how, “[i]n the face of outside criticism, cops tend to circle the wagons, adopting a ‘code of silence,’ protecting each other, and defending each other’s actions”).

44. Schaefer & Kaufman, *supra* note 20 (quoting Police Chief Chester Logan of Highland Park, Michigan).

stuff is supposed to follow you forever?” another wondered. “For the rest of your career? Of course I’m going to give somebody a second chance.”⁴⁵ Relatedly, agencies might hire wandering officers who are riskier than the alternatives if the cost is lower. Given that they typically have little if any discretion over salaries, it is unlikely that police administrators hire wandering officers because they are willing to accept lower salaries than similarly experienced candidates who have never been fired.⁴⁶ But wandering officers may be cheaper than fresh recruits, as most Florida agencies pay police-academy tuition when they onboard rookie hires. Compared to rookies, wandering officers are able to hit the streets more quickly, too.

Finally, agencies may externalize, and thus discount, the costs of hiring wandering officers. Although agencies nearly always indemnify officers against financial liability, the officers themselves enjoy qualified immunity, which, in practice, protects the agencies as well.⁴⁷ Direct municipal liability for negligent hiring, moreover, is rare.⁴⁸ And even when municipalities do end up paying for harms wandering officers have caused, whether agencies internalize those costs depends on the institutional and budgetary niceties of municipal governance.⁴⁹ If cost externalization contributes to the hiring of wandering officers, and we suspect it does, the appropriate response is to improve existing mechanisms of accountability. This is in some sense the central challenge of all civil-rights liability regimes, however; many have tried and failed to accomplish it. Barring successful accountability reforms, and if future research corroborates our findings, states could consider following Connecticut and banning local agencies from hiring wandering officers altogether.

The remainder of the Article proceeds as follows. Part I describes the law-enforcement labor market. Part II reviews the pertinent literature. Part III describes our data in detail. Part IV presents our findings about the wandering of-

45. Cormier & Doig, *supra* note 25 (quoting Police Chief Roberto Fulgueira of Sweetwater, Florida).

46. See *infra* Section VI.D.

47. See, e.g., Devon W. Carbado, *Blue-on-Black Violence: A Provisional Model of Some of the Causes*, 104 GEO. L.J. 1479, 1519-24 (2016).

48. See MICHAEL AVERY ET AL., POLICE MISCONDUCT LAW AND LITIGATION § 4:16 (3d ed. 2016) (describing just how difficult it is for plaintiffs to make out a claim for municipal liability based on bad hiring).

49. In some jurisdictions, for example, payments come from the general treasury and the agency is never held accountable. See Joanna C. Schwartz, *How Governments Pay: Lawsuits, Budgets, and Police Reform*, 63 UCLA L. REV. 1144, 1148 (2016).

ficer. Part V examines whether we can predict which wandering officers are likeliest to fail. Part VI considers potential causal mechanisms for the wandering-officer phenomenon and corresponding reforms.

I. THE LAW-ENFORCEMENT LABOR MARKET

Every year, over fifteen thousand individual law-enforcement agencies, spread across fifty states, hire thousands of officers.⁵⁰ Because of this segmentation, it is challenging to offer a comprehensive description of the law-enforcement labor market or the features of the system that influence whether a local agency hires a wandering officer. In this Part, however, we sketch out general patterns in the labor market across the states and offer details on Florida—the site of the current study—as an illustrative example.

A. Hiring

The vast majority of law-enforcement officers work for county or municipal agencies; a small number work directly for the state.⁵¹ In nearly every state, to become a law-enforcement officer at any level, an applicant must first obtain certification—essentially an occupational license—from a state-level licensing entity.⁵² In most states, this body is called the Peace Officer Standards and Training (POST) Board.⁵³ Certification procedures vary widely from state to state.⁵⁴

In Florida, the certifying entity is the Criminal Justice Standards and Training Commission (CJSTC), which is part of the Florida Department of Law Enforcement (FDLE).⁵⁵ To obtain certification in the state, candidates must clear a

50. BRIAN A. REAVES, U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, LOCAL POLICE DEPARTMENTS, 2013: PERSONNEL, POLICIES, AND PRACTICES 2 tbl.1 (2015).

51. *Id.*

52. See MATTHEW J. HICKMAN, POST AGENCY CERTIFICATION PRACTICES, 2015, at 1 (2016) (reporting that Hawaii does not have a POST board and the District of Columbia's POST board does not certify officers). On July 10, 2018, Hawaii enacted legislation to create a POST board, which was scheduled to finalize its standards and certification process by July 1, 2019. See 2018 Haw. Sess. Laws 741.

53. See Roger Goldman & Steven Puro, *Decertification of Police: An Alternative to Traditional Remedies for Police Misconduct*, 15 HASTINGS CONST. L.Q. 45, 47-48 (1987).

54. See Roger Goldman, *Importance of State Law in Police Reform*, 60 ST. LOUIS U. L.J. 363, 381 (2016); Goldman & Puro, *supra* note 26, at 550-52.

55. FLA. STAT. §§ 943.11, 943.12(3) (2019).

basic abilities test, graduate the police academy, and then pass a written certification examination.⁵⁶ They must also meet certain minimum qualifications regarding age, citizenship, and education.⁵⁷ Once certified, officers must undergo continuing training and education to maintain their certification.⁵⁸

State law generally regulates the process by which agencies hire officers. In Florida, local agencies must conduct a background investigation and gather documentation to prove compliance with the statewide minimum qualifications.⁵⁹ State law specifies that background investigations “should include information setting forth the facts and reasons for any of the applicant’s previous separations from private or public employment or appointment, as the applicant understands them.”⁶⁰ Implementing regulations require that local agencies “verify . . . [p]rior criminal justice employments of the applicant and the facts and reasons for any prior separations of employment”⁶¹ by “[o]btain[ing] previous employment data from prior employers.”⁶² Local agencies are expected to contact CJSTC to confirm prior employment and discipline.⁶³

As part of the background investigation in Florida, the hiring agency must confirm that the candidate has “good moral character.”⁶⁴ Under Florida regulations, moral-character violations can include committing any felony or certain misdemeanors (regardless of criminal prosecution), using excessive force, misusing an official position to secure a privilege or benefit, participating in sexual conduct while on duty, engaging in sexual harassment, making false statements during the job application process, subverting training and testing processes, and making false statements in a court proceeding.⁶⁵ Regulations also provide that CJSTC is available to assist local agencies in examining moral character:

56. *Id.* § 943.13(9)-(10); *id.* § 943.1397 (certification examination); *id.* § 943.14 (police academy); *id.* § 943.17 (basic abilities test).

57. *Id.* § 943.13.

58. *Id.* §§ 943.13(11), 943.135.

59. *Id.* § 943.133(1)-(3); FLA. ADMIN. CODE ANN. r. 11B-27.002(3) (2019) (documentation); *id.* r. 11B-27.0022 (background investigation).

60. FLA. STAT. § 943.133(3).

61. FLA. ADMIN. CODE ANN. r. 11B-27.0022(1)(a).

62. *Id.* r. 11B-27.0022(2)(a).

63. See Employment Background Investigative Report, No. CJSTC-77, <https://www.fdle.state.fl.us/CJSTC/Documents/Rules-Forms/WordDoc/CJSTC-077-3-2013-7-2-13TR.aspx> [<https://perma.cc/LG7-V2XE>], cited in FLA. ADMIN. CODE ANN. r. 11B-27.002(3)(a)(2).

64. See FLA. STAT. § 943.13(7); FLA. ADMIN. CODE ANN. r. 11B-27.0022(1)(d); see also *id.* r. 11B-27.0011(1).

65. FLA. ADMIN. CODE ANN. r. 11B-27.0011(4).

upon request, the CJSTC “shall evaluate the qualification of an applicant to determine compliance with ‘good moral character’ pursuant to this rule section.”⁶⁶ The CJSTC’s assistance focuses on the applicant’s criminal history, especially out-of-state or federal court records.⁶⁷

Within the constraints set forth by state law, local agencies have fairly broad discretion over hiring. Such discretion is not absolute, however, as it is often subject to civil service requirements and sometimes to provisions of a collective-bargaining agreement with a police officers’ union.⁶⁸ To facilitate the hiring process, most agencies designate certain hiring prerequisites, such as a minimum age or education level, and a set of screening exams, such as a physical fitness or driving test or a polygraph examination.⁶⁹ Only candidates who satisfy the prerequisites and pass the exams are eligible to be hired. Local agencies may augment, but not diminish, state-law hiring prerequisites.⁷⁰ The same is true for continuing education and training.⁷¹

B. Discipline

Each local agency also administers its own disciplinary process for officers who commit crimes or violate agency policy. As with hiring, the agency’s authority over discipline may be circumscribed by civil-service laws or provisions of a collective-bargaining agreement. Collective-bargaining agreements frequently provide for arbitration of disciplinary decisions, including termination. Arbitrators commonly order agencies to reinstate terminated officers.⁷²

66. *Id.* r. 11B-27.0011(3).

67. Email from Terry Baker, Training & Research Manager, Fla. Dep’t of Law Enf’t, to John Rappaport (Aug. 7, 2018, 7:41 AM CDT) (on file with John Rappaport).

68. See SAMUEL WALKER & CHARLES M. KATZ, *THE POLICE IN AMERICA* 115-21, 134 (9th ed. 2017).

69. See *id.* at 135-39, 141-42.

70. FLA. STAT. § 943.137 (2019). Florida law, for example, requires officers to be at least nineteen years old, *id.* § 943.13(1), but a local agency is free to raise the minimum age to twenty-one.

71. *Id.* § 943.135.

72. See Mark Iris, *Unbinding Binding Arbitration of Police Discipline: The Public Policy Exception*, 1 VA. J. CRIM. L. 540 (2013); Stephen Rushin, *Police Disciplinary Appeals*, 167 U. PA. L. REV. 545 (2019); Kimbriell Kelly et al., *Fired/Rehired: Police Chiefs Are Often Forced to Put Officers Fired for Misconduct Back on the Streets*, WASH. POST (Aug. 3, 2017), <https://www.washingtonpost.com/graphics/2017/investigations/police-fired-rehired> [https://perma.cc/4EQZ-82AB].

In forty-five states, the government entity responsible for certifying officers also has the power to *decertify* upon certain conditions.⁷³ Officers who have been decertified are prohibited from working in law enforcement anywhere in the state. As with certification, the criteria for decertification vary widely among the states. All states with decertification authority, for example, can decertify for felony convictions, but only 61% can decertify for failure to meet training or qualification requirements, 57% for general misconduct, 39% for termination for cause, and 11% for any misdemeanor conviction.⁷⁴ Like most of its counterparts, the CJSTC in Florida has the authority to decertify Florida officers.⁷⁵ Decertification can happen when an officer has committed a felony or a misdemeanor involving dishonesty (again, regardless of criminal prosecution) or fails to maintain good moral character.⁷⁶ Note that this standard, detailed above, covers only fairly egregious types of misconduct.

The CJSTC learns about potentially disqualifying activity through several channels, but two are particularly important. First, local agencies are required to notify the CJSTC whenever an officer separates from employment, “setting forth in detail the facts and reasons for such separation.”⁷⁷ Second, local agencies must conduct an internal investigation when they have cause to suspect that an officer has committed a disqualifying crime or moral character violation.⁷⁸ If the agency’s suspicion is substantiated, the agency must notify the CJSTC.⁷⁹ Florida is one of the more active states in decertifying officers even though the substantive scope of its decertification authority is not the broadest.⁸⁰

73. See HICKMAN, *supra* note 52, at 1 (reporting that forty-four states allow decertification of officers). After Hickman wrote, in October 2016, the responsible agency in New York promulgated regulations permitting it to decertify officers. See N.Y. COMP. CODES R. & REGS. tit. 9, § 6065.6 (2019). New Jersey does not have an agency that decertifies officers. Certain criminal convictions, however, can trigger “forfeiture of office” by court order, which can, in some cases, entail permanent disqualification from holding any public office. See N.J. STAT. ANN. § 2C:51-2 (West 2019); *State v. Hupka*, 1 A.3d 640, 645-46 (N.J. 2010).

74. HICKMAN, *supra* note 52, at 2. These figures do not cover New York, which adopted decertification regulations after the report was written. See *supra* note 73.

75. FLA. STAT. § 943.12(3).

76. *Id.* § 943.1395(6)-(7); FLA. ADMIN. CODE ANN. r. 11B-27.0011 (2019).

77. FLA. STAT. § 943.139(2); FLA. ADMIN. CODE ANN. r. 11B-27.002(5).

78. FLA. STAT. § 943.1395(5); FLA. ADMIN. CODE ANN. r. 11B-27.003(1).

79. FLA. STAT. § 943.1395(5); FLA. ADMIN. CODE ANN. r. 11B-27.003(2)(b).

80. While Florida is sometimes identified as the second-highest state (after Georgia) by number of decertifications, see HICKMAN, *supra* note 52, at 2, that observation misses a few key points. First, Florida is the third-largest state by population and therefore has more officers than most other states. Second, most officers decertified in Florida are corrections officers, not the law-enforcement officers on whom we focus here. In 2011, for example, Florida decertified 72 law-

Given all of these regulations, how do wandering officers still manage to find work? For starters, local agencies do not always conduct thorough background investigations before hiring.⁸¹ Even when they do, past employers are not always forthcoming and sometimes conceal the real reasons for an officer's separation. Anecdotal evidence suggests that officers who commit misconduct are often allowed to resign, with a guaranteed positive work reference, in exchange for forgoing legal action.⁸² Similarly, local agencies do not always notify their state POST boards about officer misconduct. Even setting aside cases in which local agencies disregard mandatory disclosure obligations,⁸³ reporting to POST is wholly voluntary in most states.⁸⁴ Agencies are reportedly reluctant to disclose negative employment information – either to other local agencies or state POST boards – for fear of being sued for defamation.⁸⁵ Even more important, as men-

enforcement officers at a rate of 1.6 decertifications per 1,000 officers, which made it the nineteenth-most-frequent decertifier per officer in the country. See Loren T. Atherley & Matthew J. Hickman, *Officer Decertification and the National Decertification Index*, 16 POLICE Q. 420, 431-32 tbl.1 (2013). Still, Florida does decertify officers more frequently than other big states such as California, Texas, Pennsylvania, North Carolina, Illinois, and Ohio. For examples of states with apparently broader decertification authority than Florida, see S.D. CODIFIED LAWS § 23-3-35(3) (2019), which permits decertification for officers who “have been discharged from employment for cause” or “have engaged in conduct unbecoming of a law enforcement officer”; and WIS. STAT. ANN. § 165.85(3)(cm) (West 2019), which authorizes the POST board to “[d]ecertify law enforcement . . . officers who terminate employment or are terminated.”

81. See, e.g., Goldman & Puro, *supra* note 26, at 548; Cohen, *supra* note 40; Dewan & Oppel, *supra* note 1; Williams, *supra* note 21.
82. See, e.g., Goldman, *supra* note 54, at 382; Cara E. Rabe-Hemp & Jeremy Braithwaite, *An Exploration of Recidivism and the Officer Shuffle in Police Sexual Violence*, 16 POLICE Q. 127, 140 (2012); Williams, *supra* note 21. In Florida, specifically, see Anthony Cormier & Matthew Doig, *Police Agencies Undermine System*, HERALD-TRIB. (Sarasota, Fla.) (Dec. 12, 2011, 12:04 AM), <http://www.heraldtribune.com/news/20111211/special-report-police-agencies-undermine-system> [<https://perma.cc/7QFA-8QEC>].
83. See Cormier & Doig, *supra* note 82.
84. See HICKMAN, *supra* note 52, at 5.
85. See, e.g., Goldman & Puro, *supra* note 26, at 548; Steven Puro et al., *Police Decertification: Changing Patterns Among the States, 1985-1995*, 20 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 481, 492-94 (1997); see also J. Hoult Verkeke, *Legal Regulation of Employment Reference Practices*, 65 U. CHI. L. REV. 115, 135 (1998) (“Providing such negative information creates a risk of defamation liability while offering few clear benefits to the referring employer. Indeed, the available empirical evidence suggests that former employers are less likely to reveal employee misconduct than any other information about the employee.”). Florida law attempts to ameliorate this and several of the other problems mentioned. See, e.g., FLA. STAT. § 943.133(3) (2019) (requiring background checks); *id.* § 943.134(1)(b)-(2)(a) (requiring prior employers to disclose disciplinary history and reasons for separation); *id.* § 943.134(5) (providing immunity for disclosure of employment information to a subsequent hiring

tioned earlier, many states define the scope of POST-reportable conduct narrowly—twenty states, for example, require a criminal conviction before an officer can be decertified.⁸⁶ In other words, not all “police misconduct” must be reported even in mandatory-reporting states. In addition, local agencies sometimes learn about prior misconduct and hire the officers anyway.⁸⁷

Officer mobility across state lines introduces yet another layer of complexity. A significant problem with state-by-state certification is that an officer decertified in one state can move across state lines and obtain certification, and then employment, in another. In an effort to address this problem, the International Association of Directors of Law Enforcement Standards and Training constructed a national database called the National Decertification Index (NDI).⁸⁸ State POST boards are encouraged to enter their decertification decisions into the database. When a decertified officer attempts to find employment in another state, that state’s POST board—or, in some cases, the local hiring agency—can query the database and review the prior decertification record.

Unfortunately, the NDI is far from watertight. As mentioned, five states plus the District of Columbia—which collectively employ a significant share of all law-enforcement officers nationwide—have no decertification authority.⁸⁹ Among the majority of states that *do* decertify officers, reporting to the NDI is voluntary.⁹⁰ In 2011, only thirty states contributed to the database; by 2015, that number rose to thirty-eight.⁹¹ On the back end, only 375 local agencies have permission to query the NDI directly when hiring. The rest must rely on their state POST boards, only twenty-eight of which say they “always” or “frequently”

agency); *id.* § 943.139(4) (providing immunity for disclosure to CJSTC). It is unclear how effective these provisions are and, in any event, many states have no analogs.

86. Fisher, *supra* note 25; Merchant et al., *supra* note 25.

87. See HICKMAN, *supra* note 52, at 7 (stating that “four POSTs reported that law enforcement agencies in their state have hired individuals as officers who had been decertified in another state”). Consider Tom Coleman as well.

88. See Raymond A. Franklin et al., 2009 *Survey of POST Agencies Regarding Certification Practices*, NAT’L CRIM. JUST. REFERENCE SERV. 3-4 (2009), <https://www.ncjrs.gov/pdffiles1/nij/227927.pdf> [<https://perma.cc/BJT7-R6K6>].

89. See Goldman, *supra* note 54, at 382; sources cited *supra* note 73.

90. Roger L. Goldman, *State Revocation of Law Enforcement Officers’ Licenses and Federal Criminal Prosecution: An Opportunity for Cooperative Federalism*, 22 ST. LOUIS U. PUB. L. REV. 121, 125 (2003); Merchant et al., *supra* note 25.

91. HICKMAN, *supra* note 52, at 6.

query the NDI.⁹² In 2009, Florida reported that it “occasionally” queries the national database.⁹³

The confluence of all these legal and institutional forces is thought to channel wandering officers toward small, understaffed, and resource-strapped agencies.⁹⁴ Budget constraints impede thorough background checks. They also make wandering officers, who may be prepared to settle for modest salaries and more limited opportunities for professional advancement, more appealing—especially where agencies must otherwise foot the bill to put rookie hires through the police academy. And experienced wandering officers who are already trained and certified can hit the streets immediately.

92. *Id.* at 7.

93. Franklin et al., *supra* note 88, at 41.

94. For versions of this narrative, see, for example, Atherley & Hickman, *supra* note 80, at 421 (“[D]ismissal isn’t always the final word on the matter. Officers may be rehired by another jurisdiction, in which case the new jurisdiction inherits another jurisdiction’s problem. This can be a conscious decision by the hiring agency, especially in small jurisdictions where financial resources are limited and lateral officers are simply scarce.” (citation omitted)); Bell, *supra* note 32, at 2137 (“[T]he prevalence of very small departments in close proximity to each other increases the likelihood that an officer fired from one jurisdiction for serious reasons could find work as an officer in another. Poor communities are more likely to hire ‘gypsy cops,’ officers with spotty work histories who have been fired elsewhere, because their resource constraints make it more difficult for them to discriminate between good and bad officers.”); Goldman, *supra* note 54, at 373, 381, which describes the pressures faced by small departments that lead them to hire previously terminated officers; Goldman & Puro, *supra* note 26, at 548 (“Although it might seem unusual for a police department to hire an officer with a past record of misconduct, the second department is usually located in a poor community that cannot afford to pay high salaries to its police.”); Shockey-Eckles, *supra* note 26, at 299 (“These municipalities, although well known for high crime rates and excessive violence, typically offer low pay and few benefits to their officers. Hence, they are the very communities willing to hire gypsy cops when other departments with more resources are unwilling to do so.”); Childress, *supra* note 28, which notes that “some departments still hire [wandering] officers, particularly those that are smaller and strapped for cash”; Cormier & Doig, *supra* note 25 (“Veterans in trouble often find second chances by heading down the career ladder, to smaller police forces in need of experience.”); Dill, *supra* note 19, which describes efforts to remedy a state shortage of police officers “while trying to avoid problem officers who bounce from department to department”; Toner & Rutecki, *supra* note 25, which reports that “poorer communities” in the Chicago suburbs “are also places where officers with troubled histories and records of multiple shootings are often employed”; Williams, *supra* note 21 (“[S]maller departments and those that lack sufficient funding or are understaffed are most likely to hire applicants with problematic pasts if they have completed state-mandated training, which allows departments to avoid the cost of sending them to the police academy.”); and Yoder, *supra* note 25 (“Even if a background check turns up past rogue behavior, a small department may go ahead anyway. Such agencies usually are in poor communities that can’t afford high salaries.”).

II. LITERATURE REVIEW

At least two academic literatures provide helpful background on the wandering-officer phenomenon. First, a number of studies, mostly in criminology, have examined the correlates of police misconduct. Second, a large literature in labor economics describes the dynamics of labor markets, largely for professions and industries other than policing. We summarize each literature in turn.

A. *Correlates of Police Misconduct*

Empirical research directly examining law-enforcement hiring and separation has been fairly limited. Perhaps the most pertinent study concerns the New York City Police Department (NYPD), the nation's largest law-enforcement agency. Criminologists Robert Kane and Michael White examined all involuntary separations in the NYPD between 1975 and 1996. They identified 1,543 officers who were separated for so-called "career-ending misconduct" during that period—roughly 2% of the 78,000 individuals the NYPD had employed.⁹⁵ They then compared these officers with randomly selected members of their respective police academy classes.⁹⁶

Using multivariate analyses, Kane and White identified differences between the study and comparison groups that served as both risk and protective factors for misconduct. In particular, black officers were significantly more likely than white officers to be terminated for misconduct.⁹⁷ Prior criminal history, documented problems in prior jobs, civilian complaints, and assignment to busy patrols also significantly predicted misconduct.⁹⁸ Officers with associate's or bachelor's degrees, in contrast, were less likely to be fired for misconduct, as were officers who were older when hired or who were married.⁹⁹ Kane and White concluded that "police departments should continue to invest heavily in pre-employment screening processes that exclude people who have demonstrated records of criminal involvement and employee disciplinary problems" and embrace

95. KANE & WHITE, *supra* note 38, at 8.

96. *See id.* at 3-5.

97. More precisely, black officers were more likely to be fired for two out of three types of misconduct. Initially, the same was also true for Hispanic and Asian officers, but over time, their separation rates converged with that for white officers. *See id.* at 99.

98. *See id.* at 93-94, 104.

99. *See id.* at 101-02.

“racial/ethnic diversity and post-secondary educational requirements.”¹⁰⁰ Informative as it is, Kane and White’s study was set entirely within a single law-enforcement agency and does not speak to the lateral movement of officers among agencies, our primary interest in this Article.

Kane and White’s findings are largely consonant with the broader literature examining officer-level correlates of police misconduct. Some additional research has also found, for example, that past misconduct predicts future problems.¹⁰¹ Unlike Kane and White’s study, much of the research focuses specifically on officer use of force. Studies find that younger officers tend to use force more often.¹⁰² So do less experienced officers,¹⁰³ although that may be precisely because they are younger.¹⁰⁴ Research on female officers is mixed. Studies have found that female officers use less force than male officers in arrest situations¹⁰⁵ and are less likely to shoot suspects¹⁰⁶ but use similar levels of force in general citizen encounters.¹⁰⁷

100. *Id.* at 105.

101. See, e.g., Samuel Carton et al., *Identifying Police Officers at Risk of Adverse Events*, 2016 PROC. 22ND ACM SIGKDD INT’L CONF. ON KNOWLEDGE DISCOVERY & DATA MINING 67, 72 (“[O]fficers who are routinely found to have been engaged in an adverse event are likely to engage in another such event in the future.”); James P. McElvain & Augustine J. Kposowa, *Police Officer Characteristics and the Likelihood of Using Deadly Force*, 35 CRIM. JUST. & BEHAV. 505, 517 (2008) (“[P]revious history of shootings was a very strong predictor of future shootings.”); Kyle Rozema & Max Schanzenbach, *Good Cop, Bad Cop: Using Civilian Allegations to Predict Police Misconduct*, 11 AM. ECON. J.: ECON. POL’Y 225, 227 (2019) (finding that past civilian allegations predict future misconduct).

102. See, e.g., JOEL H. GARNER & CHRISTOPHER D. MAXWELL, UNDERSTANDING THE PREVALENCE AND SEVERITY OF FORCE USED BY AND AGAINST THE POLICE (2002); Steven G. Brandl et al., *Who Are the Complaint-Prone Officers? An Examination of the Relationship Between Police Officers’ Attributes, Arrest Activity, Assignment, and Citizens’ Complaints About Excessive Force*, 29 J. CRIM. JUST. 521, 521 (2001); Christopher Chapman, *Use of Force in Minority Communities Is Related to Police Education, Age, Experience, and Ethnicity*, 13 POLICE PRAC. & RES. 421, 433 (2012).

103. See, e.g., Eugene A. Paoline, III & William Terrill, *Police Education, Experience, and the Use of Force*, 34 CRIM. JUST. & BEHAV. 179, 193 (2007); William Terrill & Stephen D. Mastrofski, *Situational and Officer-Based Determinants of Police Coercion*, 19 JUST. Q. 215, 242-43 (2002).

104. See Chapman, *supra* note 102, at 433 (finding that, controlling for age, less experienced officers use less force).

105. See GARNER & MAXWELL, *supra* note 102; Amie M. Schuck & Cara Rabe-Hemp, *Women Police: The Use of Force by and Against Female Officers*, 16 WOMEN & CRIM. JUST. 91 (2007).

