

# RACISM CREATES BARRIERS TO EFFECTIVE COMMUNITY POLICING

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## I. INTRODUCTION

It is not often that I am invited as a community member to speak in an academic setting, and to have received the invitation to address something as essential as the relationship between healthy communities and law enforcement is an honor and a heavy responsibility. I am grateful to have had that opportunity and grateful for the invitation to reprise my remarks in writing. I hope I have fulfilled my responsibility to the best of my ability, I certainly had a lot of help doing so, for that I am also grateful. But it must be said that the thoughts I offered at the conference and here in writing are not entirely my own; rather, they reflect the collective wisdom and experience of my colleagues and partners in Crossroads Antiracism Organizing & Training.<sup>1</sup>

While Crossroads is best known for its work assisting organizations to institutionalize their antiracism commitments and for its Understanding & Analyzing Systemic Racism Workshop, we describe what we do as creating an antiracist institutional practice that is race-informed and intersectional. That is to say our particular focus is on race, racism, and the intersections of racism with other systems of oppression. Crossroads is also known for our “radically inclusive” power analysis of racism that links contemporary racism to colonialism and neocolonialism and includes the experience of each of the racialized groups as currently constructed in the United States; namely, White, Black/African American, American Indian/Native American/Alaska Native/Pacific Islander, Asian American, Arab American, and LatinX.<sup>2</sup>

Analyses of racism and strategies to dismantle racism typically orbit a Black/White binary that is ineffective for sustaining long term racial equity commitments. As an American Indian person, I know the struggle of

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1. CROSSROADS ANTIRACISM ORGANIZING & TRAINING, <http://crossroadsantiracism.org> (last visited April 30, 2016).
2. DIAS, ROBETTE ANN, HISTORICAL DEVELOPMENT OF INSTITUTIONAL RACISM: A WORKING PAPER, CROSSROADS ANITRACISM & TRAINING, <http://www.crossroadsantiracism.org/wp-content/themes/crossroads/PDFs/Crossroads%20Historical%20Development%20of%20Racism.pdf> (last visited April 30, 2016).

Indian tribes and communities is a racial justice struggle, however, the way discussions of racism is constructed around the Black/White binary and especially around the legacy of enslaved African peoples erases Indians and all other People of Color realities out of the equation and obfuscates a significant amount of White reality and experience.<sup>3</sup>

## II. RACISM AS CROSSROADS UNDERSTANDS IT

Racism in the United States is the misuse of power by systems and institutions that is fueled by white supremacy.<sup>4</sup> Often the definition of racism is short handed in an equation that looks something like this: Racism=Race Prejudice+Power.<sup>5</sup> While the equation is helpful to remind us that race prejudice alone does not constitute racism and that power is at the heart of the problem, Crossroads finds the equation inadequate to communicate depth and breadth at which racism pervades U.S. society.<sup>6</sup> We also believe that locating the problem of racism as the ideology of white supremacy, not merely white privilege, is key to both understanding its roots and dismantling it.<sup>7</sup> In our analysis, white supremacy is the ideological basis upon which the laws and culture of U.S. society have been built.<sup>8</sup> The United States was originally and legally constructed as an apartheid country and all its systems and institutions were built to reinforce and perpetuate the ideology of whiteness as the measure of all that is good, right, moral, and superior in every way.<sup>9</sup> Thus, white supremacy is not the purview of fringe militia groups and the like: it is a far more insidious problem.<sup>10</sup> White supremacy is built into the foundations and identity of our country; maintaining white supremacy was one of the historic functions

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3. Joy Bailey & Ryan Bailey, *Four Ways the Black-White Binary Ought to Concern White People*, CROSSROADS ANTRACISM ORGANIZING & TRAINING, <http://crossroadsantracism.org/commentary/four-ways-the-blackwhite-binary-ought-to-concern-white-people/> (last visited April 30, 2016).
  4. JOSEPH R. BRANDT, UNDERSTANDING AND DISMANTLING RACISM 75–76 (2007).
  5. DON OPERARIO & SUSAN T. FISKE, CONFRONTING RACISM: THE PROBLEM AND THE RESPONSE 35 (Jennifer L. Eberhardt & Susan T. Fiske, eds., 1998). *Also available at* <https://books.google.com/books?id=DQRVbxY21eYC&pg=PA33&dq=equation+of+racism+and+prejudice+plus+power&hl=en&sa=X&ved=0ahUKEwjsqJfu97bMAhWiuIMKHQ3ZA2QQ6AEIHTAA#v=onepage&q=equation%20of%20racism%20and%20prejudice%20plus%20power&f=false> (last visited April 30, 2016).
  6. *See* CROSSROADS, *supra* note 1.
  7. *Id.*
  8. ANDREA SMITH, COLOR OF VIOLENCE: THE INCITE! ANTHOLOGY! (Incite! Women of Color Against Violence ed., 2006). *Also available at* [http://collectiveliberation.org/wp-content/uploads/2013/01/Smith\\_Heteropatriarchy\\_3\\_Pillars\\_of\\_White\\_Supremacy.pdf](http://collectiveliberation.org/wp-content/uploads/2013/01/Smith_Heteropatriarchy_3_Pillars_of_White_Supremacy.pdf) (last visited April 30, 2016).
  9. JOHN T. WARREN, INTER CULTURAL COMMUNICATION: A READER 106–07 (Larry A. Samovar, et al. eds., 2010).
  10. ABBY L. FERBER, HOME-GROWN HATE: GENDER AND ORGANIZED RACISM 37 (2004).