106. See McElvain & Kposowa, *supra* note 101, at 515.

107. See Eugene A. Paoline, III & William Terrill, *Women Police Officers and the Use of Coercion*, 15 WOMEN & CRIM. JUST. 97, 107-08 (2004) (“[B]oth males and females choose not to invoke their coercive authority rather similarly (i.e., 44% of the female encounters resulted in no coercion versus 42% for males).”).

Education, too, has received sustained attention. Studies have found that officers with more education use less force¹⁰⁸ and are subject to fewer disciplinary allegations and founded complaints.¹⁰⁹ In tension with Kane and White's recommendation, however, agency-level studies have not found that minimum education requirements reduce misconduct or use of force.¹¹⁰ One possible explanation is that educational requirements shrink the pool of eligible candidates, excluding otherwise-promising individuals.¹¹¹

Empirical scholars have also closely examined the relationship between certain hiring requirements and police misconduct. Perhaps the largest body of research examines the capacity of psychological exams to predict officer performance and, in particular, to identify candidates likely to have disciplinary problems. Many studies find that personality profiles predict performance,¹¹²

-
108. See, e.g., McElvain & Kposowa, *supra* note 101, at 518; Jason Rydberg & William Terrill, *The Effect of Higher Education on Police Behavior*, 13 POLICE Q. 92, 110 (2010); Terrill & Mastroski, *supra* note 103, at 242, 244. *But see* Brandl et al., *supra* note 102, at 527 (“None of the analyses conducted here would lead one to believe that officers’ race or level of education played a role in the receipt of excessive use of force complaints.”).
109. See, e.g., Victor E. Kappeler et al., *Police Officer Higher Education, Citizen Complaints and Departmental Rule Violations*, 11 AM. J. POLICE 37, 50 (1992) (“Although officers with college degrees had fewer citizen-initiated complaints and fewer founded complaints for rudeness, they did not have significantly fewer department-generated complaints for violations of agency rules and procedures.”); Kim Michelle Lersch & Linda L. Kunzman, *Misconduct Allegations and Higher Education in a Southern Sheriff’s Department*, 25 AM. J. CRIM. JUST. 161, 166 (2001). *But see* Donald M. Truxillo et al., *College Education and Police Job Performance: A Ten-Year Study*, 27 PUB. PERSONNEL MGMT. 269, 269 (1998) (reporting that police officers’ education levels had “an inconsistent relationship with measures of disciplinary action”).
110. See, e.g., David Eitle et al., *The Effect of Organizational and Environmental Factors on Police Misconduct*, 17 POLICE Q. 103, 118 (2014) (finding that “neither field training nor educational standards had a statistically discernible association with” police misconduct); Dale W. Willits & Jeffrey S. Nowacki, *Police Organisation and Deadly Force: An Examination of Variation Across Large and Small Cities*, 24 POLICING & SOC’Y 63, 72 (2014) (reporting that college requirements and training hours do not have a statistically significant relationship to deadly force incidents).
111. See, e.g., Lisa Kay Decker & Robert G. Huckabee, *Raising the Age and Education Requirements for Police Officers: Will Too Many Women and Minority Candidates Be Excluded?*, 25 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 789, 799 (2002) (“Not surprisingly, raising the educational requirements for sworn police applicants to require a four-year college degree would eliminate a large number of the traditionally successful police applicants.”).
112. See, e.g., Ryan M. Roberts et al., *Predicting Postprobationary Job Performance of Police Officers Using CPI and MMPI-2-RF Test Data Obtained During Preemployment Psychological Screening*, J. PERSONALITY ASSESSMENT 544 (2019) (finding correlations between prehire psychological test results in California and Minnesota and supervisor ratings for police officers); Anthony M. Tarescavage et al., *Criterion Validity and Practical Utility of the Minnesota Multiphasic Personality Inventory-2-Restructured Form (MMPI-2-RF) in Assessments of Police Officer Candidates*,

though a fair number reach the contrary conclusion.¹¹³ Numerous studies have also identified particular psychological profiles that predict whether someone will be a “problem officer.”¹¹⁴ As with educational requirements, however, there is little evidence that psychological exams improve agency-level outcomes such as civilian complaints or deaths.¹¹⁵

The empirical evidence on the effects of training is particularly conflicted. Various studies have found that training is negatively,¹¹⁶ positively,¹¹⁷ or simply not¹¹⁸ associated with adverse outcomes such as the use of force, civilian deaths, civilian complaints, and general misconduct. One plausible explanation is that the *quality* of training may matter more than the *quantity*. Researchers in one

97 J. PERSONALITY ASSESSMENT 382, 382 (2015) (finding correlations between prehire psychological test results in Minnesota and supervisor ratings for police officers).

113. See, e.g., Suzanne Daniels & Emily King, *The Predictive Validity of MMPI-2 Content Scales for Small-Town Police Officer Performance*, 17 J. POLICE & CRIM. PSYCHOL. 54, 58 (2002); Beth A. Sanders, *Using Personality Traits to Predict Police Officer Performance*, 31 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 129, 141 (2008). These studies often measure officer performance using ratings given by supervisors, an imperfect outcome measure. See Steven Falkenberg et al., *An Examination of the Constructs Underlying Police Performance Appraisals*, 19 J. CRIM. JUST. 351, 356 (1991). Additional studies using more objective outcomes—such as internal investigations, involuntary termination, turnover, and disciplinary complaints—are similarly mixed. Compare, e.g., Martin Sellbom et al., *Identifying MMPI-2 Predictors of Police Officer Integrity and Misconduct*, 34 CRIM. JUST. & BEHAV. 985, 999 (2007), with, e.g., Jose M. Cortina et al., *The “Big Five” Personality Factors in the IPI and MMPI: Predictors of Police Performance*, 45 PERSONNEL PSYCHOL. 119, 138 (1992).
114. See, e.g., Michael J. Cuttler & Paul M. Muchinsky, *Prediction of Law Enforcement Training Performance and Dysfunctional Job Performance with General Mental Ability, Personality, and Life History Variables*, 33 CRIM. JUST. & BEHAV. 3, 19 (2006); Charles D. Sarchione et al., *Prediction of Dysfunctional Job Behaviors Among Law Enforcement Officers*, 83 J. APPLIED PSYCHOL. 904, 909 (1998).
115. See, e.g., Liqun Cao et al., *A Test of Lundman’s Organizational Product Thesis with Data on Citizen Complaints*, 23 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 356, 367 (2000); Brad W. Smith, *Structural and Organizational Predictors of Homicide by Police*, 27 POLICING: INT’L J. POLICE STRATEGIES & MGMT. 539, 551 (2014).
116. See, e.g., EMILY G. OWENS ET AL., *PROMOTING OFFICER INTEGRITY THROUGH EARLY ENGAGEMENTS AND PROCEDURAL JUSTICE IN THE SEATTLE POLICE DEPARTMENT* (2016); Cao et al., *supra* note 115, at 367.
117. See, e.g., William C. Bailey, *Less-Than-Lethal Weapons and Police-Citizen Killings in U.S. Urban Areas*, 42 CRIME & DELINQ. 535, 543 (1996); Hoon Lee et al., *An Examination of Police Use of Force Utilizing Police Training and Neighborhood Contextual Factors: A Multilevel Analysis*, 33 POLICING: INT’L J. OF POLICE STRATEGIES & MGMT. 681 (2010).
118. See, e.g., Lee et al., *supra* note 117; Willits & Nowacki, *supra* note 110.

study, for example, found that roughly a quarter of the variation in officers' complaint rates was attributable to the identity of their field training officers, suggesting that qualitatively bad training may hurt more than it helps.¹¹⁹

B. Labor Economics

Although it does not focus on policing, specifically, a large body of research in economics examines the dynamics of labor markets. A number of papers, for example, study the costs to employers of employee turnover or "churn." These costs include the expense of temporarily covering the departing employee's duties, such as through overtime for other workers; replacement costs, such as screening new applicants; training costs, including on-the-job training and uniforms; lost productivity for the departing employee, who may spend his last days writing exit memos or laboring with reduced morale; damaged morale for other workers; and lost institutional knowledge.¹²⁰ The costs of churn appear to vary by region and industry¹²¹ and may, in some settings, be partially or wholly offset by the benefits of hiring new workers.¹²² Nevertheless, one recent literature review concludes that, on average, the cost of replacing an employee is roughly one-fifth of the employee's salary (excluding the very highest-paid jobs).¹²³ High turnover costs may, therefore, discourage law-enforcement agencies from hiring and firing wandering officers.

A related literature explores the employee-side costs of job separation and unemployment. One consistent finding concerns the "unemployment scar": displaced and nonemployed workers suffer long-term earnings losses.¹²⁴ Such

119. See Ryan M. Getty et al., *How Far from the Tree Does the Apple Fall? Field Training Officers, Their Trainees, and Allegations of Misconduct*, 62 CRIME & DELINQ. 821, 834 (2016).

120. See Heather Boushey & Sarah Jane Glynn, *There Are Significant Business Costs to Replacing Employees*, CTR. FOR AM. PROGRESS 5 (Nov. 16, 2012), <https://cdn.americanprogress.org/wp-content/uploads/2012/11/16084443/CostofTurnover0815.pdf> [<https://perma.cc/DR22-YRCK>].

121. See *id.* at 4-5.

122. See Zeynep Ton & Robert S. Huckman, *Managing the Impact of Employee Turnover on Performance: The Role of Process Conformance*, 19 ORG. SCI. 56, 57 (2008) (mentioning "improvement of matches between employees and firms over time" and increased effort by replacement employees).

123. Boushey & Glynn, *supra* note 120, at 1.

124. See, e.g., Louis S. Jacobson et al., *Earnings Losses of Displaced Workers*, 83 AM. ECON. REV. 685, 687 (1993) (finding that high-tenure workers who separate from distressed firms suffer longer-term earnings losses averaging 25% per year). See generally William J. Carrington & Bruce Fallick, *Why Do Earnings Fall with Job Displacement?*, 56 INDUS. REL. 688 (2017) (reviewing the literature).

workers, for example, may leave the work force or move to firms that pay lower wages.¹²⁵ Unsurprisingly, earnings losses are greater for workers whom firms exercise discretion to fire than for workers displaced by, say, a plant closing – the former reveals important information about worker quality.¹²⁶ Fired workers also experience longer unemployment spells.¹²⁷ Based on these findings from the labor economics literature, we expect that wandering officers will take longer to land new jobs than other officers and that they will tend to move to less desirable agencies.

The concept of “wandering workers” is not itself novel. Journalists have, for example, penned numerous stories about clergy or teachers who, following misconduct, leave one parish or school and find work in another.¹²⁸ As far as we can tell, however, the labor-economics literature has not focused on most of the core questions that concern us here: which firms hire displaced workers and how do those workers fare upon reemployment? The closest study of which we are aware examines the market for financial advisers.¹²⁹ The authors find that seven percent of working financial advisers have misconduct records, and roughly one-third of these are repeat offenders.¹³⁰ Approximately half of these advisers lose their jobs after misconduct, yet forty-four percent of them are rehired by other firms within a year – they are, in our terminology, “wandering financial advisers.”¹³¹ This is true even though advisers with prior misconduct are five times as likely as the average adviser to commit misconduct in the future.¹³² Still, advisers

125. See, e.g., Fatih Guvenen et al., *Heterogeneous Scarring Effects of Full-Year Nonemployment*, 170 AM. ECON. REV.: PAPERS & PROCEEDINGS 369, 370 (2017) (finding heterogeneous scarring effects from one year’s nonemployment, resulting primarily from a higher incidence of future nonemployment rather than lower earnings conditional on working); Kristiina Huttunen et al., *How Destructive Is Creative Destruction? Effects of Job Loss on Job Mobility, Withdrawal and Income*, 9 J. EURO. ECON. ASS’N 840, 842 (2011) (finding that displacement increases the probability of leaving the labor force by 31% and, for workers who remain, moderately depresses earnings due to movement between firms).

126. See Robert Gibbons & Lawrence F. Katz, *Layoffs and Lemons*, 9 J. LAB. ECON. 351, 375 (1991).

127. *Id.*

128. See, e.g., Tara Isabella Burton, *Scathing Report Reveals 300 Pennsylvania Catholic Priests Sexually Abused over 1,000 Children*, VOX (Oct. 19, 2018), <https://www.vox.com/2018/8/15/17689994/catholic-sex-abuse-priest-crisis-pennsylvania-report> [<https://perma.cc/G6EW-HZ2G>]; Martha Irvine & Robert Tanner, *Sexual Misconduct Plagues US Schools*, WASH. POST (Oct. 21, 2007), <http://www.washingtonpost.com/wp-dyn/content/article/2007/10/21/AR2007102100144.html> [<https://perma.cc/MH5D-527P>].

129. Mark Egan et al., *The Market for Financial Adviser Misconduct*, 127 J. POL. ECON. 233 (2019).

130. *Id.* at 248, 251.

131. *Id.* at 261.

132. *Id.* at 254.

who commit misconduct do experience an elevated likelihood of industry exit, longer gaps between employment stints, and, for those who find new jobs, lower compensation at smaller, less desirable firms.¹³³ Observing that some firms employ substantially more wandering advisers than others and that misconduct is more common in wealthy, elderly, and less educated counties, the authors hypothesize that “misconduct may be targeted at customers who are potentially less financially sophisticated.”¹³⁴

To our knowledge, there is no prior quantitative empirical work on wandering police officers. In the following parts, we report the results of the first systematic exploration of this phenomenon. Where possible, we examine how the correlates of misconduct described above interact with wandering-officer status and other outcomes of interest.

III. DATA

Our primary source of data is the Automated Training Management System (ATMS), a database constructed and maintained by the FDLE. We supplement ATMS with a range of other data sources, including an annual survey of Florida law-enforcement agencies, the United States Census, the Uniform Crime Reports, and others.

A. Automated Training Management System (ATMS)

ATMS compiles information on employment, termination, complaints, discipline, and demographics for every law-enforcement and corrections officer hired in the State of Florida. Our ATMS extract runs up through June 2017.

We rely on three ATMS data sets in particular. First, the “employment” data set is structured at the officer-employment level. This means that the same officer can appear in multiple rows, one for each job he has held. The raw employment data set has 543,874 observations. We drop a substantial number of them. First, given our focus on wandering law-enforcement officers, we drop all employment positions categorized by ATMS as “corrections,” “corrections probation,” “concurrent” (both law enforcement and corrections), “civilian,” “instructor,” and “auxiliary.”¹³⁵ Doing so removes approximately 351,000 rows from the data. Second, we drop all rows for part-time officers, focusing only on full-time

133. *Id.* at 267-72. The finding concerning the gap between employment stints is driven by advisers who are not rehired; conditional on being rehired, advisers recently disciplined for misconduct find work marginally faster than other advisers. *See id.* at 269-70.

134. *Id.* at 238; *see id.* at 275-81.

135. When we include concurrent officers, the core results of the Article do not change.

employment. Third, we drop all employment associated with a very small number of officers whose full-time employment dates across two or more positions overlap by more than 30 days. Fourth, we drop all employment stints beginning after 2016 because we have only six months of data for 2017. Fifth, we exclude all employment stints that ended before 1988 due to concerns about whether ATMS is comprehensive in earlier years.¹³⁶ Sixth, we drop all stints that end with officers “transferring within agency” to other full-time law-enforcement positions because these are not true separations for our purposes.¹³⁷ Before dropping these stints, however, we assign their start dates to the subsequent employment stints (to which the officers transferred) to account for the full length of employment.

After applying each of these sample restrictions, the employment data set contains the 128,616 full-time law-enforcement job stints that spanned at least one day between 1988 and 2016; they correspond to 98,169 unique officers. Most of our analyses, however, focus on the 100,768 of those stints that began in or after 1988 and that correspond to 76,279 unique officers in 490 unique agencies. Among those agencies, 321 are police departments, 67 are sheriffs’ offices, and 102 are other agencies, which include state-level, university, school, port, and other kinds of law-enforcement agencies. Table 1 presents descriptive statistics at the agency-year level. The bottom row indicates that, on average, agencies were closed for operation in roughly fifteen percent of agency-years; we thus drop those agency-years from the rest of the descriptive statistics reported in the table.¹³⁸ On average, agencies in the data set employed a mean of 98 and a median of 27 full-time officers on at least one day in each year. They hired a mean of 8.4 and a median of 4 full-time officers per year, and experienced a mean of 5 separations and a median of 2.

136. Our coverage concerns stem from a substantial increase in the volume of hirings in the years before 1988, which suggests that the database may not have been capturing all employment stints during that period. To be clear, although we exclude stints that ended before 1988 from our analytic data set, we still use those stints to determine officers’ firing histories. To illustrate, suppose a law-enforcement officer was fired from a job in 1987 and then found work again in 1988. For purposes of our analysis, this officer would have only one row in our data set—for the employment stint beginning in 1988—which would indicate that the officer had been previously fired.

137. In contrast, when an officer transfers within agency from a full-time law-enforcement position to a part-time or non-law-enforcement position, we keep the employment stint and treat it as a voluntary separation because the subsequent stint does not meet the eligibility criteria for our sample. In some cases, multiple full-time law-enforcement officers “transfer within agency” on the same day to full-time law-enforcement positions in a different agency, likely because the initial agency was absorbed by another agency. We assume that these are not true separations. We therefore assign the start date and other relevant information from the first stint to the second and drop the initial stint from the data.

138. We assume an agency is closed in a given year if it has no full-time law-enforcement officers employed on any day in that year.

TABLE 1.
AGENCY-YEAR-LEVEL DESCRIPTIVE STATISTICS, 1988-2016

| | Mean | Median | SD | Min. | Max. |
|------------------------|------|--------|-------|------|-------|
| Officers Employed | 98.0 | 27 | 241.7 | 1 | 3,272 |
| Hirings | 8.4 | 4 | 16.30 | 0 | 353 |
| Separations | 5.0 | 2 | 8.90 | 0 | 237 |
| Voluntary Separations | 4.2 | 2 | 7.20 | 0 | 125 |
| Firings | 0.78 | 0 | 1.65 | 0 | 28 |
| Firings for Misconduct | 0.54 | 0 | 1.18 | 0 | 20 |
| Complaints | 0.61 | 0 | 1.94 | 0 | 85 |
| Agency Closed | 0.15 | 0 | 0.36 | 0 | 1 |

The employment database provides a range of information on each job, including agency name, start and end date, and cause of separation. That last variable is our principal variable of interest. A separation can be either voluntary or involuntary; it is simply the end of an employment stint, regardless of the reason. We refer to involuntary separations as “terminations,” “involuntary terminations,” or, more colloquially, “firings.” In total, the variable measuring cause of separation has thirty-seven different code values. Unfortunately, some of those values have not been used consistently over time. In consultation with the FDLE, we have grouped the codes to produce two cause-of-separation measures that correspond to salient separation categories – voluntary and involuntary separations, or quitting and getting fired – and minimize inconsistencies in data collection over time.¹³⁹

To refine the broad category of involuntary separations, we develop two measures of firing. Our first, and narrower, measure captures terminations for “moral character violations” or violations of a local agency’s policy. For convenience, we refer to these terminations as firings for “misconduct.”¹⁴⁰ Agency policy violations may include things like insubordination or failing to follow orders.

139. For the frequency distributions of these codes among law-enforcement positions beginning between 1988 and 2016 and their inclusion in our cause-of-separation measures, see *infra* Table A1.

140. There is no legal authority or academic consensus on the definition of “police misconduct.” See KANE & WHITE, *supra* note 38, at 20-28.

Theoretically, they can also include more minor offenses, such as not having one's uniform pressed – agency policy manuals are hefty tomes. Generally speaking, however, the types of agency policy violations that warrant termination are serious or represent the culmination of a pattern of misconduct. It is, after all, notoriously difficult to fire a police officer.¹⁴¹ The agencies we studied experienced an average of 0.54 firings for misconduct per year, accounting for roughly 10.8% of all separations.

A second, and broader, measure captures all instances in which officers are fired for cause. This measure includes firings for misconduct, but it also includes terminations for training and performance problems. It does not, however, count involuntary separations due to downsizing or the dissolution of an agency, which together account for no more than 1.8% of all separations in the data. As Table 1 shows, the agencies in our data set saw an average of almost 0.78 firings for cause per year during the study period, accounting for roughly 15.6% of all separations. We define the remaining 84.4% of the separations as voluntary separations.

One significant methodological problem in any study of police employment and misconduct is that officers who are under investigation are frequently allowed to resign before being terminated involuntarily.¹⁴² Fortunately, at least after 1998, ATMS tracks officers who resign “in lieu of separation” or “while being investigated” for misconduct.¹⁴³ We include these separations in our firing measures.

The vast majority of employment stints are easy to define: they are cleanly marked by a start and an end date. But there are some edge cases that complicate that seemingly simple line. Perhaps most important, as mentioned earlier, in

141. See, e.g., Kelly et al., *supra* note 72; Tess Owen, *Why It's Hard to Fire Cops*, VICE NEWS (Oct. 16, 2016), https://www.vice.com/en_us/article/bjy8xw/why-is-it-so-hard-for-cops-to-get-fired [<https://perma.cc/3YD9-RPSL>]; Mike Riggs, *Why Firing a Bad Cop Is Damn Near Impossible*, REASON (Oct. 19, 2012), <https://reason.com/2012/10/19/how-special-rights-for-law-enforcement-m> [<https://perma.cc/SKQ5-R8WC>].

142. See, e.g., Jeremy Gorner, *2 Chicago Cops Resign After Facing Firing for Off-Duty Traffic Dispute That Led to Gunfire*, CHI. TRIB. (Mar. 30, 2018, 4:10 PM), <https://www.chicagotribune.com/news/breaking/ct-met-chicago-cop-traffic-dispute-police-board-20180330-story.html> [<https://perma.cc/9VC3-W27U>]; see also Cara E. Trombadore, *Police Officer Sexual Misconduct: An Urgent Call to Action in a Context Disproportionately Threatening Women of Color*, 32 HARV. J. RACIAL & ETHNIC JUST. 153, 167 (2016) (“Thus, an officer accused of sexual misconduct can resign before an investigation is completed, and then be hired by another department where he may continue the behavior.”).

143. We suspect that FDLE was already counting these cases under another, more generic firing code before 1998 because we do not observe any bump in the total number of firings and misconduct-related terminations in that year.

some cases a labor arbitrator will reverse a firing decision, forcing the agency to reinstate the fired officer – often months or years later. Unfortunately, there is no code in the ATMS database that indicates when a fired officer is reinstated after arbitration. Nevertheless, in a small number of cases – roughly 8% of all firings of full-time law-enforcement officers from 1988 to 2016 – we do observe fired officers beginning their next employment stint in the same agency that fired them. Based on communications with FDLE staff, we suspect that many of these cases represent arbitral reversals.¹⁴⁴

Arbitral reversals pose not only a data challenge but also a conceptual one. For reinstated officers, is the initial term of employment – or what we call the “prefiring stint” – and the period after reinstatement – the “postfiring stint” – one employment with a pause in the middle? Or is it two separate employments? Should the initial firing count as a firing when the department is ultimately forced to reinstate the officer? The answers likely vary depending on the research question we seek to answer. Accordingly, for each of our analyses, we indicate how we handle officers who are fired and then rehired by the same agency.

We use our firing measures to construct professional-history variables, which indicate whether an officer was fired from his last job or from an earlier job. In constructing these variables, we include firings not only from law-enforcement positions but also from employment stints in corrections positions. That is, although our subject is law-enforcement officers, specifically – and we have dropped corrections officers from the employment data set – we use the corrections-related data to check whether the law-enforcement officers we study previously worked in corrections positions from which they separated involuntarily.

In addition to the employment data set, we use an ATMS data set containing state-level “moral character” complaints against officers. Most of these complaints were initiated and investigated by the local agencies that employed the officers named. Under Florida law, if an agency has cause to believe that an officer has committed a moral character violation, it must investigate. If the agency sustains the allegation, it must submit its findings to the FDLE, which will then initiate a state-level complaint. The consistency with which local agencies investigate and report complaints to FDLE likely varies.¹⁴⁵ The FDLE also has the power to initiate complaints on its own, which are included in the data set. We use the ATMS complaint data to compute the number of complaints filed against officers during each of their employment stints. We do this using the date on

144. See Email from Terry Baker, *supra* note 67.

145. See Anthony Cormier & Matthew Doig, *Special Report: How Florida’s Problem Officers Remain on the Job*, HERALD-TRIB. (Sarasota, Fla.) (Dec. 4, 2011, 12:01 AM), <https://www.heraldtribune.com/article/LK/20111204/News/605219990/SH> [https://perma.cc/AW38-TJK6].

which complaints were initiated, which will typically succeed the date on which the alleged misconduct occurred. That said, based on communications with the FDLE, we suspect that, in most cases, these two dates are close in time. These moral-character complaints are rare—agencies experienced an average of roughly 0.61 complaints per year. Each complaint in the data set is also tagged with “offense codes” that indicate the substantive nature of the misconduct alleged, and some complaints are associated with multiple offense codes. We use these codes to identify the subset of complaints that include any allegation of violent or sexual misconduct or misconduct that implicates the officer’s integrity.

Finally, ATMS contains an officer-level database that provides demographic information including race, gender, age, and education. Officer race is designated as white, black, Hispanic, Asian, or other, and we use these terms throughout. We merge these demographic data with the employment data.

B. Supplemental Data Sources

We supplement the ATMS database with several other data sources to leverage additional information on the agencies that employ wandering officers. To collect information on agency hiring and training requirements, we obtained from the FDLE all data from the Criminal Justice Agency Profile (CJAP), an annual survey of all law-enforcement agencies in Florida that has run from 1997 to 2016.¹⁴⁶ We extract from CJAP information on hiring and training requirements for all municipal police agencies and sheriffs’ offices in the state. We do not capture data for these variables for other law-enforcement agencies, such as those in schools, universities, or ports. In total, 358 unique police departments and sheriffs’ offices appear in at least one year of the survey. Some agencies are not present every year, either because they formed after 1997 or dissolved before 2016, or because they did not respond to the survey. We create an agency-year panel data set in which every agency that appears at least once has a row for each of the twenty years of our study—7,160 rows in total.

With respect to hiring prerequisites, CJAP gathers information on minimum age, minimum education, prior criminal-justice experience, and tobacco use. CJAP also collects information on whether each agency requires a driving history, an in-person interview, a physical fitness test, a polygraph examination, a psychological examination, a written exam, a swimming test, a vision test, or a voice-stress analysis. It also records the length of any probationary employment

146. We are grateful to Guangya Liu for her heroic efforts to extract and process the relevant variables from CJAP.

period.¹⁴⁷ To compute a rough estimate of each agency's overall hiring stringency in a given year, we create a composite measure combining these requirements.¹⁴⁸ On average, agencies have a hiring-stringency score of 4.6 on our scale. The average score increased from 1997 to 2016, from 4.3 to 5.2.