of institutions and just changing some of the laws does not change the system or the ideology in which it was built.<sup>11</sup>

The work of antiracism is changing the hearts and minds of individual people, but more importantly it is transforming the institutional power that shapes and perpetuates a white supremacist worldview.<sup>12</sup> This is the real reason racism exists, not to exploit and harm People of Color, though it surely does. The real reason for racism is to keep the control of resources in white society and replicating white supremacist ideology.<sup>13</sup>

Given who we are and what we do, my reflections on community health and policing are going to focus on the ways racism, systemic racism, and institutional racism create barriers to building trust and legitimacy in effective community policing. Crossroads has had opportunities to openly critique the way community policing is conducted in the communities in which we work.<sup>14</sup> Typically our critiques are met with accusations of creating an “us” and “them” dynamic, accusations that assume that if we critique law enforcement, we are against “them.” Nothing could be further from the truth. The reality is we see the need for an institution that has as its mission protecting vulnerable populations from harm and exploitation.<sup>15</sup> We believe this is the goal of policing, but because policing developed in the milieu of white supremacy, racism still distorts the reality of the people who are perceived as vulnerable and needing to be protected and those who are perceived as dangerous and needing to be controlled.<sup>16</sup>

Racism creates four barriers to building trust and legitimacy in community policing that are briefly addressed in the remainder of this essay:

1. History matters—there is a historic reality of policing being used to create and maintain racial inequity and exploitation in the United States;
2. Law enforcement’s denial that there is a race problem and that they are a part of it;

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11. JEFFREY S. BROOKS, *BLACK SCHOOL, WHITE SCHOOL: RACISM AND EDUCATIONAL (MIS)LEADERSHIP* 125 (2012). Also available at <https://books.google.com/books?id=lbcSwHdaPHYC&pg=PA125&dq=white+supremacy+and+identity+of+our+country&hl=en&sa=X&ved=0ahUKEwin7eWxgLfMAhXogYMKHVNDDAkQ6AEIMzAE#v=onepage&q=white%20supremacy%20and%20identity%20of%20our%20country&f=false> (last visited April 30, 2016).

12. See generally ANN CURRY-STEVENS, *EXPANDING THE CIRCLE: PEOPLE WHO CARE ABOUT ENDING RACISM* (2005).

13. AMANDA E. LEWIS, *BEYOND ACTING WHITE: REFRAMING THE DEBATE ON BLACK STUDENT ACHIEVEMENT* 178 (Erin McNamara Horvart & Carla O’Connor, eds. 2006).

14. See CROSSROADS, *supra* note 1.

15. *Id.*

16. BARBARA PERRY, *IN THE NAME OF HATE: UNDERSTANDING HATE CRIMES* 221(2001).

3. Racism shapes the ways we as a society are oriented around and desensitized to violence;
4. Racist ideologies permeate the training of police officers and drives the trend toward increasing militarization of law enforcement.<sup>17</sup>

### III. HISTORY MATTERS

Policing plays an important and necessary role in modern society: to protect the vulnerable from harm and exploitation.<sup>18</sup> Racial ideologies were constructed historically and codified legally to define who is vulnerable and who is dangerous.<sup>19</sup> Consequently the demonization of People of Color as savages, deviants, morally inferior, and violent literally color the laws of the United States from its earliest days.<sup>20</sup> The very first citizenship and naturalization act in 1790 reserves the rights and privileges of citizenship for white people.<sup>21</sup> Policing was used to enforce the boundaries of whiteness, to keep white people safe from harm, to preserve their resources and wealth, to enable the exploitation of populations not defined as white and to control racially marginalized populations when they resisted exploitation.<sup>22</sup> Police violence and threats of violence against communities of color were frequently employed strategies to maintain the racial social order.<sup>23</sup>