CJAP also collects information on ongoing training requirements. These include training on chemical agents, defensive tactics, driving, firearms, and first aid. In addition, CJAP records the length of the training period required of new officers under a field training officer (FTO).¹⁴⁹ As with hiring, we combine the training requirements to create a composite measure of the stringency of an agency's training regimen.¹⁵⁰ On average, agencies have a hiring-stringency score of 2.9. Agencies' average composite-training score increased from 1997 to 2016, from 2.6 to 3.3.

We also supplement the data with additional sources of information, which we describe in greater detail below. First, using Google Maps, we geocoded the longitude and latitude coordinates of law-enforcement agencies to measure the distance that wandering officers travel from one job to the next. Second, we obtained agency-level annual crime data from the FBI's Uniform Crime Reports. Third, we gathered county- and city-level information on the racial and ethnic composition of resident populations and unemployment rates from the United States Census and Bureau of Labor Statistics. Finally, we obtained information on county- and city-level law-enforcement expenditures from the Florida Department of Financial Services.

C. *Limitations*

Although our data is rich and reasonably comprehensive, there are important limitations worth noting. One substantive limitation is that the separation codes

147. Descriptive statistics for these variables are available in Table A2.

148. We construct our composite score by giving an agency one point for every hiring requirement. To maximize the length of our observation period, we do not include hiring variables that were excluded from one or more years of the survey. This leads us to drop driving history, voice-stress analysis, and the swimming test. Three variables—age, education, and probationary period—are not binary. We therefore specify a threshold at which to assign an agency a point for these requirements. Based on the statistics reported in Table A2, we assign agencies a point for requiring officers to be older than nineteen, to have an associate's degree or college credit, and to undergo more than twelve months of probationary employment.

149. Descriptive statistics for these variables are available in Table A3.

150. To construct the composite-training score, we give agencies one point for requiring training in chemical agents, defensive tactics, driving, firearms, or first aid every six months or year. We give them an additional point for requiring more than twelve months of training under an FTO.

we use to construct our cause-of-separation measures (listed in Table A1) reveal only the general reason for each separation, such as a failure to complete training requirements, budgetary constraints, misconduct, or a voluntary departure. Within the all-important category of firings for misconduct, we are not able to identify the specific nature of the misconduct, such as excessive force, embezzlement, substance abuse, and so on. That said, even if we had more specific information on the official reason for termination, it would remain difficult in many cases to determine reliably the actual, underlying conduct at issue. As just one example, NYPD officer Martin Tisdale shot and killed a woman during a struggle over his firearm, fled the scene, and then disposed of the firearm. The official reason for his termination was recorded as “failure to safeguard a weapon.”¹⁵¹

Other limitations relate to the geographic scope of our data, all of which are drawn from the State of Florida. We cannot, for example, observe officers who were fired out of state and then obtained law-enforcement work in Florida. That our data is limited to one state also raises questions about the external validity of our results—that is, the extent to which our conclusions generalize to other locations. It is certainly possible that law-enforcement labor markets vary from state to state in ways that implicate our research questions. Indeed, we note below some reasons to believe that wandering officers may be relatively more prevalent in some other states,¹⁵² except for Connecticut, which bans their hiring altogether.¹⁵³ At the same time, we are unaware of any reason to think that Florida is idiosyncratic in pertinent respects.

A national study, it bears noting, would not be practicable at this time. Although we have not conducted an exhaustive survey, we are unaware of any other state that collects and makes available the type of data contained in Florida’s ATMS. There are, moreover, methodological advantages to working within a single state. For one thing, any state-level covariates, such as state law or other state characteristics, are held constant, simplifying statistical analysis and reducing the risk of omitted variable bias. In addition, that a single entity (a state agency) collects all of the critical data significantly mitigates concerns about data consistency.

IV. DESCRIBING THE WANDERING OFFICER

Thousands of law-enforcement officers begin and end jobs in Florida each year. Some are hired for the first time; some for the third or fourth. Some sepa-

151. KANE & WHITE, *supra* note 38, at 1-3.

152. *See infra* Section IV.B.1.

153. *See infra* Section VI.E.

rate voluntarily to retire or change careers; others are fired for grievous misconduct. Section IV.A presents an overview of the law-enforcement labor market in Florida, describing hiring patterns and then separations. Section IV.B details the prevalence, characteristics, movement patterns, and behavior of wandering officers.

A. The Law-Enforcement Labor Market in Florida

1. Hirings

The law-enforcement labor market in Florida is large. As the black line in Figure 1 reveals, Florida agencies hired between 2,000 and 4,000 full-time officers in most years between 1988 and 2016.¹⁵⁴ In general, trends in hiring appear to track conditions in the wider American economy. The number of officers hired each year dropped dramatically during the economic recession in 1990 and 1991. It then began rising again until it peaked in the late 2000s and fell during the Great Recession, from 2007 to 2009. Since then, the number has been steadily rising.

154. To give a complete picture of the ATMS database over time, all of the data we report in this subsection include both the pre- and postfiring terms for officers who were fired and then rehired by the same agency for their next job. As noted, the postfiring term likely represents an employment stint resulting from an arbitrator's decision to reinstate the officer. *See supra* Section III.A.

FIGURE 1.
TOTAL NUMBER OF LAW-ENFORCEMENT OFFICERS HIRED AND SEPARATED, 1988-2016



Men held the vast majority of full-time law-enforcement jobs in Florida from 1988 to 2016 – roughly 85%. Most jobs also went to white officers – 73% – with 11% to black officers and 15% to Hispanic officers. Educational information is available for about 60% of the jobs in the employment database. Of those, 18% were held by officers with only a high school education. Another 24% were held by officers with an associate’s degree and 50% by officers with a bachelor’s degree. Just 8% were held by officers with a master’s degree.¹⁵⁵

2. *Separations*

Turning to separations, Figure 1 shows that, in most years from 1988 to 2016, about 2,000 to 3,500 officers separated from their jobs, whether voluntarily or involuntarily. Unsurprisingly, the number of separations tracks the number of hires, rising in most years except during recessions, when fewer jobs are available.

155. Although our data identify Asian officers and officers with doctoral degrees, we do not report them here because they are too scarce. We also decline to report figures where officer characteristics are unknown or where officer race is coded as “Other.”

In Figure 2, we disaggregate separations by cause.¹⁵⁶ From 1988 to 2016, an average of 13% of separations were involuntary—meaning that the officer was fired—while the remaining 87% were voluntary. The proportion of involuntary separations fell in the 1990s, from roughly 19% to 12%, but has remained relatively stable since then. The same basic pattern characterizes firings for misconduct, specifically.

FIGURE 2.
PROPORTION OF SEPARATIONS BY CAUSE OF SEPARATION, 1988-2016

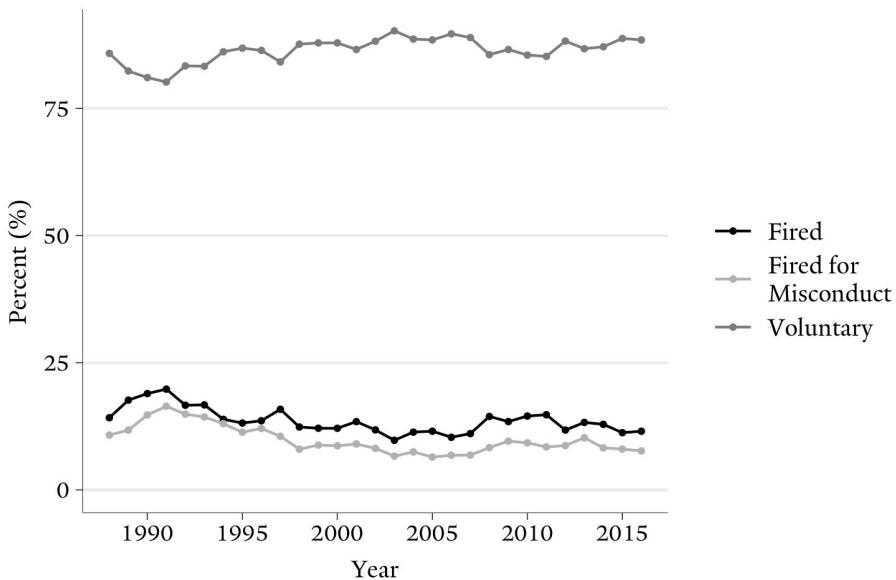


Table 2 breaks down by demographic characteristics the proportions of separations that were firings and firings for misconduct, respectively. The most striking observation is that black officers were most likely to be fired, both in general and for misconduct: 22% of all separations involving black officers were firings and 15% were firings for misconduct. Those rates were substantially higher than the rates for Hispanic officers—who were fired 18% of the time and fired for misconduct 11% of the time—and white officers—who were fired 12% of the time and fired for misconduct 9% of the time. To be clear, these figures do

156. To give a complete picture of separations in the ATMS database, throughout this subsection we count all involuntary separations, including those in the pre- and postfiring terms for officers who were fired and then rehired by the same agency for their next job.

not necessarily imply any problem with the relative performance of black officers. Black officers, for example, may be fired more often due to discrimination in the disciplinary process¹⁵⁷ or because they are disproportionately assigned duties that present elevated opportunities for misconduct.¹⁵⁸

Educational background is also correlated with involuntary termination, at least within the 60% of employment stints for which education data are available. Officers with only a high school education are most likely to be fired, and the rate of firing generally decreases with higher educational attainment. Officers without a four-year college degree are also most likely to be fired for misconduct.

TABLE 2.
CAUSE OF SEPARATION BY DEMOGRAPHIC GROUPS, 1988-2016

| | Demographics | n | Fired | Fired for Misconduct |
|-----------|--------------|--------|-------|----------------------|
| Race | White | 69,103 | 11.7% | 8.6% |
| | Black | 8,228 | 21.6% | 14.8% |
| | Hispanic | 8,323 | 17.8% | 11.7% |
| Gender | Male | 75,946 | 13.3% | 9.7% |
| | Female | 11,155 | 13.4% | 7.6% |
| Education | High School | 4,028 | 16.9% | 8.8% |
| | Associate's | 12,728 | 12.1% | 8.5% |
| | Bachelor's | 22,503 | 9.5% | 6.3% |
| | Master's | 3,637 | 7.2% | 4.7% |
| Overall | | 87,116 | 13.3% | 9.5% |

157. See, e.g., KANE & WHITE, *supra* note 38, at 34, 99-101 (discussing possible heightened scrutiny of black officers due to “tokenism”); Kate Levine, *Discipline and Policing*, 68 DUKE L.J. 839, 878-80 (2019).

158. See KANE & WHITE, *supra* note 38, at 34; see also James J. Fyfe, *Police Use of Deadly Force: Research and Reform*, 5 JUST. Q. 165, 196 (1988) (“Disparities in on-duty shooting rates were attributable largely to racial differences in rank and assignment.”); William A. Geller & Kevin J. Karales, *Shootings of and by Chicago Police: Uncommon Crisis—Part I: Shootings by Chicago Police*, 72 J. CRIM. L. & CRIMINOLOGY 1813, 1859 (1981) (similar).

B. *The Wandering Officer*

Despite the salience of wandering officers, we have remarkably little systematic data about them. In this Section, we attempt to answer four basic questions that frequently arise in public discourse about police misconduct. First, how common are wandering officers? Second, how easy is it for them to land new jobs? Third, where do they go? And fourth, are they really a *problem*, in the sense that they cause more harms than other officers to the communities they police? We take each of these questions in turn.

Before we begin, a brief definitional note. There is no legal or even informal consensus definition to tell us who, exactly, counts as a wandering officer. We therefore adopt an expansive definition: a wandering officer is someone who was fired from at least one full-time law-enforcement or corrections position in the State of Florida and later lands another full-time law-enforcement job in the state. At times, we also break wandering officers into two smaller groups—those who were fired from their last job and those who were fired from a job earlier in their employment history—because the results for these groups differ in important respects.

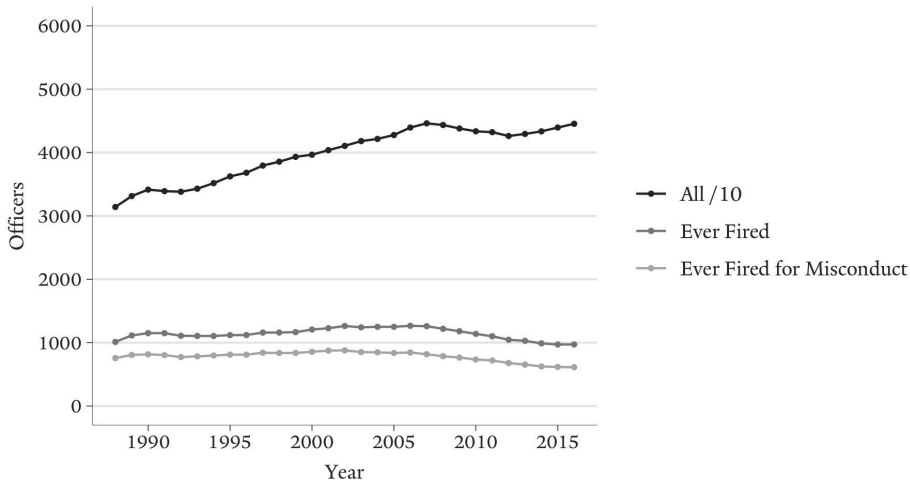
1. *How Common Are Wandering Officers?*

In absolute numbers, wandering officers are fairly common. From 1988 to 2016, an average of roughly 1,100 full-time law-enforcement officers who had previously been fired, and just under 800 officers who had been fired for misconduct, were employed by new agencies in any given year.¹⁵⁹ Figure 3 depicts the number of wandering officers employed over time. As the dark and light gray lines show, the number of wandering officers employed throughout the state in any given year has been relatively stable over time, with a slight decrease in recent years. The black line also shows that the number of *all* officers—divided by ten to depict all three lines on the same axis—has been increasing steadily over time. In 2016, just under 1,000 full-time officers had been previously fired and just over 600 had been fired for misconduct. To be clear, these counts include only *wandering officers*, not all officers who worked in law enforcement after having been fired. If we include officers who were rehired by the same agency that fired them, the counts are even higher: from 1988 to 2016, on average, roughly 1,500 and 900 officers were employed who had previously been fired or fired for misconduct, respectively.

159. In this Section we exclude from our officer counts the post-firing stints of officers who were fired and then rehired by the same agency (before being hired at any other agency). While these officers have previously been fired, they are not wandering officers because they have not, as of yet, moved to another agency.

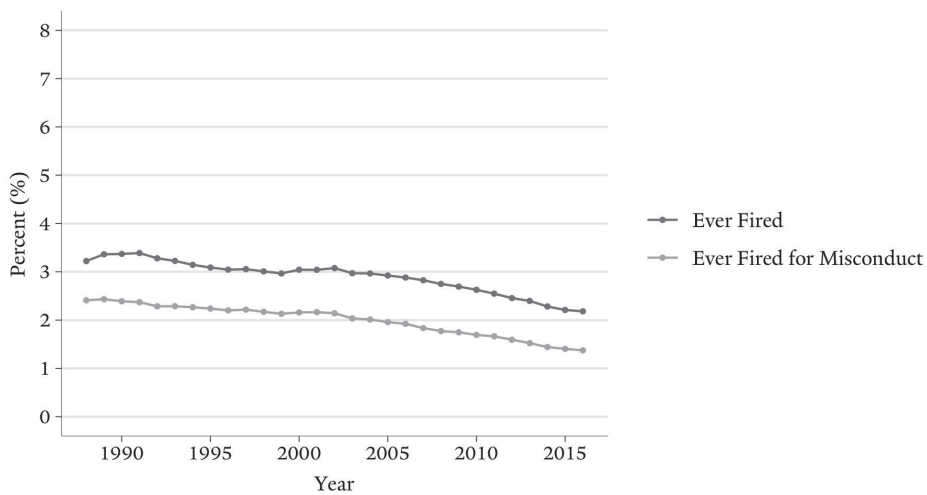
THE WANDERING OFFICER

FIGURE 3.
NUMBER OF EMPLOYED OFFICERS BY PROFESSIONAL HISTORY, 1988-2016



When viewed in relative terms, the prevalence of wandering officers seems more limited. Almost 3% of all officers employed in any given year were wandering officers previously fired and just 2% were wandering officers previously fired for misconduct. As Figure 4 shows, the relative proportion of wandering officers has fallen gradually over time. This is partly because – as we observed Figure 3 – the total number of officers employed has increased. By 2016, just over 2% of all officers employed were wandering officers who had ever been fired and 1.4% were wandering officers who had been fired for misconduct.

FIGURE 4.
PERCENT OF ALL EMPLOYED OFFICERS WHO ARE WANDERING OFFICERS, 1988-2016



Whether there are many wandering officers or few, therefore, may be in the eye of the beholder. In absolute terms, Florida law-enforcement agencies employ many wanderers: in recent years, roughly 1,100 wandering officers who had previously been fired and about 800 who had been fired for misconduct. In total, these officers likely interact with hundreds of thousands of civilians each year.¹⁶⁰ Yet when viewed in relative terms, we see that the proportion of wandering officers is small and decreasing gradually over time.

Still, we suspect that our figures underestimate the actual number of wandering officers for at least three reasons. First, because our data is limited to Florida agencies, we are unable to identify wandering officers who were previously fired from law-enforcement agencies in other states. Second, a small number of officers may successfully obscure their employment history, even within the Florida market. Some who have been fired may simply lie and get away with it. Others may have negotiated an apparently “voluntary” separation in exchange for separating without a legal fight.¹⁶¹ Third, other states may have more wandering officers than Florida does. Florida has a robust statewide data system tracking officer employment and requires hiring agencies to investigate applicants’ employment history. Although it may be possible for an applicant to conceal a prior firing, it is probably not easy. Florida also decertifies more officers than many other states, and a decertified officer cannot subsequently gain employment with any Florida agency. Because our estimate of the volume of wandering officers is likely a lowball—both for Florida, specifically, and for other states—it is hard to conclude that wandering officers are a negligible phenomenon.

2. *How Easily Do Wandering Officers Find New Work?*

A second core question is how much difficulty officers have finding work after being fired.¹⁶² In this Section, we probe this question along several dimensions, including how often fired officers land a new job, how long it takes them to do so (assuming they are looking for work), how far they have to travel, and how many different jobs they tend to hold. We count as reemployment only full-

160. Drawing upon official Florida data and prior academic research, Jordan Blair Woods recently estimated that law-enforcement officers in Florida have conducted between 4.6 million and 13.8 million traffic stops annually during the past decade. See Jordan Blair Woods, *Policing, Danger Narratives, and Routine Traffic Stops*, 117 MICH. L. REV. 635, 676 (2019). If wandering officers conducted a proportional number of these stops—three percent—they would have conducted between 138,000 and 414,000 stops each year.

161. See *supra* note 82 and accompanying text.

162. See, e.g., Shockey-Eckles, *supra* note 26, at 300 (asserting that fired officers who resign rather than face license revocation find work “with relative ease”).

time law-enforcement jobs in public agencies in Florida. We exclude jobs that end with a firing followed immediately by reemployment with the same agency, a pattern that, as mentioned earlier, likely reflects reinstatement by an arbitrator rather than the officer's efforts and success on the job market.

a. Reemployment Rates

First, do officers who have been fired obtain law-enforcement work less often than officers who have not been? Interestingly, the answer depends on when during their careers they were fired. To explore this issue, we exclude all employment stints ending after 2013 to allow all officers in the data at least three years to obtain a new position.

As the bottom row of Panel A in Table 3 reports, from 1988 to 2013, 39% of officers who separated and had never been fired obtained a new full-time law-enforcement position in Florida. In contrast, just 17% of officers who were fired from their last job secured a new position, which represents a statistically significant difference.¹⁶³ Yet officers who were fired further back in their employment history obtained a new job at a rate similar to officers who had never been fired.¹⁶⁴ The rest of Table 3 shows that the same basic results hold across officer characteristics and when, in Panel B, we group officers by their history of firings for misconduct, specifically.¹⁶⁵

163. $p < 0.001$. All of the statistical tests in Section IV.B.2 are two-sided t-tests clustered at the person and agency level.

164. While the difference is substantively small, it is statistically significant at the 0.01 level. Ideally, we would also calculate rehiring rates while excluding officers who have decided to retire, to concentrate on the subset of separated officers who were most plausibly looking for law-enforcement work. We do not have data on retirements for fired officers, however. As an imperfect alternative, we exclude officers who were over fifty years of age at the time of separation; in a separate analysis, we exclude officers with at least twenty-five years of full-time service at the time of separation. The basic pattern of results for both analyses is substantively similar to the results we report in the text.

166. Sample sizes are shown in parentheses.

TABLE 3.
REHIRING RATES BY DEMOGRAPHIC GROUPS AND PROFESSIONAL HISTORY, 1988-2013¹⁶⁶

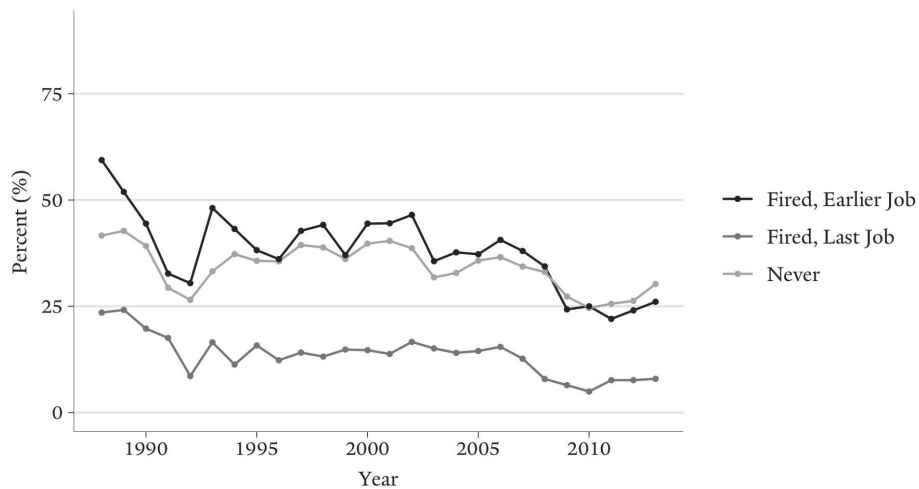
| | Panel A: Fired | | | Panel B: Fired for Misconduct | | | |
|-----------|-----------------|--------------------|--------------------------|-------------------------------|--------------------|--------------------------|----------------|
| | Never Fired | Fired, Last Job | Fired, Earlier Job | Never Fired | Fired, Last Job | Fired, Earlier Job | |
| Race | White | 37% (51,538) | 18% (6,702) | 41% (2,498) | 37% (53,908) | 15% (5,177) | 42% (1,653) |
| | Black | 40% (5,073) | 14% (1,451) | 48% (414) | 40% (5,626) | 12% (1,074) | 44% (238) |
| | Hispanic | 49% (5,164) | 19% (1,123) | 51% (304) | 47% (5,607) | 17% (795) | 52% (189) |
| Gender | Male | 39% (54,841) | 17% (8,283) | 44% (2,928) | 39% (57,692) | 15% (6,431) | 45% (1,929) |
| | Female | 35% (7,926) | 16% (1,151) | 32% (311) | 34% (8,506) | 13% (717) | 27% (165) |
| Education | High School | 56% (1,664) | 19% (284) | 60% (60) | 54% (1,813) | 19% (160) | 60% (35) |
| | Associate's | 36% (9,359) | 20% (1,249) | 40% (453) | 36% (9,816) | 17% (940) | 42% (305) |
| | Bachelor's | 41% (16,996) | 21% (1,657) | 45% (596) | 41% (17,732) | 18% (1,174) | 45% (343) |
| | Master's | 52% (2,739) | 31% (187) | 55% (126) | 52% (2,849) | 24% (136) | 58% (67) |
| All | 39% (62,780) | 17% (9,436) | 43% (3,239) | 38% (66,212) | 15% (7,149) | 44% (2,094) | |

166. Sample sizes are shown in parentheses.

We next examine reemployment rates over time. Figure 5 shows the proportion of officers who obtained a new job within three years, conditional on their professional history of firings.¹⁶⁷ We limit our rehiring measure to three years to address a potential censoring problem: officers who separated in the last few years had less time to secure a new job. If we did not limit the rehiring measure in this way, censoring might severely deflate the rehiring rate in the last few years relative to years prior.

As Figure 5 shows, the lower reemployment rates we observe for fired officers date back at least to the late 1980s. Moreover, the reemployment rate for officers fired from their last job fell in the early 1990s, from 25% to roughly 15%. That number fell again around 2009, probably because—as we showed above—law-enforcement hiring generally fell throughout the state during the Great Recession. Since then, the reemployment rate for fired officers appears to have increased slightly and may continue to do so if the 2009 drop was driven primarily by the economic downturn.

FIGURE 5.
PROPORTION OF SEPARATIONS IN WHICH OFFICER OBTAINS SUBSEQUENT EMPLOYMENT WITHIN THREE YEARS, BY PROFESSIONAL HISTORY OF FIRING, 1988-2013



167. See Figure A1 for similar results on firings for misconduct, specifically.

We cannot be sure why reemployment rates are so different for officers who were fired from their most recent job versus officers who were fired from a job further back in their employment history. One possible explanation is that the subset of officers who landed an intervening job were initially fired for conduct that, on average, was less egregious than the officers who were fired from their last job. Another possibility is that wandering officers who voluntarily separated from their last job seek employment in law enforcement at higher rates than those who were fired from their last job. A third potential explanation is that law-enforcement agencies believe at least some previously fired officers are “redeemed” if they have held at least one other job in the intervening period without having been fired. We interrogate this “redemption” story in further detail below.

b. Time to Reemployment

To assess how much fired officers may struggle to obtain new employment, we also consider how long it takes them to secure their next job. Folk wisdom says not long. Our data, however, show something different.

As the bottom row of Table 4 reports, officers who were fired or fired for misconduct from their most recent job who later obtain another job take substantially longer to do so, on average, than officers who have never been fired or fired for misconduct—more than 300 days longer.¹⁶⁸ In Table A4, we report the median time to reemployment rather than the mean. The same basic pattern is present, but the difference is even starker.¹⁶⁹ These findings are driven, at least partially, by the fact that officers who separate voluntarily often do not leave until they have another job lined up.¹⁷⁰ Once again, as the rest of Table 4 shows, firings further back in time are substantially less important and there is relatively little variation in these patterns across demographic groups.

168. $p < 0.001$.

169. The median time for officers fired (350 days) or fired for misconduct (450 days) from their previous job is over 20 times longer than for officers who have never been fired (17 days) or fired for misconduct (18 days).

170. We can see, for example, that many officers who separate voluntarily begin a new employment stint the day after finishing the last one.

TABLE 4.
MEAN TIME TO NEW EMPLOYMENT BY DEMOGRAPHIC GROUPS AND PROFESSIONAL HISTORY, 1988-2013¹⁷¹

| | | Panel A: Fired | | | Panel B: Fired for Misconduct | | |
|-----------|-------------|-----------------|-----------------|--------------------|-------------------------------|-----------------|--------------------|
| | | Never Fired | Fired, Last Job | Fired, Earlier Job | Never Fired | Fired, Last Job | Fired, Earlier Job |
| Race | White | 400 (19,280) | 685 (1,175) | 443 (1,024) | 402 (19,977) | 782 (800) | 454 (702) |
| | Black | 317 (2,049) | 703 (210) | 209 (198) | 325 (2,224) | 729 (129) | 213 (104) |
| | Hispanic | 316 (2,519) | 787 (212) | 402 (154) | 322 (2,649) | 910 (137) | 473 (99) |
| Gender | Male | 378 (21,451) | 694 (1,441) | 407 (1,288) | 380 (22,327) | 785 (986) | 428 (867) |
| | Female | 430 (2,750) | 767 (180) | 355 (98) | 435 (2,892) | 886 (92) | 402 (44) |
| Education | High School | 416 (937) | 859 (55) | 665 (36) | 423 (977) | 1,038 (30) | 789 (21) |
| | Associate's | 370 (3,401) | 674 (247) | 483 (179) | 372 (3,538) | 785 (162) | 535 (127) |
| | Bachelor's | 375 (6,982) | 686 (347) | 295 (270) | 378 (7,236) | 760 (210) | 286 (153) |
| | Master's | 440 (1,436) | 774 (58) | 586 (69) | 439 (1,491) | 897 (33) | 854 (39) |
| All | | 384 (24,205) | 703 (1,621) | 403 (1,386) | 386 (25,223) | 794 (1,078) | 426 (911) |

171. Sample sizes are shown in parentheses.

c. Distance Traveled for Reemployment

We also probe how much wandering officers may struggle to find new work by examining how far they travel to obtain their next job. The conventional wisdom is that wandering officers obtain jobs at agencies that are relatively far away and so have less (often informal) information about their past conduct. Surprisingly, we find little evidence of such differential movement.¹⁷²

Among officers who have never been fired, those who separate and find new employment move to an agency that is, on average, forty-two miles away from their last job. Similarly, officers who were fired from their last job or some job further back in their employment history move to agencies that are, on average, forty-four and forty-five miles away, respectively. The difference in median distances was just slightly larger.¹⁷³ We also find little difference in the movement patterns of officers who were fired for misconduct, specifically, either from their most recent job or earlier.

d. Number of Subsequent Jobs

Finally, we examine how many full-time jobs wandering officers hold over the course of their careers and, perhaps more important, after their first firing. As a baseline for comparison, Figure 6 shows the proportion of officers who, over the course of an entire career, worked a particular number of full-time jobs.¹⁷⁴ One thing is clear: most officers move around very little. The vast majority hold no more than one full-time job, and virtually all of them—roughly 94%—hold no more than two.

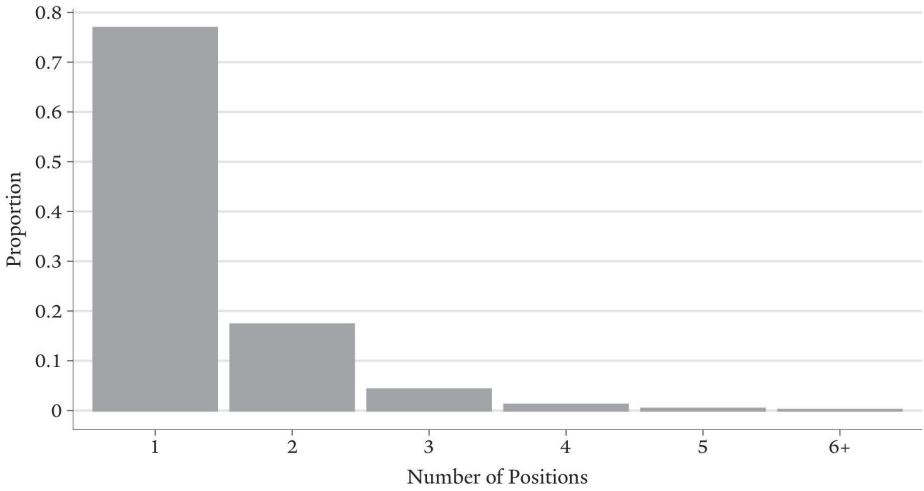
172. To obtain geographic coordinates, we geocoded the names of each agency using an R package called “ggmaps” that automatically runs queries on Google Maps. In total, we were able to obtain geographic coordinates for 89% of the agencies in our sample. Most of the agencies we could not geocode are state-level agencies with ambiguous (and potentially multiple) geographic locations. In total, we are missing geographic distance information for 17% of all employment stints from which an officer separated and later obtained another job.

173. Officers who have never been fired move a median of fourteen miles. Officers who were fired from their last job move a median of twenty miles, while officers fired further back in their employment history move a median of seventeen miles.

174. We do not count the postfiring stint for officers who were fired and then rehired by the same agency.

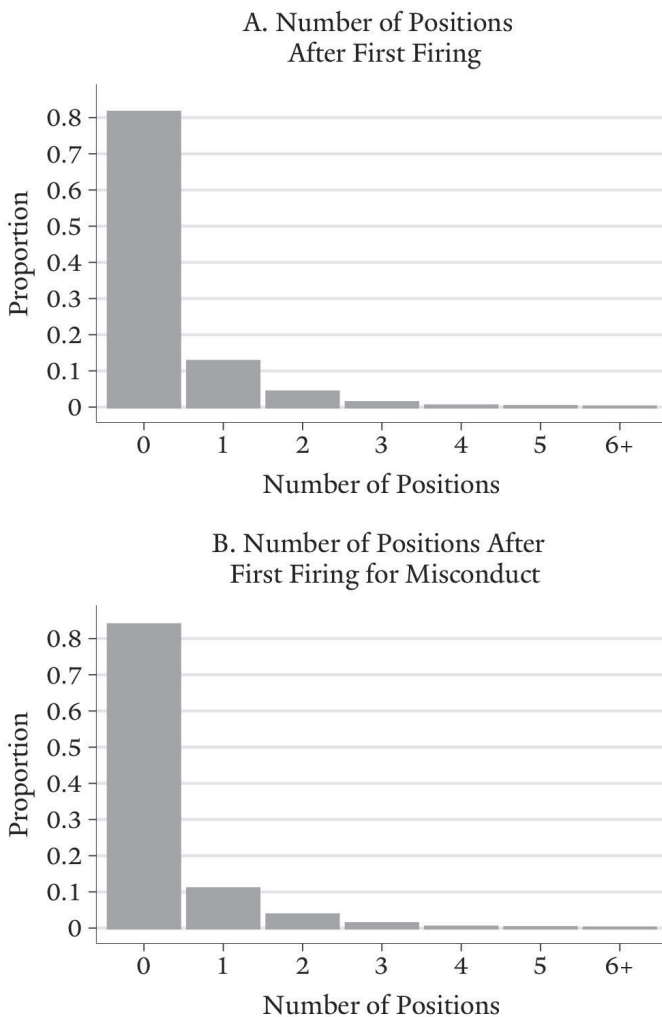
Of course, not all officers who work more than one job are wandering officers; many were never fired at all. The top panel of Figure 7 shows the proportion of officers who, after having been fired, worked a particular number of *subsequent* full-time jobs; the bottom panel presents the same information for officers who were fired for misconduct. Both are consistent with what we already know: the vast majority of fired officers – around 81% – never secure another job. Moreover, very few – fewer than 6% – obtain more than one additional full-time job. Virtually none obtain more than three. Wandering officers “jump[ing] from agency to agency” who “may have 10 agencies under their belt within a 5 year period” therefore appear to be exceedingly rare, if not apocryphal, at least as far as our data can detect.¹⁷⁵

FIGURE 6.
NUMBER OF FULL-TIME POSITIONS HELD BY UNIQUE OFFICERS, 1988-2016



175. Dill, *supra* note 19.

FIGURE 7.
NUMBER OF FULL-TIME POSITIONS HELD BY UNIQUE OFFICERS AFTER BEING FIRED FOR THE FIRST TIME, 1988-2016



Taken together, our data suggest that officers who were fired from their most recent job may face significant challenges in securing new law-enforcement work in Florida. They are half as likely as other officers to obtain a new position and it takes them twice as long to do so. Moreover, the vast majority of officers who were fired hold a very small number of full-time positions throughout their career – virtually all of them have fewer than three. Interestingly, we also find evidence that firings from earlier in an officer’s career appear to pose a much smaller obstacle to finding a new job.

3. *Where Do Wandering Officers Go?*

If fired officers struggle to find work, they might seek employment at smaller agencies, which may have fewer resources, or at agencies that serve socioeconomically disadvantaged communities of color with higher crime. Various accounts advance these hypotheses.¹⁷⁶ To test them empirically, we compare, for each wandering officer, characteristics of the previous agency in the year of *separation* to characteristics of the hiring agency in the year of *hiring*. We exclude all years prior to 1996 because, for most of our agency-level variables, we lack data before then. As in the previous Section, we also exclude jobs that end with a firing followed by reemployment with the same agency, which likely reflects reinstatement by an arbitrator rather than the discretionary decisions of officers and agencies on the market.

Our data bear out some, but not all, of the hypotheses about the movement patterns of wandering officers. In particular, we find that wandering officers tend to migrate to agencies with fewer resources in communities with slightly higher proportions of residents of color. Officers who were just fired tend to move to smaller agencies as well. We find no evidence, however, that wandering officers move to areas with more unemployment or crime.

a. *Agency Size*

Officers who were fired from their last job move to smaller agencies on average. We calculate agency size using the ATMS employment data set by counting the number of unique full-time law-enforcement officers employed in each agency each year. From 1996 to 2013, officers who had never been fired and who landed a new job moved, on average, from agencies with roughly 368 officers to agencies with roughly 384 officers—representing a relative increase of nearly 4%. In contrast, officers who were fired or fired for misconduct from their previous job and who obtained a new position moved from agencies with 343 and 331 officers to agencies with 194 and 136 officers, respectively—relative decreases of 43% and 59%. These differences between the increase experienced by officers who had never been fired, on the one hand, and the decreases experienced by wandering officers, on the other, are both large and statistically significant.¹⁷⁷

Officers who were fired at some point before their most recent separation actually move in the opposite direction. These officers went from agencies with,

176. See sources cited *supra* note 94.

177. $p < 0.001$. All of the statistical tests in Section IV.B.3 are two-sided t-tests clustered at the person and agency level.

on average, 213 officers to agencies with 285 officers—a relative increase of roughly 34%. This increase is statistically significantly different from the change in agency size experienced by officers who had never been fired.¹⁷⁸ Note, however, that officers who were fired at some point continue to work at smaller agencies, on average, than officers who had never been fired.

b. Agency Resources

Wandering officers appear to migrate toward agencies with fewer resources. To examine this issue, we collected data on law-enforcement expenditures by every county and municipality in Florida from the Florida Department of Financial Services from 1996 to 2016. The data set, therefore, contains information only on municipal police departments and sheriffs' offices and not state-level, university, school, or port agencies.¹⁷⁹ Our expenditure figures include "personal services" and "operating costs"—which cover salaries and benefits—but exclude "capital outlays."¹⁸⁰

Officers who had never been fired and landed a new job moved, on average, from agencies with operating budgets of \$46.2 million to agencies with budgets of \$55.8 million—a relative increase of 21%. In contrast, officers who were fired from their last job moved, on average, from agencies with \$43.6 million budgets to agencies with \$23.2 million budgets—which represents a 47% decline that is statistically significantly different from the change experienced by officers who had never been fired.¹⁸¹ Similarly, officers who were fired for misconduct from their last job moved, on average, from agencies with \$38.2 million budgets to agencies with \$15.7 million budgets—a 58.9% decline that is statistically significantly different from the change experienced by officers who had never been

178. $p < 0.05$. When we do the same comparison for firings for misconduct, however, the results are not statistically significantly different.

179. We are missing expenditure data for roughly 30% of all employment stints, but nearly all of those missing observations—almost 90%—involve an officer moving to or from a law-enforcement agency that is neither a sheriff's office nor a police department. Another limitation of our data is that they are reported by municipalities and counties, not by the law-enforcement agencies themselves. Some municipalities contract with other municipalities or counties for policing services. Our estimates of agency budgets may exclude funds provided to an agency by another municipality.

180. We exclude capital outlays because they are spiky over time and because, while they potentially support an agency for many years, we observe only the year in which the money was spent and not the years in which the benefits of the purchase actually accrued.

181. $p < 0.001$.

fired for misconduct.¹⁸² As before, the experience of officers who were fired further back in their employment history more closely resembles that of officers who had never been fired. Officers who were fired further back in their career moved, on average, from agencies with \$26.9 million-dollar budgets to agencies with \$40.9 million-dollar budgets—a relative increase of 52% that is not statistically significantly different from the change experienced by officers who had never been fired.

The same basic patterns emerge when we examine agencies' budgetary dollars per officer, though the differences are smaller in magnitude.¹⁸³ Officers who had never been fired and obtained a new job moved, on average, from agencies with \$90,000 per officer to agencies with \$96,000 per officer—a relative increase of 7%. In contrast, officers fired from their last job moved, on average, from agencies with \$87,000 per officer to agencies with \$78,000 per officer—a relative decline of 10%, which is statistically significantly different from the change experienced by officers who had never been fired.¹⁸⁴ Similarly, officers fired for misconduct from their most recent job moved, on average, from agencies with \$82,000 per officer to agencies with \$73,000 per officer—a relative decline of 11% that is statistically significantly different from the change experienced by officers who had never been fired.¹⁸⁵ Yet again, the behavior of officers who were fired further back in their employment history more closely resembles the behavior of officers who had never been fired. Officers who were fired at some point further back in their employment history moved, on average, from agencies with \$75,000 per officer to agencies with \$85,000 per officer, which is not statistically significantly different from the increase experienced by officers who had never been fired.

c. Racial Composition

Our data suggest that wandering officers tend to move to areas with slightly higher proportions of residents of color. We use municipal measures of race and ethnicity from the Census for municipal agencies, and county-level measures for

182. $p < 0.001$.

183. For this measure, we divide the agency's budget by the total number of officers employed in that same year. Because some law-enforcement agencies also employ correctional officers, we include these officers in this estimate of agency size. We also find the same basic patterns when we examine budgetary dollars per resident rather than per officer.

184. $p < 0.001$.

185. $p < 0.001$.

all other agencies.¹⁸⁶ Although county-level estimates are available annually, municipal estimates are not. We therefore use decennial measures from 1990, 2000, and 2010. We apply the data from each of those Census years to all subsequent years until the next decennial census.¹⁸⁷

From 1996 to 2013, officers who had never been fired and found new work moved, on average, from agencies in areas with black populations averaging 17.2% to agencies in areas with black populations averaging 15.4%—a relative decrease of 10%. By contrast, officers who were fired from their last job and found new work moved, on average, from agencies in areas with black populations of 16.8% to agencies in areas with black populations of 18.8%—a relative increase of 12%, which is a statistically significant difference from the change experienced by officers who had never been fired.¹⁸⁸ Similarly, officers who were fired for misconduct moved from agencies in areas with black populations of 17.6% to agencies in areas with black populations of 19.2%—a relative increase of 9%, which is statistically significantly different from the change experienced by officers who had never been fired for misconduct.¹⁸⁹ There is no statistically significant difference between the movement patterns of officers who were fired further back in their career—whether or not for misconduct—and officers who had never been fired. The same basic patterns emerge if we examine population data for Hispanic residents.¹⁹⁰

As we have shown so far, our data support certain aspects of the conventional wisdom about wandering officers—many move to smaller agencies, with fewer resources, in communities with slightly more residents of color. But not every

186. Our race data is missing for roughly 25% of all employment stints because it is mostly limited to municipal police departments and sheriffs' offices. Indeed, roughly 93% of all the missing observations come from employment stints in which an officer moves from or to an agency that is neither a municipal police department nor a sheriff's office.

187. In other words, we assign 1990 data to all years between 1997 and 1999; we assign 2000 data to all years between 2000 and 2009; and we assign 2010 data to all years after 2010.

188. $p < 0.001$.

189. $p < 0.05$.

190. Officers who had never been fired moved, on average, from agencies in areas with 14% Hispanic populations to agencies in areas with 13.5% Hispanic populations—a relative decrease of 4%. Officers who were fired from their last job moved in the other direction, from agencies in areas with 13.6% Hispanic populations to agencies in areas with 15.2% Hispanic populations—a relative increase of 12%, which is statistically significantly different from the change experienced by officers who had never been fired ($p < 0.05$). Similarly, officers fired for misconduct for their last job moved from agencies in areas with 14.5% Hispanic populations to agencies in areas with 16.1% Hispanic populations—a relative increase of 11%, which is not statistically significantly different from the change experienced by officers who had never been fired for misconduct. And once again, officers who were fired further back in their employment history behaved similarly to officers who had never been fired.

element of the conventional wisdom is borne out by the data. We turn to those other elements next.

d. Unemployment

Contrary to the conventional wisdom, we find little evidence that wandering officers move to agencies in communities with higher unemployment, which we use as a rough proxy for socioeconomic well-being.¹⁹¹ This result might appear at odds with our earlier finding that wandering officers move to agencies in areas with larger communities of color, but the magnitude of the change in racial composition was quite small.

We use two measures of unemployment rates, which produce similar (though not identical) results. Our first measure is annual county-level unemployment rates from 1996 to 2013, which are available from the Bureau of Justice Statistics Current Population Survey.¹⁹² During that period, officers who had never been fired and secured a new position moved, on average, from agencies in counties with an unemployment rate of 5.6% to agencies in counties with a rate of 5.7%. Officers who were fired from their most recent job and secured subsequent employment moved from agencies in counties with an unemployment rate of 5.4%, on average, to agencies in counties with a rate of 5.7%—a change that is statistically significantly different from the change experienced by officers who had never been fired.¹⁹³ Officers who were fired for misconduct experienced a similar increase, moving from agencies in counties with an unemployment rate of 5.4%, on average, to agencies in counties with an average rate of nearly 5.8%—a change that is also statistically significantly different from that of officers who had never been fired.¹⁹⁴ While these changes are statistically significant, they are

191. See, e.g., John P. Crank, *The Influence of Environmental and Organizational Factors on Police Style in Urban and Rural Environments*, 27 J. RES. CRIME & DELINQ. 166, 170 (1990) (using unemployment rate as one of two measures of community economic conditions in examining their relationship with policing style); Vickie L. Shavers, *Measurement of Socioeconomic Status in Health Disparities Research*, 99 J. NAT'L MED. ASS'N 1013, 1016-17 (2007) (listing unemployment rate as a “commonly used” measure of community socioeconomic status in public-health research); see also Bell, *supra* note 32, at 2137 (asserting that “[p]oor communities are more likely to hire ‘gypsy cops’”).

192. Our unemployment data is missing for roughly 20% of all employment stints because it is limited to municipal police departments and sheriffs’ offices. Indeed, roughly 97% of all the missing cases come from employment stints in which an officer moves from or to an agency that is neither a municipal police department nor a sheriff’s office.

193. $p < 0.05$.

194. $p < 0.05$.

substantively very small.¹⁹⁵ When we look at the data for firings further back in an officer's career, once again we find little difference between officers who have and have not been fired. If anything, officers who were fired earlier in their career appear to go to agencies in counties with slightly lower unemployment.

Our county-level estimates of unemployment, however, may mask variation within counties, especially as municipal agencies, which serve municipalities, make up the majority of all agencies in our data set. To address this problem, we construct a second measure of unemployment that assigns municipal-level unemployment data to municipal agencies. Unfortunately, municipal-level data is available only back to 2009. We therefore assign all agencies the relevant county-level or municipal-level unemployment rate from 2009 for all years.¹⁹⁶ This approach is not ideal, as it requires the strong assumption that any changes in the unemployment rate over time are constant across all localities. In other words, in unmasking spatial variation in unemployment rates within counties, we are forced to mask temporal variation. Still, we think the analysis useful as a check on our results above.

Based on this second measure, officers who had never been fired and landed another job moved, on average, from agencies in localities with an unemployment rate of 8.6% to agencies in localities with an unemployment rate of 8.9%. Officers who were fired from their last job moved, on average, from agencies in localities with an unemployment rate of 8.5% to agencies in localities with a rate of 8.6%, while officers who were fired for misconduct from their last job moved from agencies in localities with a rate of 8.6% to those with a rate of 8.7%. Neither of these latter changes is statistically significantly different from the change experienced by officers who had never been fired. Finally, officers who were fired or fired for misconduct further back in their career moved from agencies in localities with roughly 9.3% unemployment to agencies in localities with the same rate.

Thus, our first and second measures of unemployment point to similar answers. The first measure suggests that wandering officers migrate toward agencies in communities with very slightly more unemployment than other officers — from about 5.3% to 5.6% — while our second measure finds no evidence at all of any difference in migration patterns for wandering officers.

195. Indeed, a 0.3% or 0.4% change in the county-level unemployment rate is well within the ordinary range of annual fluctuations for the counties in our data set.

196. Our measure of unemployment data is missing for 24% of all employment stints from 1996 to 2013. Roughly 96% of the missing cases come from employment stints in which an officer moves from or to an agency that is neither a municipal police department nor a sheriff's office.

e. Crime

We also find little evidence that wandering officers are more likely than other officers to migrate toward areas with more crime. We measure crime using data from the FBI's Uniform Crime Reports that capture "offenses known to the police" from 1997 to 2013.¹⁹⁷ As it turns out, both wandering and non-wandering officers tended to move to agencies with less crime, and, if anything, wandering officers tended to experience larger decreases in crime from one job to the next—although the difference in the size of these drops was not statistically significant.

From 1997 to 2013, officers who had never been fired and landed a new job moved, on average, from an agency with 2,210 violent crimes per 100,000 residents annually to an agency with 1,970 such crimes—a relative decrease of 11%. Officers who were fired from their last job moved, on average, from an agency with 2,410 violent crimes per 100,000 residents to an agency with 2,050 such crimes—a relative decrease of 15%, which is not statistically significantly different from the decrease experienced by officers who had never been fired. Officers who were fired for misconduct from their last job experienced an even greater decrease, moving from agencies with 2,460 violent crimes per 100,000 residents to agencies with 2,030 such crimes—a relative decrease of 17%, which is also not statistically significantly different from the change experienced by officers who had never been fired for misconduct.¹⁹⁸ Once again, officers who were fired from a job earlier in their employment history behaved similarly to officers who had never been fired.¹⁹⁹ Taken together, these results suggest that wandering officers do not move to agencies in communities with more crime.

197. Our crime data begin in 1997 because a large number of agencies did not report crime data in 1996. Even between 1997 and 2013, we are missing crime data for roughly 34% of our employment stints. But nearly all of those missing observations—84%—involve an officer moving to or from a law-enforcement agency that is neither a sheriff's office nor a police department. Both the crime and population data are at the agency level.

198. We observe a similar pattern using property crime. Officers who had never been fired and found a new job moved from an agency with 1,870 property crimes per 100,000, on average, to an agency with 1,640 such crimes, a relative decrease of 12%. Officers who were fired from their most recent job moved from agencies with 1,990 property crimes per 100,000 to agencies with 1,720 such crimes—a relative decrease of 14%. Similarly, officers who were fired for misconduct from their last job and found new work moved from agencies with an average of 2,150 property crimes per 100,000 to agencies with 1,680—a relative decrease of 22%.

199. Officers who were fired further back in their career moved, on average, from an agency with 2,260 violent crimes per 100,000 to an agency with 1,980 such crimes—a relative decrease of 12%, which is similar to the decrease experienced by officers who had never been fired. And officers who were fired for misconduct at some point before their most recent job moved from agencies with an average of 2,310 violent crimes per 100,000 to agencies with 1,990—a relative

4. *Do Wandering Officers Engage in More Misconduct?*

Many worry that when wandering officers move, they “tak[e] trouble with them.”²⁰⁰ In the absence of systematic data, however, analysts have not known whether this fear is justified. In this Section, we examine employment and disciplinary data to assess whether wandering officers seem to pose heightened risks to the communities they are hired to serve. We find that they do. We then consider potential explanations for these findings.

Because one goal of our analysis is to enable critical evaluation of the choice to hire wandering officers, we focus on employment stints in which agencies actually exercise their discretion to bring an officer onto the force. Throughout this Section, therefore, we drop the post-firing employment stint for officers who are fired and then rehired by the same agency. As noted, many of these stints likely represent cases in which an arbitrator forced the agency to reinstate the officer against its will.

a. *Firing*

We consider first whether wandering officers are fired more often than other officers. We begin by examining firing rates across groups of officers with different professional histories.²⁰¹ As Panel A in Table 5 shows, from 1988 to 2013,²⁰² officers who had never been fired and who secured a new position were subsequently fired 8.7% of the time and fired for misconduct 6.6% of the time.²⁰³ In contrast, officers who were fired from their most recent position and landed a new job were fired and fired for misconduct, respectively, 18.4% and 13.8% of the time. This is more than twice as often, and the difference is statistically significant.²⁰⁴ Officers who voluntarily separated from their last position but who had been fired at some point earlier in their career were subsequently fired and fired for misconduct 14.7% and 11.1% of the time, respectively. This is roughly 50% more often than officers who had never been fired, and the difference is again

decrease of 14%, which is not statistically significantly different from the change experienced by officers who had never been fired for misconduct.

200. Abshire, *supra* note 26, at 11B.

201. We do not break out these firing rates by demographic categories due to small sample sizes.

202. We exclude stints that began after 2013 to ensure we have at least three years of follow-up for every observation. The results are substantively similar if we start our analysis in 1996 rather than 1988, as we did in the previous Section due to data limitations. See Table A5.

203. The denominator includes both employment stints that have ended and those that have not yet ended.

204. $p < 0.001$.

statistically significant.²⁰⁵ Because wandering and non-wandering officers may remain in their jobs for different lengths of time, we also report firing rates within three-year windows (as well as one- and five-year windows in Table A6), and the results are substantively similar. The same basic pattern holds in Panel B when we examine officers’ history of firings for misconduct, specifically.²⁰⁶

TABLE 5.
SUBSEQUENT FIRING BY PROFESSIONAL HISTORY, 1988-2013²⁰⁷

| | n | Fired | | Fired for Misconduct | | |
|--|--------------------|--------|---------|----------------------|---------|------|
| | | Ever | 3 Years | Ever | 3 Years | |
| Panel A: Firings | Never | 29,888 | 8.7% | 4.5% | 6.6% | 3.0% |
| | Fired, last job | 1,969 | 18.4% | 11.2% | 13.8% | 7.9% |
| | Fired, earlier job | 1,631 | 14.7% | 7.5% | 11.1% | 5.6% |
| Panel B: Firings for Misconduct | Never | 31,182 | 9.0% | 4.7% | 6.7% | 3.1% |
| | Fired, last job | 1,297 | 20.0% | 12.2% | 15.3% | 9.0% |
| | Fired, earlier job | 1,009 | 15.0% | 8.1% | 11.2% | 6.2% |
| Panel C: Rookie | | 54,476 | 10.5% | 5.8% | 7.2% | 3.2% |

205. $p < 0.001$.