Law enforcement was used to maintain reservation boundaries to ensure Indians did not venture off the reservations, even in cases where people were starving on the reservation and needed to leave in order to find food.<sup>24</sup> Concurrently, policing was *not* used to keep white people from

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17. See generally CROSSROADS, *supra* note 1 (noting the organization's mission for societal change).
  18. See generally SOFIA GRACA, ET AL., BLACKSTONE'S HANDBOOK FOR POLICING STUDENTS 2013 (Dr. Robin Bryant & Sarah Bryant, eds. 2012).
  19. Victoria E. Kappeler, *A Brief History of Slavery and the Origins of American Policing*, EASTERN KENTUCKY UNIVERSITY: POLICE STUDIES ONLINE (Jan. 7, 2014), <http://plsonline.eku.edu/insidelook/brief-history-slavery-and-origins-american-policing>.
  20. GLORIA J. BROWNE-MARSHALL, RACE, LAW AND AMERICAN SOCIETY: 1607 TO PRESENT 5 (2013).
  21. 1 CARLA L. REYES, TRANSFORMING AMERICA: PERSPECTIVES ON U.S. IMMIGRATION 149 (Michael C. LeMay, ed. 2013).
  22. *Id.*
  23. MALCOLM D. HOLMES & BRAD W. SMITH, RACE AND POLICE BRUTALITY: ROOTS OF AN URBAN DILEMMA 17 (2008). Also available at <https://books.google.com/books?id=SByAZ7uPswcC&pg=PA17&dq=policing+violence+and+employed+strategies+of+policing+to+maintain+social+order&hl=en&sa=X&ved=0ahUKEwiC3d6uj7fMAhWEsIMKHTxfCGkQ6AEIJDAB#v=onepage&q=policing%20violence%20and%20employed%20strategies%20of%20policing%20to%20maintain%20social%20order&f=false>.
  24. J. WILLIAM SPENCER, CONTEXTS OF DEVIANCE: STATUSES, INSTITUTIONS, AND INTERACTIONS 212 (2015).

encroaching on Indian lands and stealing reservation resources.<sup>25</sup> Policing was also used to remove Indian children from their tribal communities to place them in residential boarding schools where many of the children experienced violence in the forms of corporal punishment, physical, sexual and psychological abuse,<sup>26</sup> the perpetrators of which were never “brought to justice.”<sup>27</sup>

Policing was used to enforce the enslavement African peoples.<sup>28</sup> After the 13<sup>th</sup> Amendment was passed, policing was used to enforce Jim Crow, maintain segregated institutions and deny Blacks their constitutional rights and protections. Policing at the Mexican border is a long-standing phenomenon, the goal of which was not to maintain U.S. sovereignty, but to intimidate immigrants in order to suppress wages for agricultural and other manual laborers.<sup>29</sup>

Extreme violence was used historically to create and perpetuate the ideology of white supremacy and to build an economic system around it.<sup>30</sup> It took immeasurable amounts of violence delivered with unspeakable horror to accomplish the conquest and near genocide of Indigenous peoples of the Americas and the colonization of Africa and enslavement of African peoples. American Indians and African Americans continue to struggle with the consequences of this historic trauma in our communities today.<sup>31</sup>

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25. STEWART WAKELING ET. AL., U.S. DEP'T. OF JUSTICE, NAT'L. INST. OF JUSTICE, POLICING ON AMERICAN INDIAN RESERVATIONS 41 (2001), <https://www.ncjrs.gov/pdffiles1/nij/188095.pdf>.
  26. BRENDA J. CHILD, BOARDING SCHOOL SEASONS: AMERICAN INDIAN FAMILIES 1900–1940 13 (1999).
  27. Stephanie Woodward, South Dakota Boarding School Survivors Detail Sexual Abuse, Indian CountryTodayMediaNetwork.com (July 28, 2011), <http://indiancountrytodaymedianetwork.com/2011/07/28/south-dakota-boarding-school-survivors-detail-sexual-abuse-42420> (last visited April 30, 2016).
  28. *See generally* VAGRANT NATION: POLICE POWER, CONSTITUTIONAL CHANGE, AND THE MAKING OF THE 1960S (2016). *Also available at* <https://books.google.com/books?id=AC12CwAAQBAJ&pg=PT289&dq=policing+and+enforce+enslavement+of+african+americans&hl=en&sa=X&ved=0ahUKEwimxtTKI7fMAhVHs4MKHXkdC3QQ6AEIHTAA#v=onepage&q=policing%20and%20enforce%20enslavement%20of%20african%20americans&f=false> (last visited April 30, 2016).
  29. *See e.g.*, RODOLFO ACUNA, OCCUPIED AMERICA: A HISTORY OF CHICANOS 283–95 (2000) (The history of the Braceros program during and after World War II when the US unilaterally opened the border between the US and Mexico (during war time!) allowing unrestricted immigration and unregulated wages. Mexico vehemently protested this treaty violation and exploitation of its citizens. Braceros in the US were often mistreated in addition to being paid low wages. Police were used to quell rallies by strikers often by beating them as in the case of the 1959 ILGWU garment workers strike in San Antonio, TX).
  30. STEPHEN KANTROWITZ, BEN TILLMAN & THE RECONSTRUCTION OF WHITE SUPREMACY 2 (2000).
  31. Maria Yellow Horse Brave Heart, Ph.D. and Lemyra M. DeBruyn, Ph.D., *The American Indian Holocaust: Healing Historical Unresolved Grief*, 8 AM. INDIAN ALASKA NATIVE MENTAL HEALTH RESEARCH 56–78 (1998); Elizabeth Fast and Delphine Collin-Vézina, *Historical Trauma, Race-based Trauma and Resilience of Indigenous Peoples: A Literature Review*, 5 First Peoples Child and Family Rev. 126 (2010).