206. Officers who had never been fired for misconduct and who secured a new position were subsequently fired 9% of the time and fired for misconduct just 6.7% of the time. In contrast, officers who were fired for misconduct from their most recent position were fired 20% of the time and fired for misconduct 15.3% of the time – more than twice as often as officers who had never been fired ($p < 0.001$). Officers who voluntarily separated from their last position but had been fired for misconduct at some point earlier in their career were subsequently fired 15% of the time and fired for misconduct 11.2% of the time – roughly 50% more often than never-fired officers ($p < 0.001$). Once again, the same pattern emerges when we examine firings within three-year windows (and one- and five-year windows in Table A6).

207. As noted earlier, although our focus is on law-enforcement officers, our variables measuring whether an officer was previously fired include any past firings from a position in corrections as well. A very small number of law-enforcement rookies – officers who are working for the first time in a law-enforcement position – were previously fired from corrections positions. We count these officers as rookies when we estimate firing rates in Table 5, but excluding them has very little effect on the result.

Earlier, we found that officers who have been fired are far more likely to secure a new job if they voluntarily separate from at least one intervening position. We hypothesized that hiring agencies might view these officers as rehabilitated. The results just reported, however, imply a story of only partial redemption: officers who were fired from a job further back in their career are less likely to be fired than officers who were fired from their most recent position. Perhaps this is unsurprising, as these officers have been double-screened: two different agencies have made the decision to hire them since they were fired. Still, these officers are substantially more likely to be fired than officers who have never been fired before.

Of course, when hiring, law-enforcement agencies do not simply choose among veteran officers. They might also decide to hire a rookie who has never had a full-time job in law enforcement before. Officers hired as rookies therefore offer another potentially helpful performance benchmark. As Table 5 reports in Panel C, rookies are fired 10.5% of the time and fired for misconduct 7.2% of the time. This makes them substantially less risky than wandering officers—both those who were fired from their most recent job and those who were fired from an earlier one.²⁰⁸ Officers hired as rookies tend to be slightly riskier than veterans who have never been fired, but the differences are not consistently statistically significant across our specifications.

So far, we have compared the firing rates of wandering officers to those of *all* veterans who have never been fired and *all* officers hired as rookies. Yet employment markets may vary across both space and time. To account for such potential local variations, we next narrow our analysis both geographically and temporally. The idea is to capture, as best we can, the subset of officers who may have applied for each job, or at least to approximate the type and quality of officers who were likely to have been in the candidate pool.

Our approach is to match each wandering officer with all nonwandering officers who were hired within 50 miles and up to 90 days after the wandering officer's hiring date.²⁰⁹ The results are similar when we change the time window to 180 days or 1 year and the geographic limit to 20 or 100 miles. We exclude all

208. All but one of the differences between officers hired as rookies and wandering officers are statistically significant. The sole exception is when we compare firings within one year for officers hired as rookies and officers who had been fired prior to their most recent job.

209. We do not allow officers from the same agency to serve as comparators for each other. Each wandering officer is matched, on average, to roughly one hundred comparators. Because some wandering officers are matched with more comparator officers than others, we weight each comparator officer by the inverse of the number of comparator officers assigned to the same wandering officer. In other words, for a wandering officer with twenty-five comparators, we weight each of the comparators 1/25.

observations for the 51 law-enforcement agencies for which we were unable to obtain geographic coordinates.²¹⁰ As a result, the data set we use for this analysis differs somewhat from the data set used previously.

In Table 6, Panel A presents firing rates based on professional history. As a basis for comparison, the first row reports firing rates for all officers who had never previously been fired. Overall, these officers were fired 10% of the time. The next row reports firing rates for wandering officers who had been fired from their immediately preceding job. Similar to our results in Table 5, these officers ended up being fired 18.6% of the time—almost 90% more often. More important, the following row reports the firing rate for the never-fired officers who were chosen as matched comparators based on location and timing. These officers were fired 10.8% of the time—slightly more than all officers who had never been fired, but still far less than the wandering officers.²¹¹ Matching comparator officers to wandering officers based on geography and timing thus appears to have slightly increased the firing rate of the comparison group, but the comparator officers are still fired at rates much lower than the wandering officers are.

The remaining rows in Panel A conduct the same analysis for wandering officers who were fired from a job further back in their employment history. The results are substantively similar.²¹² In the remaining columns of Panel A, the same basic pattern also appears for firings within a three-year window and subsequent firings for misconduct. Panel B shows similar results when we define wandering officers as officers who had been fired for misconduct, specifically.

210. The vast majority of these agencies are state-level agencies for which assigning a specific location is not straightforward.

211. The statistical significance tests we report here are two-sided t-tests based on cluster-robust standard errors clustered at the person level. The difference in firing rate between these wandering officers and matched comparators is statistically significant at the 0.001 level.

212. The difference in firing rate between these wandering officers and matched comparators is again statistically significant at the 0.001 level.

TABLE 6.
SUBSEQUENT FIRING BY PROFESSIONAL HISTORY FOR MATCHED COMPARATORS BASED
ON TIMING AND GEOGRAPHY, 1988-2013

| | | Fired | | Fired for Misconduct | | |
|-----------------------|---------------------------------------|------------|---------|----------------------|---------|------|
| | | Ever | 3 Years | Ever | 3 Years | |
| Panel A: Firings | Never | 10.0% | 5.4% | 7.1% | 3.3% | |
| | Fired, last job | Wanderer | 18.6% | 11.1% | 14.0% | 8.0% |
| | | Comparator | 10.8% | 6.0% | 7.9% | 3.8% |
| | Fired, earlier job | Wanderer | 14.6% | 7.4% | 11.1% | 5.7% |
| | | Comparator | 10.2% | 5.6% | 7.1% | 3.3% |
| | Panel B: Firings for Misconduct | Never | 10.1% | 5.5% | 7.2% | 3.3% |
| Fired, last job | | Wanderer | 20.2% | 12.1% | 15.7% | 9.2% |
| | | Comparator | 10.9% | 6.0% | 8.1% | 3.9% |
| Fired, earlier job | | Wanderer | 15.3% | 8.3% | 11.5% | 6.5% |
| | | Comparator | 10.5% | 5.7% | 7.4% | 3.5% |

We can narrow our comparator pool even further if we assume that applicants similarly evaluate the desirability of working at specific agencies and that agencies similarly evaluate the desirability of job applicants. If so, at least within local labor markets, more desirable candidates are likely to be hired by more desirable agencies.²¹³ Under this logic, we can further narrow our analysis to the pool of candidates who were likely vying for the same job by matching wandering officers not only based on timing and geography but also based on whether they were hired by a similarly desirable agency.

Designing an objective measure of agency desirability poses two challenges. The first is that we need to know what agency characteristics officers value. Unfortunately, there is little relevant empirical evidence in the policing literature. Moreover, different officers may value agency characteristics differently. As just one example, some officers may prefer to work at agencies with high levels of

213. See David Card et al., *Workplace Heterogeneity and the Rise of West German Wage Inequality*, 128 Q.J. ECON. 967, 980-83 (2013) (finding that more educated workers in Germany tend to be hired by higher-paying employers and that this correlation increased over time from the 1980s to the late 2000s).

crime—to be close to the action—while others may prefer agencies in safer areas. The second challenge is that we need observable measures of agency characteristics—measures that ideally vary over time, given the longitudinal nature of our study.

Given these constraints, we proxy for agency desirability using annual expenditures per officer. The assumption is that job candidates prefer to work at agencies with more money to spend on each officer—for salaries, benefits, perks, and other organizational resources.²¹⁴ Because the expenditure data start in 1996, we drop all employment stints that began before that year. We then use agency expenditure data to compute, within each year,²¹⁵ the percentile rank of each agency in terms of expenditures per officer. We group the agencies into quintiles—with the bottom twenty percent in the first quintile, the next twenty percent in the second quintile, and so on, until the fifth quintile, which includes the top twenty percent in each year. We then use these quintile scores to select comparator officers who were hired within ninety days and fifty miles of the wandering officer by an agency within the same desirability quintile.²¹⁶ As we show in Table A7, our basic results do not change when we match on agency desirability.

This geographic, temporal, and agency-desirability matching process helps us get closer to capturing a picture of the “marginal officer”—the officer the agency would have hired had it not hired the wandering officer. Ideally, we would compare wandering officers and marginal officers more directly. Without data on job applicants,²¹⁷ however, it is impossible to identify the actual marginal officers, and we cannot probe this question any more closely.

The foregoing analysis has revealed consistent evidence that wandering officers are fired at significantly higher rates than both veterans who have never

214. To obtain a comprehensive measure of the number of officers employed by an agency, we count both law-enforcement officers and correctional officers.

215. Because some agencies' expenditures vary substantially from year to year, we also calculated, for each agency, average expenditures per officer over the entire period, 1996 to 2013. We then reran our analysis using this time-invariant measure of agency desirability. The results are similar.

216. Because matching on desirability quintiles substantially reduces the pool of potential comparator officers, 326 out of the 2,186 wandering officers who were hired from 1996 to 2013 who had previously been fired were not matched with any comparators. Also, 193 of the 1,355 officers hired during this period who had previously been fired for misconduct did not receive a match. We drop these unmatched wandering officers from this analysis. The remaining wandering officers were matched with an average of about twenty-one comparators.

217. We did not try to collect applicant data because it would require obtaining sensitive personnel records from each of the hundreds of law-enforcement agencies in Florida, likely an impossible task.

been fired and rookies. One lingering question is whether this relationship—between wandering-officer status and firing rates—is mediated by other observable officer characteristics. Might it be, for example, that wandering officers tend to be young and that youth predicts a higher firing rate? If so, what appears to be a “wandering-officer effect” might really be a “youth effect.”

To explore this possibility, Table 7 reports a series of linear probability models, at the employment-stint level, on our variable measuring firings within three years.²¹⁸ Model 1 essentially replicates the results in Table 5 because it contains only the professional-history variables: whether an officer was fired from his last job, was fired from a job further back in his employment history, or was hired as a rookie. Veterans who have never been fired are the comparison group. The model confirms that officers who were fired from their last job and officers fired further back in their employment history are subsequently fired 6.7 and 2.9 percentage points more often, respectively, than officers who have never been fired.

In Model 2, we add some officer-level demographic variables: age and gender.²¹⁹ The addition of these variables has little effect on the coefficients for either type of wandering officer, meaning that the predictive power of being a wandering officer is not merely driven by these demographic characteristics.

Model 3 adds educational attainment to the model, but this step is, unfortunately, more complicated because the variable is frequently missing. The coefficient for officers who were fired from their last job falls slightly, while the coefficient for officers who were fired from an earlier job falls dramatically, by roughly two-thirds. It is possible, however, that dropped observations due to missing data, rather than the predictive power of educational attainment, are driving these differences. To test this possibility, in Model 4 we replicate Model 2 but drop all observations for which we lack education data. The results are similar to Model 3. This shows that the change in coefficients we observed in Model 3 is likely due to the loss of observations from missing data rather than to the effect of the education variables.²²⁰ In the end, therefore, we find little evidence that observable officer-level variables mediate the heightened firing rate that wandering officers experience.

218. We report the results of linear probability models (or linear regressions) because the magnitudes of their coefficients are easy to interpret. The results are substantively similar, however, when we use logistic regression, which better fits the binary structure of the dependent variable. The results are also substantively similar when we fit the model on our variable measuring firings for misconduct within three years.

219. We divide age by ten so that the coefficients are not rounded to zero.

220. The fact that the results change dramatically thus suggests that the education variable is not missing randomly.

TABLE 7.
REGRESSION MODELS ON FIRING WITHIN THREE YEARS, 1988-2013²²¹

| | Model 1 | Model 2 | Model 3 | Model 4 |
|---------------------------|--------------------|--------------------|---------------------|--------------------|
| Intercept | 0.045** [0.002] | 0.053** [0.006] | 0.044** [0.007] | 0.025** [0.005] |
| Fired from Last Job | 0.067** [0.007] | 0.067** [0.007] | 0.063** [0.010] | 0.064** [0.010] |
| Fired from Earlier Job | 0.029** [0.007] | 0.030** [0.007] | 0.011 [0.009] | 0.011 [0.009] |
| Rookie | 0.012** [0.002] | 0.011** [0.002] | 0.010** [0.002] | 0.011** [0.002] |
| Age | | -0.002 [0.001] | 0.004** [0.001] | 0.004** [0.001] |
| Male | | -0.002 [0.003] | -0.007* [0.003] | -0.005 [0.003] |
| | Associate's | | -0.009* [0.005] | |
| Education | Bachelor's | | -0.024** [0.004] | |
| | Master's | | -0.034** [0.005] | |
| n | 87,964 | 87,948 | 46,974 | 46,974 |

b. Complaints

As an alternative measure of officer performance, we also consider complaints filed with the state licensing board—the CJSTC—alleging “moral character violations” as defined by Florida law. As detailed above,²²² these complaints typically begin as civilian or internal affairs allegations investigated by a local

221. An asterisk (*) denotes an estimate that is statistically significant at the 0.05 level; two asterisks (**) denote an estimate that is statistically significant at the 0.01 level. While our threshold of statistical significance throughout the paper is 0.05, we also note estimates that are statistically significant at the 0.1 level with a dagger (+). Cluster-robust standard errors clustered at the person- and agency-level are reported in brackets.

222. See *supra* Section III.A.

agency. If the local agency sustains the allegation and the offense implicates the officer's "moral character," the agency must submit its findings to the FDLE, which opens a "complaint" and begins an independent disciplinary process. The FDLE also has the power to initiate complaints on its own, which are included in the data set. Once again, our results suggest that wandering officers may pose significant risks.

Table 8 shows the rate at which officers received complaints conditional on their professional history. Because the FDLE appears to have begun consistently recording complaints in 1993, our analyses of complaints include only employment stints beginning between 1993 and 2013. As in our analysis of firings, we exclude job stints in which an officer is employed by an agency that had fired the officer in his immediately preceding job. Panel A shows that officers who had never been fired and who secured a new position received an average of 0.07 complaints during their next job. In contrast, officers who were fired from their last job received an average of 0.13 complaints, almost ninety percent more, a difference that is statistically significant.²²³ Officers who voluntarily separated from their previous job but had been fired at some point earlier in their career received an average of 0.12 complaints, which is also statistically significantly more than officers who had never been fired.²²⁴

223. $p < 0.001$.

224. $p < 0.001$.

TABLE 8.
NUMBER OF COMPLAINTS BY PROFESSIONAL HISTORY AND TYPE, 1993-2013

| | n | All | | Violent/ Sexual | | Integrity | | |
|---------------------------------------|------------------------|--------|------------|--------------------|------------|-----------|------------|------|
| | | Ever | 3 Years | Ever | 3 Years | Ever | 3 Years | |
| Panel A: Firings | Never | 24,711 | 0.07 | 0.02 | 0.02 | 0.01 | 0.02 | 0.01 |
| | Fired, last job | 1,394 | 0.13 | 0.07 | 0.04 | 0.02 | 0.06 | 0.03 |
| | Fired, earlier jobs | 1,295 | 0.12 | 0.05 | 0.03 | 0.01 | 0.05 | 0.02 |
| Panel B: Firings for Misconduct | Never | 25,686 | 0.07 | 0.02 | 0.02 | 0.01 | 0.02 | 0.01 |
| | Fired, last job | 934 | 0.16 | 0.08 | 0.04 | 0.03 | 0.07 | 0.03 |
| | Fired, earlier jobs | 780 | 0.14 | 0.05 | 0.03 | 0.01 | 0.06 | 0.02 |
| Panel C: Rookie | 44,584 | 0.08 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 | |

One question is whether the additional complaints that wandering officers receive concern the types of misconduct the public finds most troubling. While we are constrained by the relatively small number of complaints in the data, we are able to break complaints into broad categories based on the character of the misconduct alleged. Almost a quarter of the complaints are for violent or sexual conduct (including implied violence), the most common allegations of which are “excess force,” “assault,” “battery – domestic violence,” and “sex offense.”²²⁵ Another third are integrity-related complaints, the most common allegations of which are “false statements,” “perjury,” “misuse of public position,” and

225. In our primary specification, we exclude from this category complaints concerning prostitution, sex on duty, intimidation, harassing communication, sexual harassment, resisting an officer, unprofessional relationships, and the manufacture, possession, or transportation of obscene materials. The results, however, are substantively similar when we include these complaints. Details of the coding scheme are available from the authors upon request.

“fraud.”²²⁶ We also create a category for drug-related allegations, which account for just 10% of the complaints. This is too few to support any reliable results, but also indicates that our general results, reported above, are not driven by drug-related offenses.

As Table 8 shows, officers who had never been fired and who secured a new position received an average of 0.02 complaints for violent or sexual conduct during their next job. In contrast, officers who were fired from their last job received an average of 0.04, roughly twice as many, a difference that is statistically significant.²²⁷ Officers who voluntarily separated from their previous job but had been fired at some point earlier in their career received an average of 0.03 complaints for violent or sexual conduct, which is statistically significantly different from officers who had never been fired.²²⁸ We find a similar pattern of results for integrity-related complaints.

Because employment stints vary in length, Table 8 also reports the average number of complaints against officers within a three-year window, and the results are similar (as are the results within one- and five-year windows, reported in Table A8).²²⁹ Furthermore, as Panel B of Table 8 shows, all of these same patterns hold if we examine officers who have been fired for misconduct instead.

Here, too, officers hired as rookies provide another useful performance benchmark for wandering officers. As shown in Panel C of Table 8, officers hired as rookies receive a roughly similar number of complaints as veterans who have never been fired²³⁰ – and fewer than wandering officers.²³¹

As before, we next match each wandering officer with the nonwandering officers who were hired within 50 miles and fewer than 90 days after the

226. We exclude traditional theft offenses and offenses involving stolen property, which do not necessarily implicate truthfulness or the abuse of an official position.

227. $p < 0.001$.

228. $p < 0.05$.

229. The one exception is that, for violent and sexual complaints, the difference between officers who have never been fired and officers who voluntarily separated from their last job but who were fired earlier in their career is not statistically significant within a one-, three-, or five-year window.

230. When we count all complaints, all violent or sexual complaints, or all integrity-related complaints incurred during the employment stint, officers hired as rookies receive statistically significantly more complaints than veterans who have never been fired, at a threshold of $p < 0.05$, though the differences are substantively small. In the time-limited comparisons, most of the differences are not statistically significant.

231. The differences are always statistically significantly different for officers who were fired from their last job ($p < 0.05$). They are also statistically significant for officers who were fired further back in their employment history when we count all complaints and integrity-related complaints ($p < 0.05$), but not when we count only violent or sexual complaints.

wandering officer’s hiring date.²³² The results, reported in Table 9, follow the now-familiar pattern: wandering officers receive, on average, 0.14 complaints – about 75% more than all officers with no prior history of firing (0.08 complaints) *and* the comparator officers (0.08 complaints).²³³ The same pattern of results holds for wandering officers who were fired from a job earlier in their employment history, for complaints received within a three-year window, and for wandering officers who were fired for misconduct, specifically. The same patterns also hold when we count only violent or sexual complaints or integrity-related complaints.²³⁴ And, as reported in Table A9, the same basic pattern holds when we match comparator officers not only on timing and geography but also on agency desirability.

TABLE 9.
NUMBER OF COMPLAINTS BY PROFESSIONAL HISTORY FOR MATCHED COMPARATORS
BASED ON TIMING AND GEOGRAPHY, 1993-2013

| | | | All | | Violent/Sexual | | Integrity | |
|------------------------------------|-----------------------|------------|------|------------|----------------|------------|-----------|------------|
| | | | Ever | 3 Years | Ever | 3 Years | Ever | 3 Years |
| Panel A: Firings | Never | | 0.08 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 |
| | Fired, last job | Wanderer | 0.14 | 0.07 | 0.04 | 0.02 | 0.06 | 0.03 |
| | | Comparator | 0.08 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 |
| | Fired, earlier job | Wanderer | 0.12 | 0.05 | 0.03 | 0.01 | 0.06 | 0.02 |
| Comparator | | 0.07 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 | |
| Panel B: Firings for Misconduct | Never | | 0.08 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 |
| | Fired, last job | Wanderer | 0.16 | 0.08 | 0.05 | 0.03 | 0.07 | 0.03 |
| | | Comparator | 0.08 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 |
| | Fired, earlier job | Wanderer | 0.14 | 0.06 | 0.03 | 0.01 | 0.07 | 0.02 |
| Comparator | | 0.07 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 | |

232. The results are similar when we expand the time window to 180 days or one year and when we expand the geographic limit to 50 or 100 miles.

233. The statistical significance tests we report here are two-sided t-tests based on cluster-robust standard errors clustered at the person level. The difference in complaints received by these wandering officers and their matched comparators is statistically significant at the 0.001 level.

234. The differences are not always statistically significant, however, for violent and sexual complaints within a three-year window.

Finally, as with our firing measures, we consider whether the higher number of complaints against wandering officers is mediated by other observable officer characteristics. Table 10 reports a series of linear-regression models that mirror those described in Table 7.²³⁵ The basic results are the same: we find no evidence that adding officer age, gender, or education to the models decreases the size of the coefficient on the professional-history variables. Differences in coefficients among the models appear to be due to the loss of observations from missing data rather than to the effect of the independent variables. We therefore find no evidence that observable officer-level characteristics mediate the heightened risk associated with hiring wandering officers.

TABLE 10.
REGRESSION MODELS ON NUMBER OF COMPLAINTS WITHIN THREE YEARS, 1993-2013²³⁶

| | Model 1 | Model 2 | Model 3 | Model 4 |
|---------------------------|--------------------|---------------------|--------------------|--------------------|
| Intercept | 0.024** [0.001] | 0.033** [0.003] | 0.025** [0.004] | 0.019** [0.004] |
| Fired from Last Job | 0.044** [0.008] | 0.043** [0.008] | 0.038** [0.010] | 0.039** [0.010] |
| Fired from Earlier Job | 0.023** [0.007] | 0.024** [0.006] | 0.01 [0.009] | 0.01 [0.009] |
| Rookie | 0.002 [0.001] | -0.001 [0.002] | 0 [0.002] | 0.001 [0.002] |
| Age | | -0.005** [0.001] | -0.001 [0.001] | -0.001† [0.001] |
| Male | | 0.007** [0.002] | 0.004† [0.002] | 0.005* [0.002] |

235. We report the results of linear models because the magnitudes of their coefficients are easy to interpret. The results are substantively similar, however, when we use negative binomial regression.

236. An asterisk (*) denotes an estimate that is statistically significant at the 0.05 level; two asterisks (**) denote an estimate that is statistically significant at the 0.01 level. While our threshold of statistical significance throughout the paper is 0.05, we also note estimates here that are statistically significant at the 0.1 level with a dagger (†). Cluster-robust standard errors clustered at the person- and agency-level are reported in brackets.

| | | | | |
|-----------|-------------|--------|--------|---------------------|
| | Associate’s | | | -0.001 [0.003] |
| Education | Bachelor’s | | | -0.008** [0.002] |
| | Master’s | | | -0.011** [0.003] |
| n | 71,984 | 71,971 | 40,436 | 40,436 |

c. Explanations

Taken together, our results suggest that wandering officers are significantly more likely than comparable officers – either officers hired as rookies or veterans who have never been fired from a Florida law-enforcement agency – to be fired and to incur complaints of serious misconduct. What explains these findings? At least four hypotheses strike us as plausible.

First, agencies may scrutinize wandering officers more rigorously than other officers by monitoring them more closely or applying a lower threshold for initiating the disciplinary process. To put the point most forcefully, agencies might even hire wandering officers on a de facto “probationary” basis, intending simply to fire them if problems arise. Although this is possible, it strikes us as unlikely that it could fully explain the sizable gaps in the rates at which officers are fired and incur complaints.

As an initial matter, employee turnover, or “churn,” is typically expensive: a recent review of the labor economics literature found that the median cost of replacing a worker is roughly one-fifth of the worker’s salary.²³⁷ This makes less plausible the notion that agencies would hire wandering officers on a probationary rationale, particularly as the agencies that hire wandering officers tend to be more poorly resourced. At the same time, the literature emphasizes that the costs of turnover vary by industry, region, and other factors, and they may be lower for Florida law enforcement than this general evidence suggests.²³⁸

237. See Boushey & Glynn, *supra* note 120, at 1. We have not found any research on the cost of turnover in law enforcement specifically. For potential analogs, see GARY BARNES ET AL., THE COST OF TEACHER TURNOVER IN FIVE SCHOOL DISTRICTS: A PILOT STUDY 4-5 (2007) (estimating the cost of teacher turnover in five school districts in 2007 at \$4,366 to \$17,872); and Michelle I. Graef & Erick L. Hill, *Costing Child Protective Services Staff Turnover*, 79 CHILD WELFARE 517, 528 (2000) (estimating the cost of turnover for a child protective services worker in a midwestern state in 1995 at \$10,000).

238. Where labor requires “knowledge exploitation” (i.e., implementation, execution) rather than “knowledge exploration” (i.e., discovery, innovation), however – as seems generally true of

To probe this first hypothesis more closely, we consider a series of additional empirical checks. None of these checks is conclusive on its own but, collectively, they suggest that heightened scrutiny cannot fully explain our results. To begin with, we found earlier that wandering officers receive not only more complaints in general, but also more complaints specifically about violent or sexual misconduct. While certainly possible, it seems less likely that heightened scrutiny could drive those results, as agencies presumably take violent and sexual conduct more seriously than other misconduct regardless of which officers are accused.

Our complaint data offer another way to test the heightened-scrutiny hypothesis. The FDLE, a statewide entity independent from the local agencies that employ law-enforcement officers, itself initiates roughly one-third of the complaints in our data set. These include complaints opened in response to an officer's arrest, a news report, a verified citizen complaint tendered to the FDLE directly, or a problem FDLE staff discovered while auditing local-agency records.²³⁹ If heightened scrutiny by employing agencies explained why wandering officers receive more complaints, we would expect the gap in complaint rates to disappear in this subset of the data (because, again, the employing agencies do not trigger these complaints). The data does not bear this out. We reran our analysis of complaints on the FDLE-initiated subset. As Table A11 shows, the results are substantively similar to when we use all complaints: across each of the specifications, wandering officers were roughly twice as likely as officers who had never been fired to receive a complaint initiated by the FDLE.²⁴⁰

Next, we examine firing and complaint rates across agencies of varying size. What little has been written on the topic suggests that smaller agencies are less

policing – the average net effects of turnover are expected to be negative. See Ton & Huckman, *supra* note 122, at 57-58, 65.

239. The ATMS database contains seven codes that define the source of a complaint: affidavit of separation, arrest hit notification, FDLE staff documentation, internal investigation, newspaper, other, and verifiable complaint. Based on conversations with the FDLE, we define a complaint as initiated by the FDLE (and not the officer's agency) if its code is anything *other than* affidavit of separation or internal investigation. As noted, see *supra* Section III.A, we have data only on the date a complaint was opened and not the date on which the alleged misconduct occurred. It is possible that, in some cases, there is a nontrivial gap between the date a complaint was opened and the date of the alleged misconduct.

240. The difference between never-fired officers and officers who were fired from their last job is statistically significant across all comparisons at $p < 0.01$. The difference between never-fired officers and officers who were fired further back in their employment history is significant across all comparisons at $p < 0.05$.

likely than their larger counterparts to have the resources and organizational apparatus to closely monitor and remediate particular officers.²⁴¹ Thus, if wandering officers are fired more frequently or receive more complaints than other officers because they face heightened scrutiny, we would expect these gaps to narrow or disappear in smaller agencies.²⁴² We therefore reran our analyses of firing and complaints after breaking the data into two groups of agencies, by size: agencies that employed fewer than sixty-two officers – the smallest quartile of employment stints – and agencies that employed sixty-two officers or more. We then reran the analysis again using even smaller thresholds: thirty-one officers and fifteen officers. Across all of these comparisons, our results were substantively similar.²⁴³ In both large and small agencies, officers who were fired from their last job were roughly twice as likely to be fired,²⁴⁴ be fired for misconduct,²⁴⁵ or receive a complaint²⁴⁶ than officers who had never been fired before.

241. See, e.g., STEVEN G. BRANDL, *POLICE IN AMERICA* 41 (2017) (“[L]arger police departments tend to have more rules and policies than smaller ones.”); PRESIDENT’S TASK FORCE ON 21ST CENTURY POLICING, *supra* note 41, at 28-29 (reporting that “small forces often lack the resources for training and equipment accessible to larger departments” and encouraging consolidation); David N. Falcone et al., *The Small-Town Police Department*, 25 *POLICING: INT’L J. POLICE STRATEGIES & MGMT.* 371, 374 (2002) (“Given the low number of [full-time employees] for small-town police departments, and the near absence of organizational differentiation, all officers, regardless of rank, must carry out general patrol functions.”); Kevin Johnson, *Lack of Training, Standards Mean Big Problems for Small Police Departments*, USA TODAY (June 23, 2015, 4:39 PM), <https://www.usatoday.com/story/news/nation/2015/06/23/small-police-departments-standards-training/28823849> [<https://perma.cc/8YFL-LEJG>] (“[Q]uestions about leadership, training and basic competence track an array of unmet public safety needs that threaten small-town policing operations in communities across the country.”); cf. Casey Toner & Jared Rutecki, *113 Suburban Cop Shootings, Zero Discipline*, WBEZ (Jan. 8, 2018), <https://interactive.wbez.org/taking-cover/zero-discipline> [<https://perma.cc/C5V9-WLTT>] (“The investigation found little evidence that suburban police agencies do any self-reflection or post-mortem reviews aimed at retraining officers involved in deadly shootings, a practice often employed at larger departments.”).

242. Alternatively, it is possible that police chiefs in smaller agencies are better able to monitor wandering officers closely. Our results run contrary to this prediction, too.

243. See *infra* Table A12. To reduce the size of the table, we present only the results for agencies that are bigger and smaller than fifteen officers at the time the officer was hired and for firings (but not firings for misconduct). The results are substantively similar when we break up agencies based on the thirty-one-officer and sixty-two-officer thresholds and when we examine firings for misconduct.

244. $p < 0.001$.

245. $p < 0.001$.

246. $p < 0.05$.

While officers who were fired further back in their employment history also experienced heightened rates of firing and complaints—both in small and large agencies—the differences were only sometimes statistically significant.

Finally, we probe the heightened-scrutiny hypothesis by examining the timing of firings and complaints. If wandering officers are, like probationary employees, scrutinized more closely than others, this heightened monitoring is probably not indefinite. Indeed, monitoring can be costly and its expected returns may diminish with time. It seems likely, then, that wandering officers blend in with the rest of the workforce at some point. We therefore calculate the average rate at which officers are fired and receive complaints during their fourth through seventh years of employment.²⁴⁷ As Table A13 shows, wandering officers continue to experience higher rates of firings²⁴⁸ and complaints²⁴⁹ even during those later years, though the gap between wandering and nonwandering officers is somewhat smaller during this period than during years one through three.

A second potential explanation for the elevated rates of firing and complaints that wandering officers receive is that, even if wandering officers are not treated differently *within* agencies, they may, on average, take jobs at agencies that are better at detecting misconduct or more likely to initiate the disciplinary process. We are doubtful this hypothesis is correct. If anything, agencies that are better at detecting misconduct or more likely to initiate the disciplinary process are, because of their high quality, probably *less* likely to hire wandering officers in the first place. While we cannot directly observe the stringency of an agency's disciplinary process, our composite measures of agencies' hiring and training requirements provide useful proxies. In our data, officers who were fired from their last job and land a new position tend to move to agencies with less stringent

247. We also examine the data in one-year increments. The basic results are substantively similar but noisy due to the limited number of firings and complaints within each period. In calculating the firing and complaint rates in years four through seven, we count in the denominator all officers who had left the agency in years one through three. If instead we drop these officers from the analysis, the difference in firing rates between wandering and nonwandering officers is even larger.

248. The firing rate for officers fired from their last job is statistically significantly different from that of officers who were never fired at a threshold of 0.01. For officers fired earlier in their employment history, the difference is statistically significant at the 0.05 level for all comparisons except when we measure both professional history and subsequent firings using firings for misconduct.

249. The number of complaints for officers fired from their last job is only marginally statistically significantly different from the number of complaints for officers who have never been fired, at the 0.10 level. For officers fired further back in their employment history, the difference is statistically significant at the 0.01 level.

hiring and training requirements than officers who have never been fired.²⁵⁰ This suggests that, as we expected, wandering officers are not moving to agencies with more stringent disciplinary processes than other agencies.

Third, wandering officers may take jobs at agencies where, due to differences in culture, leadership, or beat assignment, they are exposed to conditions conducive to further misconduct. Although we did not find any evidence that wandering officers move to agencies in higher-crime jurisdictions, many move to smaller agencies with relatively fewer resources. For this reason, we think this third hypothesis warrants further investigation.

We test the hypothesis in two ways.²⁵¹ First, we assess whether *observable* agency-level variables reduce the predictive power of officers' professional-history variables. Table 11 presents a series of linear probability models where the dependent variable is whether an officer was fired within three years.²⁵² Because some of our agency-level variables begin in 1997, we restrict our analysis to employment stints that began between 1997 and 2013. Model 1 contains only the professional-history variables and shows that, during that period, officers who were fired from their last job and officers fired further back in their employment history were subsequently fired 6.6 and 2.9 percentage points more often, respectively, than veterans who had never been fired, the comparison group.

In Model 2, we add a number of agency-level variables (as of the date the officer's employment began): total number of officers employed by the agency, agency expenditures per full-time officer, violent crimes per 100,000 residents,

250. Our hiring and training scores begin in 1997. We are also missing a substantial number of observations within our sample. As a result, we lack hiring-requirement and training-requirement data for 33% and 40% of observations from 1997 to 2013, respectively. Most of these missing cases—82% and 68% of the missing hiring and training observations—concern moves from or to agencies that are neither municipal police departments nor sheriffs' offices. Officers who have never been fired, who separated from their previous job voluntarily, and who land a new job move from agencies that, on average, have hiring and training scores of 5.2 and 3.2 to agencies with scores of 5.3 and 3.4—almost no change at all. Similarly, officers who were fired earlier in their employment history but voluntarily separated from their last job and found new work moved from agencies with hiring and training scores of 4.4 and 2.9 to agencies with scores of 4.6 and 3.1. In contrast, officers who were fired from their last job and obtain new work tend to move to agencies with lower hiring and training scores; indeed, they move from agencies with average scores of 5.2 and 3.3 to agencies with scores of 4.6 and 2.9 ($p < 0.001$).

251. As in the rest of our analyses of professional history and firings, we exclude job stints in which an officer is employed by an agency that had fired him in his immediately preceding job.

252. As before, we report the results of linear probability models (or linear regressions) because the magnitudes of their coefficients are easy to interpret. The results are substantively similar, however, when we use logistic regression, which better fits the binary structure of the dependent variable.

property crimes per 100,000 residents, unemployment, proportion of the population that is black, and proportion of the population that is Hispanic. Adding these variables decreases the coefficient both for officers who were fired from their last job and for officers who were fired further back in their employment history by 10% to 15%. Because we are missing data for at least one of the agency-level variables in roughly 17% of employment stints from 1997 to 2013, it is once again possible that missing data—rather than the introduction of the agency-level variables—explain the change in results from Model 1 to Model 2. We assess this possibility in Model 3 by replicating Model 1 while dropping any observations for which we are missing some agency-level data. The coefficients both for officers fired from their last job and for officers fired from an earlier job are roughly similar to those in Model 1, suggesting that the addition of the agency-level variables is responsible for much of the modest decrease in the coefficient from Model 1 to 2. Taken together, these models suggest that the agency-level variables may reduce the predictive power of the professional-history variables but only very slightly.

Second, we test whether *unobservable* agency-level characteristics reduce the predictive power of the professional-history variables. More specifically, we introduce agency fixed effects to assess whether the heightened rates at which wandering officers are fired stem from their moving to agencies with higher rates of firing and complaints in general. As Model 4 in Table 11 shows, adding these fixed effects has little impact on the size of the coefficients for either type of wandering officer. This provides further evidence that this third hypothesis has limited explanatory power.

TABLE 11.
REGRESSION MODELS ON FIRING WITHIN THREE YEARS WITH AGENCY CHARACTERISTICS,
1997-2013²⁵³

| | Model 1 | Model 2 | Model 3 | Model 4 |
|--|--------------------|---------------------|--------------------|--------------------|
| Intercept | 0.039** [0.002] | 0.052** [0.006] | 0.041** [0.002] | |
| Fired from Last Job | 0.066** [0.009] | 0.055** [0.009] | 0.060** [0.009] | 0.056** [0.009] |
| Fired from Earlier Job | 0.029** [0.008] | 0.026** [0.009] | 0.029** [0.009] | 0.024** [0.009] |
| Rookie | 0.015** [0.003] | 0.018** [0.002] | 0.015** [0.003] | 0.016** [0.002] |
| Number of Officers (In Hundreds) | | -0.002** [0.000] | | 0.002 [0.002] |
| Expenditure Per Officer (In Thousands) | | 0 [0.000] | | 0 [0.000] |
| Violent-Crime Rate (Per 100 Residents) | | 0.005** [0.001] | | 0.002 [0.003] |
| Property-Crime Rate (Per 100 Residents) | | -0.003† [0.002] | | 0 [0.002] |
| County-Level Unemployment Rate | | 0.024 [0.059] | | -0.063 [0.058] |
| Proportion Black | | -0.008 [0.014] | | -0.053 [0.061] |
| Proportion Hispanic | | -0.015 [0.010] | | -0.042 [0.060] |
| Agency Fixed Effects | No | No | No | Yes |
| n | 59,861 | 49,687 | 49,687 | 49,687 |

The fourth and final hypothesis is the most straightforward: holding all else constant, wandering officers may simply behave worse than officers who have

253. Asterisks (*) denote estimates that are statistically significant at the 0.05 level; two asterisks (**) denote estimates statistically significant at the 0.01 level. While our statistical significance threshold is 0.05, we note estimates statistically significant at the 0.1 level with daggers (†). Cluster-robust standard errors clustered at the person- and agency-level are in brackets.

never been fired. On top of that, they tend to be hired by smaller agencies with fewer resources, which may be unable to provide them with the policies, training, and supervision that could help them stay in line. Because the other hypotheses largely fail, and because this explanation is consistent with anecdotal accounts, we suspect that this is, in the end, the most plausible explanation of the higher rates of firing and complaints against wandering officers.

V. PREDICTING WHICH WANDERING OFFICERS GET FIRED AGAIN

Before we turn to potential legal reforms for the problems just identified, we examine one final empirical question: whether certain agencies, or certain wandering officers, pose greater or lesser risks than others. More specifically, should certain agencies be especially wary of hiring wandering officers? Do agencies' hiring or training requirements affect the risk that wandering officers pose? Are there observable characteristics that mark some wandering officers as more or less risky than others?

To examine these questions, we fit a series of linear probability models on a data set containing an observation for every time, from 1988 to 2013, an agency hired a wandering officer.²⁵⁴ The dependent variable indicates whether the officer was fired within three years. We include a range of independent variables measuring characteristics of the officer, as well as the law-enforcement agencies he moved from and to, in order to estimate whether any of these characteristics is associated with a lower probability that the officer's separation was involuntary. As in the earlier analyses of firings, we exclude job stints in which an officer is employed by an agency that had fired the officer in his immediately preceding job.

Table 12 presents the results.²⁵⁵ Model 1 includes one independent variable: whether the officer was fired from his most recent job. It shows that such officers are 3.7 percentage points more likely to be fired than other wandering officers. Model 2 adds various officer-level independent variables, including the number of jobs worked, gender, age (at start of employment), and a dummy for prior complaints. The only statistically significant variable is whether the officer was fired from his most recent job.

254. We report the results of linear probability models (or linear regressions) because the magnitudes of their coefficients are easy to interpret. The results are substantively similar, however, when we use logistic regression, which better fits the binary structure of the dependent variable.

255. We report cluster-robust standard errors clustered at the agency and officer level.

In Model 3, we add a variable reflecting the officer's educational attainment to see whether education is associated with the likelihood that a wandering officer is fired. Because education data is missing for many officers, we lose a significant proportion of our observations. We find no statistically significant evidence that officer education makes a difference here, but we caution that our estimates are noisy, at least partially due to the decreased sample size.

Finally, in Model 4, we examine whether any agency characteristics are correlated with whether a wandering officer will be fired again. We add several characteristics of the hiring agency for the year the officer was hired, including the proportion of the agency's jurisdiction that is black, the proportion that is Hispanic, the violent and property crime rates per 100,000 residents, county-level unemployment rates, and agency expenditures per officer. We also test whether the agency's hiring or training requirements are correlated with whether the agency will fire a wandering officer it hires by adding two composite scores, described in Section III.B, that measure the stringency of the hiring agency's requirements. The idea is that stricter hiring requirements might direct agencies toward the least risky wandering officers and that rigorous training requirements might keep wandering officers on the right path. Finally, the model also contains two variables capturing the number of full-time officers employed by the agencies the officer moved to and from divided by 100 (to ease interpretation of the results). Because some of these agency-level variables are available only starting in 1997, we exclude all employment stints that began before that year. We also lose some additional observations due to missingness on some of the agency-level variables.

In this model, the variable indicating whether an officer was fired from his most recent job (rather than a job further back in his employment history) decreases in size and is no longer statistically significant. More important, the only agency-level variables that are statistically significant relate to agency size; they show that officers who move from and to agencies that are smaller tend to be fired less frequently. Otherwise, we find little evidence of any statistical association between the agency variables and firing. When we examine firing rates based on wandering officers' history of firings for misconduct, specifically, we find a similar pattern of results.²⁵⁶ Because Model 4 is restricted to hirings from 1997 to 2013, however, the number of observations is substantially reduced, which may partly explain the null results.

256. See Table A10.

TABLE 12.
PREDICTING WHETHER WANDERING OFFICERS ARE FIRED AGAIN, 1988–2013²⁵⁷

| | | Model 1 | Model 2 | Model 3 | Model 4 |
|------------------------|------------------------|--------------------|--------------------|-------------------|---------------------|
| Intercept | | 0.074** [0.007] | 0.103** [0.023] | 0.075† [0.042] | 0.194** [0.049] |
| Fired from Last Job | | 0.037** [0.010] | 0.035** [0.013] | 0.043* [0.020] | 0.025 [0.020] |
| | 2 | | 0.009 [0.017] | -0.002 [0.030] | -0.008 [0.029] |
| Job Number | 3 | | 0.005 [0.017] | -0.016 [0.029] | -0.003 [0.030] |
| | 4+ | | 0.015 [0.019] | -0.002 [0.032] | -0.024 [0.030] |
| Age (At Start) | | | -0.001 [0.001] | 0 [0.001] | 0 [0.001] |
| Male | | | -0.028 [0.018] | -0.031 [0.025] | -0.091** [0.031] |
| Any Past Complaints | | | 0.006 [0.014] | -0.007 [0.019] | -0.011 [0.018] |
| | Associate's | | | 0.005 [0.028] | |
| Education | Bachelor's | | | 0.014 [0.027] | |
| | Master's/ Doctorate | | | -0.011 [0.032] | |

257. An asterisk (*) denotes an estimate that is statistically significant at the 0.05 level; two asterisks (**) denote an estimate that is statistically significant at the 0.01 level. While our threshold of statistical significance throughout the paper is 0.05, we also note estimates that are statistically significant at the 0.1 level with a dagger (†). Cluster-robust standard errors clustered at the person-level are reported in brackets.

| | | |
|-------------------|--------------------------------------|--|
| | Proportion Black | -0.025 [0.050] |
| | Proportion Hispanic | -0.062 [0.041] |
| | Violent-Crime Rate (Per 100,000) | 0 [0.000] |
| | Property-Crime Rate (Per 100,000) | 0 [0.000] |
| Hiring Agency | County-Level Unemployment Rate | 0.031 [0.313] |
| | Expenditures Per Officer (2008) | 0 [0.000] |
| | Hiring Requirement Score | 0.003 [0.005] |
| | Training Requirement Score | -0.007 [0.006] |
| | No. of Officers | -0.003* [0.001] |
| Separating Agency | No. of Officers | -0.003** [0.001] |
| n | | 3,533 3,533 1,390 1,451 |

Taken together, what should we make of these results? Assuming a law-enforcement agency will hire a wandering officer, are there ways to reduce the risks? Our models provide little optimism on this front. Most of the models suggest that, among wandering officers who are hired again, those who have separated voluntarily from at least one job since their last firing are less likely to be fired again. The models also suggest that officers coming from or going to smaller agencies may be slightly less likely to be fired. Beyond that, however, the regression models provide little consistent evidence about how to predict which wandering officers will be fired again.

VI. MECHANISMS AND REFORMS

We have found that an average of over one thousand wandering officers were working in full-time Florida law-enforcement jobs in any given year between 1988 and 2016. Many of these officers found work by migrating to smaller, less desirable agencies—measured by resources per officer—than the agencies that fired them. They were then fired and subjected to complaints alleging “moral character violations” at higher rates than officers who had never been fired before, even when we restrict the latter group to officers who were hired around the same time and place by similarly desirable agencies. Although we cannot be sure why wandering officers experienced these adverse outcomes, after a review of several hypotheses, we think the most straightforward explanation is also the most plausible one: wandering officers simply behave worse than officers who have never been fired. These results appear generally consistent with the pertinent labor economics literature and, in particular, with the closest study on point, which concerns the labor mobility and behavior of financial advisers who commit misconduct.²⁵⁸

If wandering officers are so risky, one might reasonably ask, why do police chiefs keep hiring them? Our data do not permit us to isolate a single mechanism, and we doubt that there is only one cause in any event. In this final Part, we consider five plausible explanations along with the policy implications of each. In Section A, we examine the possibility that agencies may not know they are hiring wandering officers. In Section B, we consider whether agencies may not appreciate the risks that wandering officers pose. In Section C, drawing upon our empirical analysis in Section IV.B.4, we discuss whether wandering officers are simply the best available candidates—that is, if they are hired when no stronger candidate is available. In Section D, we explore the benefits that might make wandering officers attractive notwithstanding their risks. Finally, in Section E, we discuss the possibility that agencies are not concerned about the risks of hiring wandering officers because, generally speaking, they do not bear the costs of any resulting harms.

A. Poor Information

In some instances, an agency may hire a wandering officer simply because it does not know about the officer’s past. Indeed, agencies do not always complete adequate background checks, possibly due to unprofessional organizational culture or resource constraints. The Cleveland Police Department, for instance, “never reviewed [the] personnel file” for Tim Loehmann, who shot and killed

258. See *supra* notes 129-134 and accompanying text.

Tamir Rice.²⁵⁹ In addition, some candidates may deliberately conceal their professional history. Much of the small academic literature on wandering officers emphasizes this explanation for the ability of wandering officers to find work.²⁶⁰

The favored solution here is to build a robust national decertification database. Such a database would record state agency decisions to decertify officers and make them available for local agencies in other states to see. A small group of academics has been pushing this idea for decades and, in 2015, the President's Task Force on 21st Century Policing lent its imprimatur.²⁶¹ To be sure, a national database does already exist – the NDI described in Part I. But its coverage is poor. Some states “have decided it’s a drain on resources to contribute to the index [and] the state-by-state discrepancies significantly limit the database’s effectiveness.”²⁶² As one reference point, Georgia decertified 562 officers in 2015 but submitted nothing to the database.²⁶³

Our data and findings highlight both the importance and limits of a national decertification database as a tool to stop wandering officers. On the one hand, our finding that wandering officers are more likely than other officers to be fired, including for misconduct, and more likely to be subject to serious misconduct complaints, underscores the importance of some kind of national – and mandatory – tracking system. Such a tool could help agencies avoid hiring wandering officers who saunter in from other states.

On the other hand, as the Loehmann example demonstrates – along with all of our own findings – the focus on interstate movement seems to skip a step. Wandering officers frequently move around within a single state. Even before we get to any national database, background checks should be standardized and

259. Dewan & Oppel, *supra* note 1; see CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE & U.S. ATTORNEY'S OFFICE FOR THE N. DIST. OF OHIO, INVESTIGATION OF THE CLEVELAND DIVISION OF POLICE (2014) (detailing systemic and structural deficiencies in the department). On the importance of organizational culture more generally, see Armacost, *supra* note 43.

260. See, e.g., Atherley & Hickman, *supra* note 80, at 435-36 (describing impediments to the flow of information necessary to vet candidates thoroughly); Bell, *supra* note 32, at 2137 (explaining that “resource constraints make it more difficult” for agencies “to discriminate between good and bad officers”); Goldman & Puro, *supra* note 26, at 548 (“[T]he second department may be unaware of the previous misconduct, either because the first department would not disclose the officer’s previous misconduct, or because the second department does not conduct a thorough background check.”).

261. See, e.g., Atherley & Hickman, *supra* note 80, at 435-36; Goldman & Puro, *supra* note 53, at 76-78; Goldman & Puro, *supra* note 26, at 575-78; see also PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING, *supra* note 41, at 29.

262. Fisher, *supra* note 25.

263. *Id.*

mandatory (as they are in some states, including Florida). There is some suggestion, mentioned earlier, that background checks are taxing on very small or resource-strapped departments. If so, states or the federal government should consider subsidizing or otherwise assisting local agencies in conducting the necessary investigation of officer candidates.

In addition, even if the database includes every decertification decision nationwide, it is useful only if states regularly decertify problem officers. But they do not.²⁶⁴ Recall that five states plus the District of Columbia, employing a significant share of all law-enforcement officers nationally, have no decertification option at all. Another twenty states require a criminal conviction before an officer can be decertified. And according to one study, in 2015, over half of all police decertifications reported to the NDI came from Florida and Georgia, while Louisiana, Mississippi, and Wyoming did not decertify a single officer²⁶⁵ – in fact, Louisiana has not decertified anyone in at least a decade.²⁶⁶ Even in states that do decertify a relatively high number of officers, moreover, decertification is still rare. Only a small subset of misconduct will render an officer eligible for decertification.²⁶⁷ It is worth pointing out that, to our knowledge, *none* of the employment stints in our study – including those of wandering officers – was held by an officer who had been decertified in Florida before the stint began.²⁶⁸

The federal government – through an exercise of Congress’s spending power – could encourage the states to decertify officers under specified conditions. Short of that, the most productive reform might be to expand the substantive coverage of the national database. Rather than merely cover officer *decertifications*, the database ought to record at least all misconduct-related terminations, and probably all involuntary terminations or all separations of any kind. This would resemble the National Practitioner Databank (NPDB) that tracks medical

264. See, e.g., Puro et al., *supra* note 85, at 494 (“The decertification authority is available [in most states] but may not be implemented in many states owing to factors such as a lack of political will by the state legislature, insufficient staffing at the POST, or lack of participation by local police chiefs or sheriffs.”).

265. Fisher, *supra* note 25.

266. Kelly et al., *supra* note 23.

267. See Fisher, *supra* note 25 (“I think some people are under the misimpression that if a cop gets fired for anything really bad, they’re going to get decertified, and that is not the case. . . . It’s a very narrow range of behavior that will cause them to lose their certification.” (quoting Sue Rahr, former police chief and member of the President’s Task Force on 21st Century Policing)).

268. It is possible that some had been decertified and later recertified. It is also possible that some had been decertified in another state before moving to Florida.

malpractice and fraud.²⁶⁹ In fact, the NPDB goes further, requiring reporting of not only employment separations but also malpractice payments and certain disciplinary actions.²⁷⁰ In the 1990s, Congress actually considered two bills that sought to establish a federal clearinghouse of law-enforcement “employment termination data.”²⁷¹ Both died in committee.²⁷² Some states have recently taken steps in this direction for their in-state databases. A 2016 Illinois law, for example, requires local agencies to notify the state POST board of any “final determination of willful violation of department or agency policy, official misconduct, or violation of law” in connection with an officer’s termination or resignation.²⁷³ If other states enact similar reforms, an effective national database will be that much closer to reality.

B. Unawareness of Risk

Some agencies may know they are hiring wandering officers but may not know that wandering officers are, in general, risky hires.²⁷⁴ After all, plenty of wandering officers do not reoffend,²⁷⁵ and plenty of officers who have *not* been fired before commit misconduct. In fact, police administrators sometimes make the plausible argument that wandering officers should be *more* conscientious than others because they have been reprimanded before—they know, in other

269. *National Practitioner Data Bank*, U.S. DEP’T HEALTH & HUM. SERVS., <https://www.npdb.hrsa.gov/index.jsp> [<https://perma.cc/GCA9-7W7M>]; see Goldman & Puro, *supra* note 26, at 575.