All communities of color struggle with some version of historical trauma that is unique to their particular collective experience in the United States.<sup>32</sup> Historical trauma is not an injury that a people simply “get over,” or that goes away with time; it takes a concerted community effort to work on it and it also requires a process of truth telling, acknowledgement, and transformation of the groups in society that created the trauma and benefitted from it.<sup>33</sup>

#### IV. THERE IS A RACE PROBLEM AND LAW ENFORCEMENT IS PART OF IT

Denial that racism is a problem in law enforcement creates barriers to building trust and legitimacy in community policing.<sup>34</sup> Historically, law enforcement is one of the professions in which European immigrants could “work toward whiteness” acting as buffers between People of Color and White elites of society to maintain a social order based on racism.<sup>35</sup> Irish and Italian immigrants, for example, who initially were not considered fully white when they first began coming to the United States in significant numbers, were able to provide a variety of services to white society by policing the bodies and minds of black and brown peoples.<sup>36</sup> Consequently members of these ethnic groups find their way into public safety jobs and other professions that put them in oversight of People of Color.<sup>37</sup>

Because of its historic role maintaining the racial power imbalance, we continue to use policing when other approaches would be more effective, for example: we use policing in overcrowded, underfunded schools that are failing to educate significant numbers of students, when smaller schools and culturally appropriate education would be a more appropriate response.<sup>38</sup> We use policing to separate children from their

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32. DEB BAKKEN & KAREN BRANDEN, *THE MELANIN MILLENNIUM: SKIN COLOR AS 21ST CENTURY INTERNATIONAL DISCOURSE* 213 (Ronald E. Hall ed., 2013).

33. *See generally* DAVID S. DEREZOTES, *TRANSFORMING HISTORICAL TRAUMA THROUGH DIALOGUE* (2014). *Also available at* <https://books.google.com/books?id=7vR292wAKqsC&pg=PA52&dq=racism+and+getting+over+historical+trauma&hl=en&sa=X&ved=0ahUKEwjFuXPnrfMAhUKmIMKHXPBe8Q6AEIRjAI#v=onepage&q=racism%20and%20getting%20over%20historical%20trauma&f=false>.

34. KENNETH BOLTON JR. & JOE R. FEAGIN, *BLACK IN BLUE: AFRICAN-AMERICAN POLICE OFFICERS AND RACISM* 261 (2004).

35. *See generally* DAVID R. ROEDIGER, *WORKING TOWARD WHITENESS: HOW AMERICA'S IMMIGRANTS BECAME WHITE: THE STRANGE JOURNEY FROM ELLIS ISLAND TO THE SUBURBS* (2005) (Explaining the different professions that immigrants worked towards to attempt to achieve “whiteness”).

36. 3 *Police Brutality, RACE AND RACISM IN THE UNITED STATES: AN ENCYCLOPEDIA OF THE AMERICAN MOSAIC* 951 (Charles A. Gallagher and Cameron D. Lippard eds., 2014).