270. See Ilene N. Moore et al., *Rethinking Peer Review: Detecting and Addressing Medical Malpractice Claims Risk*, 59 VAND. L. REV. 1175, 1180 (2006).

271. Law Enforcement and Correctional Officers Employment Registration Act of 1996, H.R. 3263, 104th Cong. § 2(5) (1996); Law Enforcement and Correctional Officers Employment Registration Act of 1995, S. 484, 104th Cong. § 2(5) (1995).

272. Fisher, *supra* note 25.

273. Illinois Police Training Act, 50 ILL. COMP. STAT. 705 / 6.2(a) (2019). *But see* Toner & Rutecki, *supra* note 25 (reporting in 2018 that only twenty-six officers’ names had been submitted and that ten of the twenty-six had gone on to find additional police work).

274. See, e.g., Cormier & Doig, *supra* note 25 (describing a city manager who knowingly hired officers who had been fired for perjury, excessive force, and making false statements—but not decertified—reasoning that, “[i]f the [certifying] commission says they’re good to go, they’re good to go”); cf. Egan et al., *supra* note 129, at 237 (hypothesizing that financial advisers with records of misconduct may find work because unsophisticated customers do not know “how to interpret” their records).

275. See, e.g., Shockey-Eckles, *supra* note 26, at 304-05 (relating the story of a wandering officer who “salvaged his career,” was named officer of the year, and was promoted to lieutenant in his new agency).

words, that they are not invincible.²⁷⁶ Very few agencies, we suspect, hire enough wandering officers to notice that, in the aggregate, the pattern of their behavior actually seems to cut the other way.

Police administrators are now on notice. Even when well intentioned – as a second chance for a hard-working cop – hiring a wandering officer is risky business. Wandering officers, we have shown, are fired and subjected to moral-character complaints more often than other officers. Notably, they are riskier, by our measures, than even officers hired as rookies. Our findings are consistent with prior studies, using different data and methods, that examined police misconduct without focusing on wandering officers specifically. White and Kane, for example, found that New York City officers with “red flags” early in their careers were at greatest risk of dismissal later on.²⁷⁷ Machine-learning researchers who developed an early intervention system to predict adverse events for Charlotte-Mecklenburg officers found that “[t]he most predictive features of the model were those relevant to the prior [internal affairs] history of the officer.”²⁷⁸ And Kyle Rozema and Max Schanzenbach found that Chicago officers who receive more civilian complaints are more likely to be sued later for civil-rights violations.²⁷⁹

In light of this evidence, law-enforcement agencies should be wary of knowingly hiring wandering officers and, when they do make such hires, should be realistic about the risk they assume. Agencies should consider enhanced monitoring and support of wandering officers as a potential way to manage this risk. They might also promulgate recidivist penalties for officers – common in the substantive criminal law – designed to deter misconduct by this high-risk population. (Some may have already.) And if given the choice between two wandering-officer candidates, one of whom was just fired and one of whom was fired earlier in his career, our evidence suggests that agencies ought to opt for the latter, all else equal.

C. *Inadequate Alternatives*

Many have assumed that hiring a wandering officer is an obvious management blunder. It certainly appears so after the fact, when the public learns that

276. See Cormier & Doig, *supra* note 25.

277. Michael D. White & Robert J. Kane, *Pathways to Career-Ending Police Misconduct: An Examination of Patterns, Timing, and Organizational Responses to Officer Malfeasance in the NYPD*, 40 CRIM. JUST. & BEHAV. 1301, 1316 (2013).

278. Carton et al., *supra* note 101, at 72.

279. Rozema & Schanzenbach, *supra* note 101, at 251-55.

an officer who hurt someone had previously been fired by another agency. But these cases alone, tragic as they are, actually tell us little about the wisdom of the decision from an *ex ante* perspective. Even if agencies suspect that, on average, wandering officers carry certain risks, they might still be making optimal hiring decisions under the circumstances. The wandering officers who are hired might be *less* risky than the available alternative candidates.²⁸⁰ That wandering officers tend to migrate to agencies with fewer resources is evidence consistent with this account. Certainly, if law-enforcement agencies were epistemically sophisticated, profit-driven private entities that internalized the costs of bad hiring decisions, this story would be compelling. As we discuss in Section E below, however, there are reasons to think most agencies are not like this.

Fortunately, we were able to do more than speculate in this way. We were able, as detailed in Part IV above, to identify, for each wandering officer, a plausible candidate cohort—a group of officers who were hired around the same time by nearby, and similarly desirable, agencies. This group roughly approximates the type of officers who may have been candidates for the job the wandering officer ultimately obtained. As we showed, although this cohort is riskier than the general population of officers who have never been fired, the wandering officers are riskier still. It would be preferable, of course, to compare the wandering officers to the actual officers who competed for the same jobs, but that information is unavailable. In its absence, our cohort analysis provides some evidence that agencies are not always making the optimal hiring decision.

Nevertheless, it remains possible that a shallow applicant pool does explain *some* wandering-officer hiring. If so, and assuming additional hires are actually necessary, the solution may be to improve the pool of candidates by raising compensation or improving outreach and recruitment.²⁸¹ This, of course, is likely far easier said than done. Still, to the extent that officials allocating budgets have not

280. See, e.g., Atherley & Hickman, *supra* note 80, at 421 (explaining that small agencies sometimes consciously hire wandering officers when “financial resources are limited and lateral officers are simply scarce”); Goldman & Puro, *supra* note 26, at 548 (“Although it might seem unusual for a police department to hire an officer with a past record of misconduct, the second department is usually located in a poor community that cannot afford to pay high salaries to its police.”); Cohen, *supra* note 40 (“[I]f it’s not an attractive department, you’d have . . . very few applicants, and it’s a matter of getting the best of the worst.” (quoting Vincent del Castillo)); Kyle Hopkins, *The Village Where Every Cop Has Been Convicted of Domestic Violence*, PROPUBLICA (July 18, 2019, 11:30 AM), <https://www.propublica.org/article/stebbins-alaska-cops-criminal-records-domestic-violence> [<https://perma.cc/TC68-2YFY>] (describing small Alaskan communities in which all applicants for law-enforcement jobs have criminal records).

281. Cf., e.g., Johnson, *supra* note 241 (“[L]ike the mayor, the chief is concerned about the town’s ability to draw candidates to small-town policing ‘when you can make more at McDonalds.’” (quoting Roger Dowell, Police Chief, Damascus, Va.)).

perceived a problem, our findings might encourage them to reconsider. Localities that are forced to hire wandering officers might appeal to intergovernmental sources of funding, such as the state, for assistance in subsidizing salary enhancements.

Another way to improve the candidate pool may be to reduce barriers to entry into the profession. This could include minimizing financial barriers, such as the cost of the requisite training or education. Another possibility – although not one without risks – is to relax the stringency of hiring requirements. Because research finds that more educated officers, for example, tend to commit less misconduct, many assume that agencies should raise their education requirements.²⁸² But higher education requirements may screen out some otherwise-excellent candidates – candidates who might be a superior choice to a better-educated wandering officer. More research is warranted on the effects of hiring requirements on the makeup and performance of the police forces they yield.

D. Countervailing Benefits

Some agencies may understand that wandering officers are risky – riskier, even, than alternative candidates – but hire them because of the benefits, both cultural and financial, they’re perceived to bring. The chief, for example, may be looking for a “cowboy” officer to work the toughest beat – someone who’s savvy and unafraid to do what’s necessary to “clean up the streets.”²⁸³ Some agency leaders may even believe they are doing a service to the profession by helping a cast-out comrade find his way. Unlike a new recruit, a wandering officer has earned his spot in policing’s “band of brothers”;²⁸⁴ that he has been fired may signal only that he was unfairly maligned or fell victim to “politics.”²⁸⁵ The chance to right this perceived wrong may generate for some chiefs a “warm

282. See, e.g., KANE & WHITE, *supra* note 38, at 105.

283. See, e.g., Toner & Rutecki, *supra* note 25 (“Certain officers are more active than other officers. . . . You have officers that are out there simply looking for the bad elements. They are looking for the criminals. They are looking for the drugs. They are looking for the guns out there, which is what they should be doing.” (quoting Robert Collins Jr., Police Chief, Dolton, Ill.)).

284. See WILLIAM SHAKESPEARE, KING HENRY V act 4, sc. 3 (MIT ed. 1993) (“We few, we happy few, we band of brothers; / For he to-day that sheds his blood with me / Shall be my brother . . .”).

285. Kelly et al., *supra* note 23 (“Former New Orleans police superintendent Ronal Serpas said that sheriffs and other chiefs often justify rehiring officers by dismissing their problems as ‘political.’”).

glow” that actually makes a wandering officer more, not less, attractive than a nonwandering alternative.²⁸⁶

Alternatively, agencies might hire wandering officers who are riskier than the marginal hires if the costs of doing so are lower. Because collective-bargaining agreements in many law-enforcement agencies across the country, and in Florida specifically, establish scheduled pay raises based primarily on years of service, police administrators typically have little discretion over salaries.²⁸⁷ It is therefore unlikely that an administrator would hire a wandering officer simply because that officer is willing to accept a lower salary than a similarly experienced marginal candidate who has never been fired. But wandering officers might be cheaper than rookies. In many jurisdictions, hiring agencies must pay to send new recruits to the police academy and fund their salaries during training as

286. See, e.g., Cormier & Doig, *supra* note 25 (“This stuff is supposed to follow you forever? . . . Of course I’m going to give somebody a second chance.” (quoting Roberto Fulgueira, Police Chief of the Sweetwater Police Department)); Schaefer & Kaufman, *supra* note 20 (describing police chief who considers his agency “a place where cops can earn a second chance”); cf. Maya Lau & Matt Stiles, *L.A. County Sheriff Alex Villanueva Reinstates Four More Fired Deputies*, L.A. TIMES (Apr. 5, 2019), <https://www.latimes.com/local/lanow/la-me-sheriff-more-reinstatements-20190405-story.html> [<https://perma.cc/4L8C-4MNV>] (describing a sheriff who “argued that previous sheriffs were too harsh in punishing deputies and he wants to be fairer” and who campaigned “on a promise to correct the wrongs of the past, including . . . addressing the cases of deputies who’d been unfairly disciplined through a ‘truth and reconciliation’ panel”). On the concept of “warm glow,” see James Andreoni, *Giving with Impure Altruism: Applications to Charity and Ricardian Equivalence*, 97 J. POL. ECON. 1447 (1989).

287. See, e.g., Seth W. Stoughton, *The Incidental Regulation of Policing*, 98 MINN. L. REV. 2179, 2205 (2014) (describing the New York Police Department’s wage schedule, in which “pay depend[s] on the length of employment, not officer performance”); *Agreement Between the City of Boca Raton and Fraternal Order of Police Lodge #35*, CITY OF BOCA RATON 81 (2017), http://bocaraton.granicus.com/DocumentViewer.php?file=bocaraton_459d440a463643240879eb6b939e5406.pdf [<https://perma.cc/PRH6-QDBP>]; *Agreement Between the City of St. Petersburg and Sun Coast Police Benevolent Association for Police Officers and Technicians*, CITY OF ST. PETERSBURG 35, 42 (2016), https://www.stpete.org/city_departments/human_resources/docs/PBA%20Contract.pdf [<https://perma.cc/2NCN-6P8G>]; *City of Orlando Collective Bargaining Agreement with Fraternal Order of Police, Orlando Lodge #25*, CITY OF ORLANDO 85-87 (2016), <https://orlando.novusagenda.com/AgendaPublic/AttachmentViewer.ashx?AttachmentID=69269&ItemID=41183> [<https://perma.cc/S3P2-KW9X>].

well.²⁸⁸ Training also creates delay; wandering officers join the agency ready to deploy.²⁸⁹

While not easy, it may be possible to diminish the influence of these perceived benefits on agencies' hiring decisions. With respect to the cultural factors, scholars and even some police leaders are increasingly challenging the notion that high crime—even violent crime—demands a militaristic response.²⁹⁰ The idea is that Guardian Officers, not Warrior Cops, may best accomplish the aspirational aim of law enforcement: “protecting civilians from unnecessary indignity and harm.”²⁹¹ “[R]ethinking the professional self-image of policing and changing some of the core values that inform officers' actions and decisions” will not be easy,²⁹² but instructive examples do exist.²⁹³ By foregrounding the service

288. See, e.g., Goldman & Puro, *supra* note 26, at 548 (explaining that, when they hire wandering officers, “[d]epartments need not pay for the costs of a training academy or the salary of the trainee while he is in training”); Williams, *supra* note 21 (“[S]maller departments and those that lack sufficient funding or are understaffed are most likely to hire applicants with problematic pasts if they have completed state-mandated training, which allows departments to avoid the cost of sending them to the police academy.”). In Florida, for example, local agencies are authorized, though not legally required, to pay police-academy tuition. See FLA. STAT. § 943.16 (2019). Most do: according to CJAP data, in both 2008 and 2016, 70% of the responding police departments and sheriffs' offices reimbursed tuition costs. As a point of reference, tuition at one program in 2019 ran roughly \$3,400 for Florida residents and \$10,000 for out-of-state residents. *Law Enforcement Officer*, GA. STONE TECH. COLL., https://gstc-ecsd-fl.schoolloop.com/pf4/cms2/view_page?d=x&group_id=1356612364276&vdid=i31g1yerxd3mb [<https://perma.cc/VT2Z-HWT8>]. Given that so many agencies pay these costs, it may be extremely difficult for agencies that do not to hire new recruits.

289. See, e.g., Williams, *supra* note 21 (explaining that wandering officers “can start work almost immediately”); Yoder, *supra* note 25 (“Given the opportunity to hire a licensed officer who can start immediately and for whom the hiring agency doesn't need to pay training costs, [a small department] may decide to ignore their history.”).

290. See, e.g., PRESIDENT'S TASK FORCE ON 21ST CENTURY POLICING, *supra* note 41, at 11; Seth W. Stoughton, *Principled Policing: Warrior Cops and Guardian Officers*, 51 WAKE FOREST L. REV. 611, 626-27 (2016); Kate Mather, *LAPD Urges Officers to Be Community Guardians, Not Warriors on Crime*, L.A. TIMES (Aug. 21, 2015, 4:00 AM), <https://www.latimes.com/local/crime/la-me-warrior-guardians-20150821-story.html> [<https://perma.cc/A8BW-F94Z>]; Nick Morgan, *From Warriors to Guardians*, MAIL TRIB. (Medford, Or.) (Mar. 4, 2016), <http://www.mailtribune.com/article/20160304/NEWS/160309853> [<https://perma.cc/ZN3F-4Z36>].

291. Stoughton, *supra* note 290, at 614.

292. *Id.* at 612.

293. See, e.g., Sue Rahr & Stephen K. Rice, *From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals*, NEW PERSPECTIVES IN POLICING BULL., Apr. 2015, at 7-11, <https://www.ncjrs.gov/pdffiles1/nij/248654.pdf> [<https://perma.cc/DX5L-4NV5>] (describing training curriculum reforms in Washington designed to cultivate a guardian mentality by

aspects of the job, these same reforms might help temper the “band of brothers” mentality that may lead chiefs to pity, or at least identify with, wandering officers. Litigation targeting legal rules that reinforce a self-protective, insular mindset might, over time, gradually erode that mentality as well.²⁹⁴

The perceived financial benefits – that wandering officers are cheaper to hire than new recruits – may be more straightforward to neutralize. If agencies are hiring officers with troubled histories to avoid the startup costs of educating and training new recruits, then they should not be asked to pay these costs. If the locality itself cannot allot more money to the police department’s budget, state and federal authorities may need to intervene. The idea is not a fanciful one – the federal government, for example, already supports local policing with tens of billions of dollars. Rachel Harmon has argued that much of this money goes to programs that are ineffective or that may do more harm than good.²⁹⁵ If that is right, the suggestion here is simply to repurpose some of these funds to pay for training rather than tanks.²⁹⁶ To be clear, we do not mean to suggest that agencies are correct to think that a wandering officer is cheaper than a rookie in the long run. Even if a wandering officer is less costly upfront, what he gives with one hand he may take away with the other, later, in the form of attrition and potential civil liability. All told, the best approach may be to ensure that agencies are internalizing these countervailing costs, a point to which we now turn.

E. Cost Externalization

Finally, agencies may hire wandering officers because they externalize, and therefore discount, the costs of doing so – in other words, they know it’s risky but they don’t care.²⁹⁷ Agencies’ principal financial exposure comes from lawsuits against officers for the harms their misconduct inflicts. Although these actions technically run against the defendant officers as individuals, officers are

emphasizing the nobility of policing, procedural justice, crisis intervention, tactical social interaction, and respect).

294. See Aziz Z. Huq & Richard H. McAdams, *Litigating the Blue Wall of Silence: How to Challenge the Police Privilege to Delay Investigation*, 2016 U. CHI. LEGAL F. 213.

295. See Rachel A. Harmon, *Federal Programs and the Real Costs of Policing*, 90 N.Y.U. L. REV. 870, 876, 883-84 (2015).

296. See *id.* at 918-29 (describing federal grant programs that finance the acquisition of militaristic equipment).

297. See, e.g., Dill, *supra* note 19 (“You have some agencies that take the approach, we need warm bodies, so they will hire that [wandering] individual . . .” (quoting Union County, South Carolina Sheriff David Taylor)).

virtually always indemnified by the employing locality.²⁹⁸ Yet, even setting aside the fact that many civilians wronged by the police will never sue, the locality itself bears relatively limited exposure due to robust qualified immunity protections that immunize “all but the plainly incompetent or those who knowingly violate the law.”²⁹⁹

Moreover, even when the locality *does* incur liability on behalf of an officer, there are additional impediments to the generation of effective behavioral incentives for those who run the agency. Roughly half of the agencies covered by one recent study contribute nothing to the satisfaction of lawsuits brought against them; central government funds are used to pay the bills.³⁰⁰ Not all of the agencies that do contribute, moreover, actually experience financial pressures; some, for example, pay from funds that were earmarked for litigation costs alone.³⁰¹ All told, because of these complexities in the way localities finance liability costs, the majority of agencies suffer no financial consequences when liability costs increase—they do not “feel the burn,” so to speak.³⁰² And though political pressures may increase with liability, most agencies do not track or analyze information about police litigation in a way that could facilitate learning and improvement.³⁰³

Municipalities are also exposed to direct liability for faulty hiring decisions.³⁰⁴ But the opening for plaintiffs is narrow, limited to situations in which an officer’s misconduct was a “plainly obvious consequence of the decision to hire” the officer.³⁰⁵ That said, courts have upheld claims “where there is a close connection between information a municipality did or should have learned about an employee in the hiring process and the constitutional violation that ultimately occurred.”³⁰⁶ In one recent case, an officer who had previously been fired from

298. See Joanna C. Schwartz, *Police Indemnification*, 89 N.Y.U. L. REV. 885, 890 (2014).

299. *Malley v. Briggs*, 475 U.S. 335, 341 (1986); see, e.g., Carbado, *supra* note 47, at 1519–24. *But cf.* Joanna C. Schwartz, *How Qualified Immunity Fails*, 127 YALE L.J. 2, 9–10 (2017) (finding that qualified immunity rarely ends civil rights cases, although allowing that it may discourage people from ever filing suit).

300. Schwartz, *supra* note 49, at 1148.

301. *Id.* at 1149.

302. See *id.* at 1203.

303. See generally Joanna C. Schwartz, *Myths and Mechanics of Deterrence: The Role of Lawsuits in Law Enforcement Decisionmaking*, 57 UCLA L. REV. 1023 (2010) (finding that officials do not typically learn from civil-rights lawsuits to make informed decisions about how to modify agency policy).

304. *Bd. of the Cty. Comm’rs v. Brown*, 520 U.S. 397 (1997).

305. *Id.* at 411.

306. AVERY ET AL., *supra* note 48, at 606; see *id.* at 607 n.15 (collecting cases).

four separate law-enforcement agencies shot and killed the former mayor of a small town in South Carolina. Shortly after the incident, the town's police chief noted that, despite the officer's rocky past, he had "proven himself" at his current job: "He's done a good job, so I guess he got a second chance."³⁰⁷ The decedent's family sued, alleging, among other theories, negligent hiring by the town. A jury awarded the family almost one hundred million dollars, including sixty million in punitive damages against the town.³⁰⁸

Given our evidence about the risks wandering officers pose, the jury in a case like this—or a court deciding a dispositive motion—is justified in deeming an agency's decision to hire a wandering officer (or failure to conduct an adequate background investigation) to be probative of fault. The more serious the officer's past misconduct, the more probative the evidence is. Nevertheless, wandering-officer status remains but one risk factor among many and rarely should be dispositive.³⁰⁹

Increased judicial willingness to entertain negligent-hiring suits concerning wandering officers might, on the margins, affect the frequency with which wandering officers are hired. Yet the impediments just discussed—to translating financial liability into constructive behavioral incentives—are every bit as powerful here as in the case of individual officer liability. To the extent these impediments contribute to the hiring of wandering officers, the appropriate response would be to improve the system's mechanisms of accountability so that agencies internalize the costs of their hiring decisions. But this is hardly a novel suggestion; indeed, it is clear by now there is no straightforward solution. Police-liability insurers might pitch in by converting the "large but improbable potential liabilities" of negligent hiring into more salient premium dollars.³¹⁰ By raising premiums for agencies that hire wandering officers, for example, insurers would force local governments to pay for the incremental increase in risk that

307. Harve Jacobs, *Cop Accused of Shooting Ex-Mayor Had Previous Encounter, Chief Says*, WCSC (June 24, 2011, 3:15 AM), <http://www.live5news.com/story/14655413/sled-investigate-officer-involved-shooting-in-cottageville> [<https://perma.cc/UYD8-VLHL>].

308. See Heath Hamacher, *A Matter of Force: \$97.5M Jury Award Trains a Spotlight on the Issue of Law Enforcement Hiring*, S.C. LAW. WKLY. (Oct. 27, 2014), <https://sclawyersweekly.com/news/2014/10/27/a-matter-of-force-97-5m-jury-award-trains-a-spotlight-on-the-issue-of-law-enforcement-hiring> [<https://perma.cc/3RZG-3U69>]. The parties later settled for \$10 million. *South Carolina Mayor's Death Settlement Reduced to \$10M*, INS. J. (Mar. 16, 2015), <https://www.insurancejournal.com/news/southeast/2015/03/16/360555.htm> [<https://perma.cc/9QVN-5MD3>].

309. See *supra* Part II (reviewing research on other officer-level correlates of misconduct).

310. John Rappaport, *How Private Insurers Regulate Public Police*, 130 HARV. L. REV. 1539, 1607 (2017).

wandering officers present regardless whether that risk ultimately materialized.³¹¹ Here, too, however, according special treatment to wandering-officer status may make most sense if other officer-level risk factors are also considered.

Of course, many costs of wrongful policing are nonpecuniary in nature. Police misconduct humiliates and degrades its subjects, creates racial disparities in criminal-justice outcomes, causes negative health consequences, and breeds cynicism toward the police – which, in turn, can “stymie or hinder public safety efforts and, instead, keep crime rates higher in the same communities where fair and just policing practices are most needed.”³¹² Agencies externalize many of these nonpecuniary costs as well.³¹³ Improving transparency ought to allow the public to monitor the police more effectively and thus to exert pressure on political actors to account for these neglected costs of policing.³¹⁴ In the meantime, federal pattern-or-practice lawsuits might help to achieve organizational change where financial penalties do not. The federal government could consider the hiring of wandering officers, for example, when determining whether and how to target particular agencies under 42 U.S.C. § 14141.³¹⁵

Barring successful general-accountability reforms, and if future research corroborates our findings, states could consider the “nuclear option” that Connecticut invoked in 2015. Connecticut law now prohibits any local agency from hiring

-
311. See *id.*; see also *id.* at 1555 (describing “feature rating” of insurance policies, the practice of “charging more to riskier customers . . . based on the presence of traits correlated with riskiness”).
312. Marie Ouellet et al., *Network Exposure and Excessive Use of Force: Investigating the Social Transmission of Police Misconduct*, 18 CRIMINOLOGY & PUB. POL’Y 675 (2019); see Harmon, *supra* note 295, at 901-05. As Harmon points out, *lawful* policing can impose many of these costs as well. Harmon, *supra* note 295, at 904.
313. See, e.g., Harmon, *supra* note 295, at 939 (explaining that, “[f]or local governments to function as a check on the nonbudgetary costs of policing, the public must be able to monitor and attribute responsibility for the harm the police do, and political actors must be able to influence police conduct,” and highlighting ways that federal policing programs “undermine these preconditions for local accountability”).
314. See, e.g., Barry Friedman & Maria Ponomarenko, *Democratic Policing*, 90 N.Y.U. L. REV. 1827, 1838 (2015) (“The people must be able to see what their agents are doing so they can evaluate those actions and exercise control as necessary.”).
315. Some of the important sources on § 14141 include Rachel A. Harmon, *Promoting Civil Rights Through Proactive Policing Reform*, 62 STAN. L. REV. 1 (2009); Debra Livingston, *Police Reform and the Department of Justice: An Essay on Accountability*, 2 BUFF. CRIM. L. REV. 815 (1999); Stephen Rushin, *Federal Enforcement of Police Reform*, 82 FORDHAM L. REV. 3189 (2014); and Samuel Walker, *The New Paradigm of Police Accountability: The U.S. Justice Department Pattern or Practice Suits in Context*, 22 ST. LOUIS U. PUB. L. REV. 3 (2003). For more information, see also CIVIL RIGHTS DIV., U.S. DEP’T OF JUSTICE, *THE CIVIL RIGHTS DIVISION’S PATTERN AND PRACTICE POLICE REFORM WORK: 1994-PRESENT* (2017).

an officer who was previously employed by another Connecticut agency and who “(1) was dismissed for malfeasance or other serious misconduct calling into question such person’s fitness to serve as a police officer; or (2) resigned or retired from such officer’s position while under investigation for such malfeasance or other serious misconduct.”³¹⁶ We are not prepared, on the basis of our evidence alone, to offer a full-throated defense of the nuclear option, but it is certainly a plausible backstop, and it could be useful to study Connecticut’s experience to develop a better sense of the costs and benefits of going down this road.

CONCLUSION

Not all those who wander are lost, but in policing, many are. In any given year over the last three decades, an average of roughly 1,100 full-time law-enforcement officers in Florida walk the streets having been fired in the past, and almost 800 having been fired for misconduct, not counting the many who were fired and reinstated in arbitration. These officers, we have shown, are subsequently fired and subjected to “moral character” complaints at elevated rates relative to both officers hired as rookies and veterans with clean professional histories. And we likely underestimate the prevalence of the phenomenon nationwide.

We have, moreover, only a partial understanding of the extent of the problem wandering officers pose. Beyond their own misbehavior, wandering officers may undermine efforts to improve police culture, as they carry their baggage to new locales. Worse yet, wandering officers may “infect” other officers upon arrival,³¹⁷ causing misconduct to metastasize to the farthest reaches of the law-enforcement community. Future research should investigate these possibilities.

316. CONN. GEN. STAT. § 7-291c(a) (2019).

317. Cf. Ouellet et al., *supra* note 312 (suggesting that peers influence whether an individual officer will engage in misconduct); Edika G. Quispe-Torreblanca & Neil Stewart, *Causal Peer Effects in Police Misconduct*, 3 NATURE HUM. BEHAV. 797 (2019) (estimating peer effects in police misconduct); Daria Roithmayr, *The Dynamics of Excessive Force*, 2016 U. CHI. LEGAL F. 407 (arguing that use of excessive force should be thought of as contagious); Thibaut Horel et al., *The Contagiousness of Police Violence* (unpublished manuscript), https://www.law.uchicago.edu/files/2018-11/chicago_contagiousness_of_violence.pdf [<https://perma.cc/FX67-9XJ6>] (studying whether police shootings are “contagious”).

APPENDIX

FIGURE A1.
PROPORTION OF SEPARATIONS IN WHICH OFFICER OBTAINS SUBSEQUENT EMPLOYMENT
WITHIN THREE YEARS, BY PROFESSIONAL HISTORY OF FIRING FOR MISCONDUCT, 1988-
2013

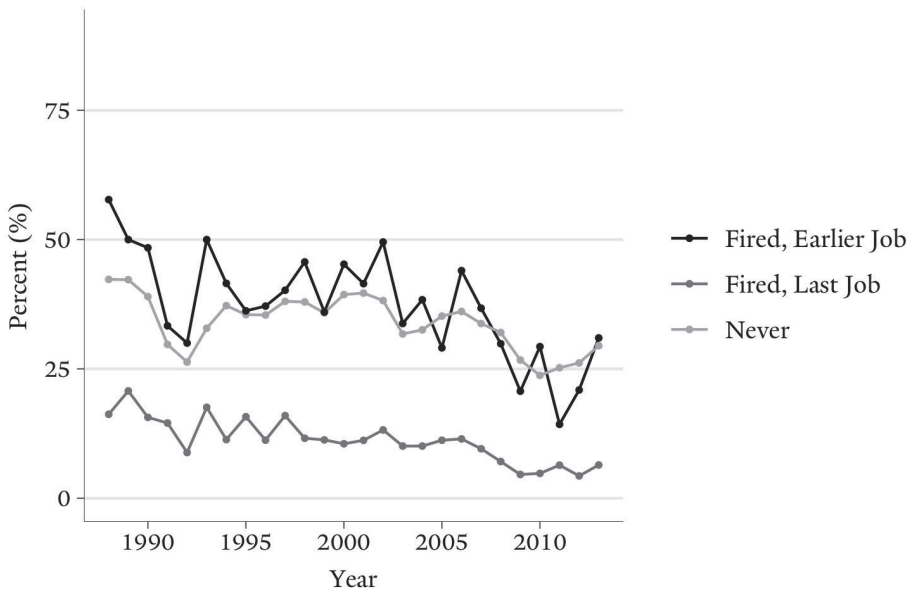


TABLE A1.
FREQUENCY DISTRIBUTION OF RAW SEPARATION CODES, 1988-2016

| Separation Code | Frequency | Proportion | Fired | Fired for Misconduct |
|---|-----------|------------|-------|-------------------------|
| Administrative - Unfavorable (Historical Use Only) | 928 | 0.009 | Yes | Yes |
| Misconduct (Historical Use Only) | 584 | 0.006 | Yes | Yes |
| No Cause for Decertification (Historical Use Only) | 90 | 0.001 | Yes | Yes |
| Resigned - Would Not Rehire (Historical Use Only) | 7 | 0 | Yes | Yes |
| Resigned/Retired in Lieu of Separation for Violating Agency/Training Center Policy | 270 | 0.003 | Yes | Yes |
| Resigned/Retired in Lieu of Separation for Violating Moral Character Standards | 216 | 0.002 | Yes | Yes |
| Resigned/Retired While Being Investigated for Violating Moral Character Standards | 1,027 | 0.01 | Yes | Yes |
| Resigned/Retired While Being Investigated for Violating Agency Policy | 1,039 | 0.01 | Yes | Yes |
| Terminated for Violating Agency Policy (No Moral Character Violation) | 1,143 | 0.011 | Yes | Yes |
| Terminated for Violating Ch. 943.13(4), FS or Moral Character Standards | 1,048 | 0.01 | Yes | Yes |
| Under Investigation (Historical Use Only) | 304 | 0.003 | Yes | Yes |
| Failure to Complete Basic Recruit Training | 476 | 0.005 | Yes | |
| Failure to Complete Elder Abuse Training | 114 | 0.001 | Yes | |
| Failure to Meet Mandatory Retraining Requirement | 438 | 0.004 | Yes | |
| Failure to Pass State Certification Examination | 70 | 0.001 | Yes | |
| Failure to Perform Assigned Tasks Satisfactorily | 283 | 0.003 | Yes | |
| Failure to Qualify with Firearm | 225 | 0.002 | Yes | |

| | | | |
|--|--------|-------|-----|
| Failure to Satisfactorily Complete Agency Field-Training Program | 1,083 | 0.011 | Yes |
| Involuntary Separation (Historical Use Only) | 2 | 0 | Yes |
| Other - Excessive Absence, Fail Report for Duty, Sleep on Duty, Etc. | 141 | 0.001 | Yes |
| Staff Termination (Historical Use Only) | 106 | 0.001 | Yes |
| Administrative Separation (Not Involving Misconduct) | 1,087 | 0.011 | |
| Budgetary Constraints | 86 | 0.001 | |
| Deceased | 707 | 0.007 | |
| Extended Leave of Absence | 17 | 0 | |
| Extended Leave of Absence or Suspension (Historical Use Only) | 135 | 0.001 | |
| Leave of Absence (Historical Use Only) | 10 | 0 | |
| Military Leave of Absence | 138 | 0.001 | |
| Not Separated | 39,344 | 0.39 | |
| Processed Fingerprints Not Received Within One Year | 364 | 0.004 | |
| Resigned/Retired (Historical Use Only) | 19 | 0 | |
| Retired (Not Involving Misconduct) | 7,845 | 0.078 | |
| Special Elected or Appointed Position | 28 | 0 | |
| Suspension | 13 | 0 | |
| Temporary Employment Authorization (Period Exceeded) | 48 | 0 | |
| Transfer Within Agency (No Break in Service) | 5,658 | 0.056 | |
| Voluntary Separation (Not Involving Misconduct) | 35,675 | 0.354 | |

THE WANDERING OFFICER

TABLE A2.
DESCRIPTIVE STATISTICS OF CJAP HIRING REQUIREMENTS, 1997-2016

| | | Mean | SD | Min | Max | n |
|---------------------------------|------------------------------|------|------|-----|-----|-------|
| | 18 | 0.01 | 0.12 | 0 | 1 | 6,539 |
| | 19 | 0.64 | 0.48 | 0 | 1 | 6,539 |
| Age | 20 | 0.02 | 0.13 | 0 | 1 | 6,539 |
| | 21 | 0.33 | 0.47 | 0 | 1 | 6,539 |
| | ≥22 | 0 | 0.07 | 0 | 1 | 6,539 |
| | High School/ GED | 0.9 | 0.3 | 0 | 1 | 6,581 |
| Education | Associate's/ Some College | 0.09 | 0.29 | 0 | 1 | 6,581 |
| | Bachelor's | 0.01 | 0.08 | 0 | 1 | 6,581 |
| Criminal-Justice Experience | | 0.07 | 0.26 | 0 | 1 | 6,575 |
| Tobacco Requirement | | 0.26 | 0.44 | 0 | 1 | 6,575 |
| Driving Test | | 0.79 | 0.41 | 0 | 1 | 5,252 |
| Interview | | 0.92 | 0.27 | 0 | 1 | 6,585 |
| Physical-Ability Test | | 0.49 | 0.5 | 0 | 1 | 6,570 |
| Polygraph Test | | 0.5 | 0.5 | 0 | 1 | 6,564 |
| Psychological Test | | 0.75 | 0.43 | 0 | 1 | 6,562 |
| Selection Exam | | 0.54 | 0.5 | 0 | 1 | 6,575 |
| Swimming Test | | 0.09 | 0.29 | 0 | 1 | 6,254 |
| Vision Test | | 0.61 | 0.49 | 0 | 1 | 6,570 |
| Voice Test | | 0.23 | 0.42 | 0 | 1 | 5,906 |
| Probation Period (In Months) | | 11.5 | 2.72 | 0 | 24 | 5,811 |
| Composite Requirement Score | | 4.61 | 1.96 | 0 | 9 | 6,469 |

TABLE A3.
DESCRIPTIVE STATISTICS OF CJAP TRAINING VARIABLES, 1997-2016

| | | Mean | SD | Min | Max | n |
|--------------------------|--------------------|-------|------|-----|-----|-------|
| Chemical Agents | Not Required | 0.43 | 0.49 | 0 | 1 | 6,207 |
| | Every 24-48 Months | 0.21 | 0.41 | 0 | 1 | 6,207 |
| | Every 6-12 Months | 0.36 | 0.48 | 0 | 1 | 6,207 |
| Self-Defense | Not Required | 0.39 | 0.49 | 0 | 1 | 6,530 |
| | Every 24-48 Months | 0.17 | 0.38 | 0 | 1 | 6,530 |
| | Every 6-12 Months | 0.44 | 0.50 | 0 | 1 | 6,530 |
| Driving | Not Required | 0.59 | 0.49 | 0 | 1 | 6,521 |
| | Every 24-48 Months | 0.20 | 0.40 | 0 | 1 | 6,521 |
| | Every 6-12 Months | 0.20 | 0.40 | 0 | 1 | 6,521 |
| Firearm | Not Required | 0.01 | 0.09 | 0 | 1 | 6,550 |
| | Every 12-48 Months | 0.89 | 0.31 | 0 | 1 | 6,550 |
| | Every 6 Months | 0.10 | 0.30 | 0 | 1 | 6,550 |
| In-Service | Not Required | 0.85 | 0.36 | 0 | 1 | 5,192 |
| | Every 24-48 Months | 0.02 | 0.14 | 0 | 1 | 5,192 |
| | Every 6-12 Months | 0.13 | 0.34 | 0 | 1 | 5,192 |
| Medical | Not Required | 0.31 | 0.46 | 0 | 1 | 6,527 |
| | Every 24-48 Months | 0.49 | 0.50 | 0 | 1 | 6,527 |
| | Every 6-12 Months | 0.21 | 0.40 | 0 | 1 | 6,527 |
| FTO | | 11.96 | 5.91 | 0 | 52 | 6,486 |
| Continued | | 0.68 | 0.47 | 0 | 1 | 5,887 |
| Composite Training Score | | 2.91 | 1.44 | 0 | 6 | 6,094 |

TABLE A4.
MEDIAN TIME TO NEW EMPLOYMENT BY DEMOGRAPHIC GROUPS AND PROFESSIONAL HISTORY, 1988-2013

| | | Panel A: Fired | | | Panel B: Fired for Misconduct | | |
|-----------|----------------|----------------|-----------------|--------------------|-------------------------------|-----------------|--------------------|
| | | Never Fired | Fired, Last Job | Fired, Earlier Job | Never Fired | Fired, Last Job | Fired, Earlier Job |
| Race | White | 19 (19,280) | 318 (1,175) | 57 (1,024) | 21 (19,977) | 427 (800) | 70 (702) |
| | Black | 14 (2,049) | 401 (210) | 9 (198) | 17 (2,224) | 457 (129) | 6 (104) |
| | Hispanic | 11 (2,519) | 470 (212) | 14 (154) | 12 (2,649) | 553 (137) | 21 (99) |
| Gender | Male | 15 (21,451) | 335 (1,441) | 27 (1,288) | 17 (22,327) | 442 (986) | 46 (867) |
| | Female | 61 (2,750) | 406 (180) | 55 (98) | 75 (2,892) | 692 (92) | 36 (44) |
| Education | High School | 18 (937) | 509 (55) | 158 (36) | 26 (977) | 664 (30) | 269 (21) |
| | Associate's | 16 (3,401) | 322 (247) | 42 (179) | 18 (3,538) | 498 (162) | 70 (127) |
| | Bachelor's | 12 (6,982) | 327 (347) | 11 (270) | 13 (7,236) | 404 (210) | 15 (153) |
| | Master's | 18 (1,436) | 376 (58) | 75 (69) | 19 (1,491) | 642 (33) | 90 (39) |
| All | 17 (24,205) | 350 (1,621) | 28 (1,386) | 18 (25,223) | 450 (1,078) | 46 (911) | |

TABLE A5.
SUBSEQUENT FIRING BY PROFESSIONAL HISTORY, 1996-2013

| | | n | Fired | | Fired for Misconduct | |
|---------------------------------|--------------------|--------|-------|---------|----------------------|---------|
| | | | Ever | 3 Years | Ever | 3 Years |
| Panel A: Firings | Never | 21,693 | 7.6% | 4.0% | 5.3% | 2.3% |
| | Fired, last job | 1,200 | 16.8% | 10.8% | 11.3% | 6.7% |
| | Fired, earlier job | 1,143 | 13.9% | 7.0% | 10.1% | 5.0% |
| Panel B: Firings for Misconduct | Never | 22,603 | 7.8% | 4.1% | 5.4% | 2.4% |
| | Fired, last job | 761 | 18.1% | 11.3% | 12.6% | 7.2% |
| | Fired, earlier job | 672 | 14.4% | 7.4% | 10.1% | 5.4% |
| Panel C: Rookie | | 39,007 | 9.4% | 5.4% | 6.0% | 2.5% |

TABLE A6.
SUBSEQUENT FIRING BY PROFESSIONAL HISTORY WITH ONE-, THREE-, AND FIVE-YEAR TIME WINDOWS, 1988-2013³¹⁸

| | n | Fired | | | Fired for Misconduct | | | |
|--|--------------------|--------|--------|--------|----------------------|--------|--------|-------|
| | | 1-Year | 3-Year | 5-Year | 1-Year | 3-Year | 5-Year | |
| Panel A: Firings | Never | 29,888 | 2.7% | 4.5% | 6.0% | 1.5% | 3.0% | 4.3% |
| | Fired, last job | 1,969 | 7.3% | 11.2% | 13.7% | 4.8% | 7.9% | 9.8% |
| | Fired, earlier job | 1,631 | 4.6% | 7.5% | 9.9% | 3.2% | 5.6% | 7.5% |
| Panel B: Firings for Misconduct | Never | 31,182 | 2.8% | 4.7% | 6.1% | 1.6% | 3.1% | 4.4% |
| | Fired, last job | 1,297 | 7.7% | 12.2% | 14.8% | 5.4% | 9.0% | 11.2% |
| | Fired, earlier job | 1,009 | 5.2% | 8.1% | 10.7% | 3.6% | 6.2% | 8.1% |
| Panel C: Rookie | | 54,476 | 3.8% | 5.8% | 7.3% | 1.6% | 3.2% | 4.5% |

TABLE A7.
SUBSEQUENT FIRING BY PROFESSIONAL HISTORY FOR MATCHED COMPARATORS BASED ON TIMING, GEOGRAPHY, AND AGENCY DESIRABILITY, 1996-2013

| | | Fired | | Fired for Misconduct | | |
|--|--------------------|------------|---------|----------------------|---------|------|
| | | Ever | 3 Years | Ever | 3 Years | |
| Panel A: Firings | Never | | 10% | 5.4% | 7.1 | 3.3 |
| | Fired, last job | Wanderer | 16.7% | 10.3% | 11.3% | 6.2% |
| | | Comparator | 9.03% | 5.3% | 6.2% | 2.9% |
| | Fired, earlier job | Wanderer | 13.8% | 6.7% | 10.1% | 5.0% |
| Comparator | | 9.8% | 5.4% | 6.4% | 2.7% | |
| Panel B: Firings for Misconduct | Never | | 10.1% | 5.5% | 7.2% | 3.3% |
| | Fired, last job | Wanderer | 17.5% | 10.8% | 12.2% | 6.7% |
| | | Comparator | 9% | 5.3% | 6.0% | 2.9% |
| | Fired, earlier job | Wanderer | 14.5% | 7.2% | 10.2% | 5.4% |
| Comparator | | 9.6% | 5.3% | 6% | 2.6% | |

318. For the 5-year time window, we exclude all job stints beginning after 2011 to ensure that we have at least 5 years of follow-up for each observation. The sample sizes are thus slightly smaller for these estimates.

TABLE A8.
NUMBER OF COMPLAINTS BY PROFESSIONAL HISTORY WITH ONE-, THREE-, AND FIVE-
YEAR TIME WINDOWS, 1993-2013

| | | n | 1-Year | 3-Year | 5-Year | | |
|---------------------------------|--------------------------------------|--------------------|-----------------|---------------|---------------|------|------|
| All Complaints | Panel A: Firings | Never | 24,711 | 0.01 | 0.02 | 0.04 | |
| | | Fired, last job | 1,394 | 0.02 | 0.07 | 0.09 | |
| | | Fired, earlier job | 1,295 | 0.02 | 0.05 | 0.06 | |
| | Panel B: Firings for Misconduct | Never | 25,686 | 0.01 | 0.02 | 0.04 | |
| | | Fired, last job | 934 | 0.03 | 0.08 | 0.10 | |
| | | Fired, earlier job | 780 | 0.02 | 0.05 | 0.07 | |
| | Panel C: Rookie | Panel C: Rookie | 44,584 | 0.01 | 0.03 | 0.04 | |
| | Violent and Sexual Complaints | Panel A: Firings | Never | 24,711 | 0.00 | 0.01 | 0.01 |
| | | | Fired, last job | 1,394 | 0.01 | 0.02 | 0.03 |
| Fired, earlier job | | | 1,295 | 0.01 | 0.01 | 0.02 | |
| Panel B: Firings for Misconduct | | Never | 25,686 | 0.00 | 0.01 | 0.01 | |
| | | Fired, last job | 934 | 0.01 | 0.03 | 0.03 | |
| | | Fired, earlier job | 780 | 0.01 | 0.01 | 0.02 | |
| Panel C: Rookie | | Panel C: Rookie | 44,584 | 0.00 | 0.01 | 0.01 | |
| Integrity Complaints | | Panel A: Firings | Never | 24,711 | 0.00 | 0.01 | 0.01 |
| | | | Fired, last job | 1,394 | 0.01 | 0.03 | 0.03 |
| | Fired, earlier job | | 1,295 | 0.01 | 0.02 | 0.03 | |
| | Panel B: Firings for Misconduct | Never | 25,686 | 0.00 | 0.01 | 0.01 | |
| | | Fired, last job | 934 | 0.01 | 0.03 | 0.04 | |
| | | Fired, earlier job | 780 | 0.01 | 0.02 | 0.03 | |
| | Panel C: Rookie | Panel C: Rookie | 44,584 | 0.00 | 0.01 | 0.01 | |

TABLE A9.
NUMBER OF COMPLAINTS BY PROFESSIONAL HISTORY FOR MATCHED COMPARATORS
BASED ON TIMING, GEOGRAPHY, AND AGENCY DESIRABILITY, 1996-2013

| | | All | | Violent/ Sexual | | Integrity | | |
|---------------------------------------|-----------------------|------------|------------|--------------------|------------|-----------|------------|------|
| | | Ever | 3 Years | Ever | 3 Years | Ever | 3 Years | |
| Panel A: Firings | Never | 0.08 | 0.02 | 0.02 | 0.01 | 0.03 | 0.01 | |
| | Fired, last job | Wanderer | 0.13 | 0.06 | 0.04 | 0.02 | 0.05 | 0.02 |
| | | Comparator | 0.08 | 0.03 | 0.02 | 0.01 | 0.03 | 0.01 |
| | Fired, earlier job | Wanderer | 0.13 | 0.06 | 0.03 | 0.01 | 0.05 | 0.02 |
| Comparator | | 0.07 | 0.03 | 0.01 | 0.01 | 0.03 | 0.01 | |
| Panel B: Firings for Misconduct | Never | 0.08 | 0.02 | 0.02 | 0.01 | 0.03 | 0.01 | |
| | Fired, last job | Wanderer | 0.16 | 0.07 | 0.04 | 0.02 | 0.06 | 0.03 |
| | | Comparator | 0.08 | 0.04 | 0.02 | 0.01 | 0.03 | 0.01 |
| | Fired, earlier job | Wanderer | 0.14 | 0.06 | 0.03 | 0.01 | 0.06 | 0.02 |
| Comparator | | 0.07 | 0.02 | 0.01 | 0.01 | 0.03 | 0.01 | |

TABLE A10.
PREDICTING IF WANDERING OFFICERS ARE FIRED FOR MISCONDUCT AGAIN, 1988-2013

| | Model 1 | Model 2 | Model 3 | Model 4 |
|------------------------|--------------------|-------------------|-------------------|-------------------|
| Intercept | 0.062** [0.008] | 0.060+ [0.030] | 0.011 [0.056] | 0.114* [0.054] |
| Fired from Last Job | 0.029* [0.011] | 0.036* [0.015] | 0.063* [0.026] | 0.021 [0.022] |
| | 2 | 0 [0.023] | -0.021 [0.049] | -0.03 [0.037] |
| Job Number | 3 | 0.007 [0.023] | -0.009 [0.049] | -0.002 [0.038] |
| | ≥ 4 | 0.023 [0.026] | 0.016 [0.053] | -0.012 [0.039] |
| Age (At Start) | | -0.001 [0.001] | 0 [0.001] | -0.001 [0.001] |
| Male | | 0.007 [0.021] | -0.005 [0.034] | -0.031 [0.036] |
| Any Past Complaints | | -0.002 [0.013] | -0.011 [0.020] | -0.006 [0.017] |

THE WANDERING OFFICER

| | | | | |
|----------------------|--------------------------------------|-------------------|-----|-----|
| | Associate's | 0.033 [0.024] | | |
| Education | Bachelor's | 0.051* [0.024] | | |
| | Master's/Doctorate | 0.047 [0.034] | | |
| | Proportion Black | -0.086 [0.062] | | |
| | Proportion Hispanic | -0.043 [0.039] | | |
| | Violent-Crime Rate (Per 100,000) | 0 [0.000] | | |
| | Property-Crime Rate (Per 100,000) | 0 [0.000] | | |
| Hiring Agency | County-Level Unemployment Rate | 0.129 [0.365] | | |
| | Expenditures Per Officer (2008) | 0 [0.000] | | |
| | Hiring Requirement Score | -0.001 [0.004] | | |
| | Training Requirement Score | -0.001 [0.007] | | |
| | Number of Officers | -0.002 [0.001] | | |
| Separating Agency | Number of Officers | -0.001 [0.001] | | |
| n | 2,272 | 2,272 | 848 | 882 |

TABLE A11.
NUMBER OF FDLE-INITIATED COMPLAINTS BY PROFESSIONAL HISTORY, 1993-2013

| | n | Ever | 3 Years | |
|--|--------------------|--------|---------|------|
| Panel A: Firings | Never | 24,711 | 0.02 | 0.01 |
| | Fired, last job | 1,394 | 0.04 | 0.02 |
| | Fired, earlier job | 1,295 | 0.05 | 0.02 |
| Panel B: Firings for Misconduct | Never | 25,686 | 0.03 | 0.01 |
| | Fired, last job | 934 | 0.05 | 0.02 |
| | Fired, earlier job | 780 | 0.06 | 0.02 |
| Panel C: Rookies | 44,584 | 0.03 | 0.01 | |

TABLE A12.
SUBSEQUENT FIRINGS AND NUMBER OF COMPLAINTS BY PROFESSIONAL HISTORY AND
AGENCY SIZE, 1988-2013³¹⁹

| Size | | n | Firings | | Firings for Misconduct | | n | Complaints | |
|-----------------|--------------------|--------|---------|-------|------------------------|-------|--------|------------|-------|
| | | | Ever | 3 Yr. | Ever | 3 Yr. | | Ever | 3 Yr. |
| ≤15 Officers | Never | 2,295 | 10% | 6% | 7% | 4% | 1,822 | 0.07 | 0.04 |
| | Fired, last job | 413 | 21% | 12% | 15% | 9% | 314 | 0.12 | 0.09 |
| | Fired, earlier job | 268 | 19% | 10% | 15% | 9% | 210 | 0.12 | 0.06 |
| | Rookie | 2,001 | 12% | 7% | 9% | 5% | 1,554 | 0.07 | 0.03 |
| >15 Officers | Never | 27,593 | 9% | 4% | 7% | 3% | 22,889 | 0.07 | 0.02 |
| | Fired, last job | 1,556 | 18% | 11% | 13% | 8% | 1,080 | 0.14 | 0.06 |
| | Fired, earlier job | 1,363 | 14% | 7% | 10% | 5% | 1,085 | 0.12 | 0.04 |
| | Rookie | 52,475 | 10% | 6% | 7% | 3% | 43,030 | 0.08 | 0.03 |

TABLE A13.
SUBSEQUENT FIRINGS AND NUMBER OF COMPLAINTS BY PROFESSIONAL HISTORY AND
TIMING, 1993-2009³²⁰

| | | n | Firing | | Firing for Misconduct | | n | Complaints | |
|--|--------------------|--------|-----------|-----------|-----------------------|-----------|--------|------------|-----------|
| | | | Years 1-3 | Years 4-7 | Years 1-3 | Years 4-7 | | Years 1-3 | Years 4-7 |
| Panel A: Firings | Never | 26,346 | 4.6% | 2.3% | 3.2% | 2.0% | 21,169 | 0.024 | 0.024 |
| | Fired, last job | 1,811 | 11.2% | 4% | 8% | 3.4% | 1,236 | 0.070 | 0.038 |
| | Fired, earlier job | 1,487 | 7.5% | 4% | 5.9% | 2.8% | 1,151 | 0.050 | 0.042 |
| Panel B: Firings for Misconduct | Never | 27,516 | 4.8% | 2.4% | 3.3% | 2.0% | 22,020 | 0.025 | 0.024 |
| | Fired, last job | 1,198 | 12.1% | 4.4% | 9.1% | 3.7% | 835 | 0.079 | 0.044 |
| | Fired, earlier job | 930 | 8.3% | 4% | 6.6% | 2.6% | 701 | 0.056 | 0.054 |
| Panel C: Rookie | | 47,371 | 5.8% | 2.4% | 3.3% | 2.1% | 37,479 | 0.026 | 0.033 |

319. The firing data is based on employment stints beginning between 1988 and 2013, and the complaint data is based on stints beginning between 1993 and 2013.

320. We exclude all employment stints that began after 2009 to ensure that we have a full seven-year window for each employment stint through which to observe firings and complaints.