37. *See id.*

38. *See* NANCY A. HEITZEG, *THE SCHOOL-TO-PRISON PIPELINE: EDUCATION, DISCIPLINE, AND RACIALIZED DOUBLE STANDARDS* 89–98 (2016). *Also available at*

families in cases of alleged abuse and neglect when support and resources would foster better parenting and would be more effective to keep families intact and children out of the child welfare and juvenile justice systems.<sup>39</sup> We use policing when poverty and chronic unemployment drive people to create alternative “fringe” economies rather than reforming our economic system. We use policing to deal with substance abuse when a mental health solution may be more appropriate and effective.<sup>40</sup>

We also fail to use policing appropriately because of historic patterns of racism, for example: in the case of sexual assault of American Indian women, the inconsistencies of law enforcement jurisdiction create incentives for non-Native sexual predators to locate themselves near Indian reservations in order to exploit Native girls and women with impunity.<sup>41</sup> Policing sometimes escalates rather than de-escalates tense and potentially dangerous situations.<sup>42</sup> Police officers rolling through Ferguson in armored vehicles and using military grade equipment against protestors may have been intended to keep officers safe, but it’s also possible these were experienced by the protestors as intimidation tactics that escalated or even catalyzed more violence.<sup>43</sup> Police officers are allowed to use lethal force if there is an objectively reasonable belief that there is a threat. Most decisions to shoot are made within two seconds.<sup>44</sup> In a society saturated with systemic racism and dripping with stereotypes of the black/brown threat, how can police officers rely on their immediate instincts to judge who is dangerous and who is not?<sup>45</sup> The evidence points to a systemic

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[https://books.google.com/books?id=1o\\_NCwAAQBAJ&pg=PA90&dq=policing+in+schools+and+instead+of+cultural+education&hl=en&sa=X&ved=0ahUKEwiGq4v\\_pLfMAhXItoMKHdsGDmwQ6AEIPTAG#v=onepage&q=policing%20in%20schools%20and%20instead%20of%20cultural%20education&f=false](https://books.google.com/books?id=1o_NCwAAQBAJ&pg=PA90&dq=policing+in+schools+and+instead+of+cultural+education&hl=en&sa=X&ved=0ahUKEwiGq4v_pLfMAhXItoMKHdsGDmwQ6AEIPTAG#v=onepage&q=policing%20in%20schools%20and%20instead%20of%20cultural%20education&f=false)

39. See RON POTTER-EFRON, PATRICIA POTTER-EFRON & BRUCE CARRUTH, *AGGRESSION, FAMILY VIOLENCE AND CHEMICAL DEPENDENCY* 161 (2016). Also available at [https://books.google.com/books?id=XcveCwAAQBAJ&dq=policing+and+separating+children+from+families&source=gbs\\_navlinks\\_s](https://books.google.com/books?id=XcveCwAAQBAJ&dq=policing+and+separating+children+from+families&source=gbs_navlinks_s).
40. See generally *id.*
41. AMNESTY INTERNATIONAL, *MAZE OF INJUSTICE: THE FAILURE TO PROTECT INDIGENOUS WOMEN FROM SEXUAL VIOLENCE IN THE USA* 41–49 (2007), <http://www.amnestyusa.org/pdfs/MazeOfInjustice.pdf> (last visited on April 30, 2016).
42. Karl Bickel, *Will The Growing Militarization of the Police Doom Community Policing?*, 6 *COMMUNITY POLICING DISPATCH* Iss. 12 (Community Oriented Policing Services, USDOJ), Dec. 2013, [http://cops.usdoj.gov/html/dispatch/12-2013/will\\_the\\_growing\\_militarization\\_of\\_our\\_police\\_doom\\_community\\_policing.asp](http://cops.usdoj.gov/html/dispatch/12-2013/will_the_growing_militarization_of_our_police_doom_community_policing.asp).
43. ACLU, *WAR COMES HOME: THE EXCESSIVE MILITARIZATION OF AMERICAN POLICING* 5–7 (June 2014), <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-re11.pdf>.
44. Emma G. Fitzsimmons, *Video Shows Cleveland Officer Shot Boy in Two Seconds*, N. Y. TIMES, (Nov. 26, 2014), <http://www.nytimes.com/2014/11/27/us/video-shows-cleveland-officer-shot-tamir-rice-2-seconds-after-pulling-up-next-to-him.html>; R. Richard Banks, Jennifer L. Eberhardt, and Lee Ross, *Discrimination and Implicit Bias in a Racially Unequal Society*, 94 CAL. L. REV. 1169 (2006).
45. Tracey G. Grove, *Implicit Bias and Law Enforcement*, 78 THE POLICE CHIEF 44 No. 10, October 2011 (International Association of Chiefs of Police, Alexandria, VA).

problem in policing, not the individual problems of the one or two ‘bad apples.’” We cannot solve a problem until we acknowledge we have a problem.<sup>46</sup>

## V. RACISM DESENSITIZES US TO VIOLENCE

As a country, we have a very high tolerance for violence that has long historic roots connected to racism, and this creates another barrier to trust and legitimacy in policing.<sup>47</sup> The creation of systemic racism historically required enormous amounts of psychological, emotional, and physical violence and required the people who benefitted from the system to be emotionally and psychologically shut off from the violence.<sup>48</sup> The role of violence in a system of oppression is to break down the bonds of human connection.<sup>49</sup> To create irrevocable distance between “us” and “them” to so dehumanize everyone in the system that we willingly allow some people to suffer while others are oblivious to suffering, or accept suffering as justified.<sup>50</sup> That legacy remains with us today and as a society we have an incredible tolerance for continuing violence while, at the same time, communities of color continue to suffer from historical trauma and endure continued racial inequity.<sup>51</sup> Changing laws 60 years ago did not heal the collective harm that systemic racism has wrought.<sup>52</sup>

Taking seriously the ramifications of historical trauma and violence are one part of the solution; we also need to reorient ourselves to and reduce our tolerance for violence in all its forms.<sup>53</sup> We need to collectively ask ourselves what do we consider violent crime? And what is the role of policing to protect vulnerable populations? If we were to think of violence as *collective harm to community* and identify the causes of large-scale suffering, it might give us a very different orientation to violence.<sup>54</sup>

Bad schools that do not adequately educate students and do not help them become fully productive citizens cause suffering and are violently

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46. L. Song Richardson, *Police Racial Violence: Lessons from Social Psychology*, 83 *FORDHAM L. REV.* 2961, 2961–76 (2015).

47. ALEXANDRA NATAPOFF, *SNITCHING: CRIMINAL INFORMANTS AND THE EROSION OF AMERICAN JUSTICE* 126 (2009) (Explaining the nature of distrust between society and the police).

48. SAIRAH QURESHI, *BULLYING AND RACIST BULLYING IN SCHOOLS: WHAT ARE WE MISSING?* 268 (2013) (Noting the psychological desensitization to violence from racism and the pervasive nature of such racism that is prevalent in American school systems).

49. *Id.*

50. *Id.*

51. *See* NATAPOFF, *supra* note 49.

52. *See* RITA CHI-YING CHUNG & FREDERIC P. BEMAK, *SOCIAL JUSTICE COUNSELING: THE NEXT STEPS BEYOND MULTICULTURALISM IN APPLICATION, THEORY, AND PRACTICE* 196 (2012) (Explaining that collaboration is necessary and that merely changing the laws is not enough).

53. *See* NATAPOFF, *supra* note 49.

54. DEANE CURTIN & ROBERT LITKE, *INSTITUTIONAL VIOLENCE* 195 (1999).



harmful to community.<sup>55</sup> Financial institutions exploiting economically vulnerable people have exacerbated the displacement of families, loss of wealth, and long-term unemployment; these financial institutions cause suffering and are violently harmful to community.<sup>56</sup> A profiteering health care system that is expensive and inaccessible causes a great deal of suffering.<sup>57</sup> The current system creates incentive to treat symptoms, not to promote wellness.<sup>58</sup> Living healthfully should be a human right, not a commodity in the market place.<sup>59</sup> The current health care arrangement causes suffering for those who cannot afford to access it *and* for those who can.<sup>60</sup> The racial disparities in fetal and maternal health and infant mortality come immediately to mind.<sup>61</sup> Racial disparities in health and health care are violently harmful to the community.<sup>62</sup>

This begs the question; if we really want to reduce violence and create healthier communities, where should we really be putting our resources? Where should we focus? What is the appropriate role of policing, if the intent of policing is to protect the vulnerable from harm and exploitation? As long as all the institutions controlling the resources needed for life are locked into our current economic system based on racial exploitation and inequity, suffering and violence will continue unabated at a much larger scale than the interpersonal violence that is the focus of current policing.<sup>63</sup>

## VI. RACIAL IDEOLOGIES AND THE FORMATION OF POLICE OFFICERS

The fourth barrier racism creates to building trust and legitimacy in policing is in the identity shaping and formation of police officers. No one signs up to be a police officer so they can handcuff, shackle and detain a five year old child who appears to be out of control,<sup>64</sup> or to dump an acting

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55. See QURESHI, *supra* note 50.

56. ROY L. BROOKS, ATONEMENT AND FORGIVENESS: A NEW MODEL FOR BLACK REPARATIONS 42–44 (2004).

57. See generally MARIE EDWIGE SENEQUE, RACISM IN HEALTH CARE: ALIVE AND WELL (2010) (Noting how the healthcare system has failed us as a society by out pricing sectors of society).

58. *Id.*

59. *Id.*

60. *Id.*

61. See S.C. Langley-Evans, Fetal Nutrition and Adult Disease, Programming of Chronic Disease through Fetal Exposure to Undernutrition 277–79 (2004) (Explaining the problems with the current healthcare system as they relate to before and after birth of minorities).

62. See SENEQUE, *supra* note 59.

63. PETER JOYCE, POLICING: DEVELOPMENT & CONTEMPORARY PRACTICE 152 (2011).

64. Kim Bellware, *Family Angered After Police Handcuff and Shackle 5-Year-Old With Special Needs*, HUFFINGTON POST (May 4, 2015 6:06 PM), [http://www.huffingtonpost.com/2015/05/04/connor-ruiz-shackled\\_n\\_7205492.html](http://www.huffingtonpost.com/2015/05/04/connor-ruiz-shackled_n_7205492.html).

out teenage girl from her desk and slam her against a wall,<sup>65</sup> or to arrest and illegally interrogate a smart fourteen-year-old for building a clock which someone mistakenly thought was a bomb,<sup>66</sup> or to shoot and kill a child playing with a toy gun in a playground or on the street.<sup>67</sup> Nobody signs up to do these things and yet these things, and worse, keep happening.

Because of the historic realities of racism, policing is not “guardianship protection” of all of our communities.<sup>68</sup> Police officers are shaped to “see” minoritized citizens as dangerous enemies from which they are charged to protect white society.<sup>69</sup> Historically this message was explicit; while it may not be explicit today, it still gets through.<sup>70</sup> All the children in the list above are children of color.<sup>71</sup> Each police jurisdiction involved in those incidents justified the actions of the officers involved because they were concerned about safety.<sup>72</sup> In each of those incidents a different course of action and intervention were readily available.<sup>73</sup>

There is something about the formation of police officers that perpetuates the dehumanization and objectification of communities of color and creates an “us” and “them” on both sides.<sup>74</sup> Racism reduces people to essentialized stereotypes and is used to construct the “other” as the demonized enemy.<sup>75</sup> Neither side recognizes the dehumanization that has happened to themselves or to the other side.<sup>76</sup> In order to effectively police you cannot dehumanize the people you are policing.<sup>77</sup> The people cannot *be* the problem, and yet, this is exactly the dynamic racism creates.<sup>78</sup>

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65. Matt Pearce & Dexter Thomas, *Deputy who threw South Carolina student in class is under federal investigation*, L.A. TIMES (Oct. 27, 2015 4:08), <http://www.latimes.com/nation/la-na-girl-thrown-police-south-carolina-20151027-story.html>.
66. Manny Hernandez & Christine Hauser, *Handcuffed for Making Clock, Ahmed Mohamed, 14, Wins Time with Obama*, N.Y. TIMES (Sept. 16 2015), <http://www.nytimes.com/2015/09/17/us/texas-student-is-under-police-investigation-for-building-a-clock.html>.
67. German Lopez, *Cleveland Police Shooting of Tamir Rice: City to Pay \$6 Million after 12-year-old's Death*, VOX EXPLAINERS (APRIL 25, 2016), <http://www.vox.com/2014/11/24/7275297/tamir-rice-police-shooting>.
68. JOHANNES F. SPREEN & DIANE HOLLOWAY, AMERICAN LAW ENFORCEMENT: DOES NOT SERVE OR PROTECT! 138 (2004).
69. *Id.* at 44.
70. *Id.*
71. *See supra* notes 18–21.
72. *Id.*
73. *Id.*
74. JAMES A. CONSER, ET AL., LAW ENFORCEMENT IN THE UNITED STATES 329 (2d ed. 2005).
75. *Id.*
76. *Id.*
77. DOUGLAS W. PEREZ, PARADOXES OF POLICE WORK 149 (2d ed.2011). *Also available at* <https://books.google.com/books?id=DvTTCzbSP8UC&pg=PA149&dq=good+policing+and+not+dehumanizing&hl=en&sa=X&ved=0ahUKEWj2g9CJ2bnMAhWHkoMKHTQNbn0Q6AEIJDAB#v=onepage&q=good%20policing%20and%20not%20dehumanizing&f=false>.
78. Tim Soutphommasane, Race Discrimination Commissioner, Racism is a Moral Issue, Address Before the Australian Human Rights Commission (Apr. 11 2014), <https://www.humanrights.gov.au/news/speeches/racism-moral-issue>.

Something in the formation of police officers damages individuals' own moral compass, they begin to do and participate in things that would otherwise horrify them, and contradict their own values.<sup>79</sup> Much like military personnel experience moral injury, police officers too, who are required to use their power in a system that is inequitable by design, are vulnerable to moral injury.<sup>80</sup> Moral injury is not the same thing as PTSD; moral injury can occur in the absence of trauma to law enforcement and military personnel and it can occur in concert with PTSD.<sup>81</sup> Moral injury is the result of causing harm to others; it happens when an individual is confronted with participating in their own dehumanization.<sup>82</sup> It is the recognition that one has objectified another living being and has become an object.<sup>83</sup> Moral injury is a consequence of systemic oppression and like PTSD it is also a consequence of violence.<sup>84</sup>

Traditional indigenous "warrior societies" recognized the dehumanizing impact of violence and used ritual to reincorporate warriors into society after violent episodes, to recognize and repair the moral injury that was caused.<sup>85</sup> Traditional indigenous warrior societies did not dehumanize their enemies; rather, the enemy was a worthy opponent with something to fight for and defend, every warrior was part of a community and had something to fight for and defend.<sup>86</sup> At the end of hostilities there is an expectation that people would co-exist in harmony once again as the creator intended.<sup>87</sup> This permits permanent resolution of hostilities; restoring order is possible following violent incidents. If people are dehumanized and demonized how is it ever possible to live together in peace and mutual respect?

Militarization of law enforcement is not only the increasing trend of hiring returning soldiers into law enforcement, though that is part of the

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79. LARRY K. GAINES & ROGER LEROY MILLER, *CRIMINAL JUSTICE IN ACTION* 194 (7th ed. 2012)

80. *See id.*

81. *See* ALAN D. WOLFELT, *PTSD SOLUTION: THE TRUTH ABOUT YOUR SYMPTOMS AND HOW TO HEAL*, pt. 2 (2015) (Explaining the differences between PTSD and moral injury), available at <https://books.google.com/books?id=cr-XCgAAQBAJ&pg=PT33&dq=moral+injury+and+compared+to+PTSD&hl=en&sa=X&ved=0ahUKEwiNsNKh3LnMAhVik4MKHWzWB7sQ6AEIQzAG#v=onepage&q=moral%20injury&f=false>.

82. *Id.*

83. *Id.*

84. Tyler Boudreau, *The Morally Injured*, 52 *THE MASS. REVIEW* 746 (Sept. 2011), <http://www.massreview.org/sites/default/files/Boudreau.pdf>.

85. KOAA5, *Vets Turn to Sweat Lodges to Treat PTSD*, NBC NEWS DIGITAL (last modified Feb. 11, 2016 11:27 PM), <http://www.koaa.com/story/31170116/vets-turn-to-sweat-lodges-to-treat-ptsd>.

86. GARY ROBINSON & PHIL LUCAS, *FROM WARRIORS TO SOLDIERS: A HISTORY OF AMERICAN INDIAN SERVICE IN THE UNITED STATES MILITARY* 68 (2010).

87. *Id.* at 11.

problem.<sup>88</sup> It is also the distribution of military equipment to law enforcement agencies<sup>89</sup> that spreads the message that law enforcement continues to be at war with some communities here at home. Spending scarce law enforcement resources on military grade equipment and the training to use it prioritizes the use of force and intimidation as policing tactics; it promotes escalating and catalyzing violence as opposed to preventing or reducing violence. Instead of militarizing law enforcement, we need to invest in building healthy, resilient communities and dismantling white supremacy.

## VII. ANTIRACISM AS A PATH FORWARD

Diagnosing and analyzing systemic racism are necessary first steps to dismantling it. We offer four solutions and a way forward to build trust and legitimacy in policing:

1. Acknowledge there is a problem of violence in our society, but that the source of the problem is in the systems and institutions of society including policing and law enforcement, and *not* in minoritized communities,
2. Communities and law enforcement need better understandings of systemic racism, how it was historically constructed, and how it persists today.
3. There has to be a deep examination of the impact of history on the institutions involved in policing. We need to uncover racism infused in the policies, practices and culture of law enforcement and related institutions, and remove these barriers to effective racial equity and justice.
4. Reform the way police officers are shaped and their role in society as guardians of justice, or protectors of vulnerable populations, rather than as enforcers of an outmoded social order based on white supremacy which has no place in modern society.

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88. *See generally* RADLEY BALKO, RISE OF THE WARRIOR COP: THE MILITARIZATION OF AMERICA'S POLICE FORCES (2013) (Explaining the problems associated with the hiring of former soldiers to police our society).

89. Executive Office of the President, Review: Federal Support for Local Law Enforcement Equipment Acquisition 3, (Dec. 2014) [https://www.whitehouse.gov/sites/default/files/docs/federal\\_support\\_for\\_local\\_law\\_enforcement\\_equipment\\_acquisition.pdf](https://www.whitehouse.gov/sites/default/files/docs/federal_support_for_local_law_enforcement_equipment_acquisition.pdf).