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# The Ugly Side of America: Institutional Oppression and Race

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*This manuscript examines structural racism through a socio-historical context of institutional oppression and its effects on modern society. The epistemological framework of intersectionality is used to focus on the overlap of oppression, structural racism, and implicit bias evident in the stereotypes and perceptions of the African American male population in the United States. Four eras of socio-historical significance are addressed: 1. Foundations of Racial Oppression; 2. Racism: Reconstruction and Jim Crow; 3. Renewal: Civil Rights and Civil Disobedience; 3. Reckoning: Embedded Racism and the Criminal Justice System.*

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Social unrest and racial turmoil has existed in America for many years. Throughout history, institutional oppression and structural racism has been the overarching form of social control used to maintain dominance over the African American community. Historical accounts of institutional oppression of African Americans in the United States dates back to Colonial Virginia. In order to maintain power among the people of African descent, oppression and internal colonialism emerged through legislative actions by the Virginia House of Burgesses in 1692 to institutionalize slavery. Present day, the oppression of African Americans continues in our criminal justice system and ranges from racial profiling to racial disparities in sentencing and executions. A plethora of historical events has altered the social fabric of race relations between the African American community and the criminal justice system, particularly law enforcement agencies. Racial tension between these two entities have revealed heightened levels of injustice, discrimination, and oppression of minorities, particularly African American males. We contend that structural racism today is the result of institutional oppression of African Americans throughout the nation's history. This manuscript is divided into four major sections of socio-historical significance: 1. Foundations of Racial Oppression; 2. Racism: Reconstruction and Jim Crow; 3. Renewal: Civil Rights and Civil Disobedience; 3. Reckoning: Embedded Racism and the Criminal Justice System.

We begin with a definition of institutional racism provided by Mario Rivera and James Ward (2014):

...institutional racism is defined as a complex of embedded, systemic practices that disadvantage racial and ethnic minority groups, and, in consequence, needs

to be assessed indirectly as well—for instance, in analyses of historically patterned discrimination and of the unintended, but still discernable, adverse impact of public policies and programs (p. 1).

However, we choose the term “institutional oppression” because our analysis starts with the institution of slavery. In addition, the epistemological framework of intersectionality is used to focus on the overlap of oppression, structural racism, and the cultural climate of unwarranted stereotypes and perceptions of the African American male population in the United States. Originally coined by Kimberle’ Crenshaw (1991), in her article “Mapping the Margins”, intersectionality describes “the various ways race and gender interact to shape the multiple dimensions of black women’s employment experiences.” (1991, 1244). Over the past two decades, various scholars across disciplines have examined the interconnection of intersectionality within their specific research streams that has evolved this theoretical framework to encapsulate a diverse set of contemporary meanings. Researchers such as Hancock (2007, 2012), McCall (2005), and Shields, (2008), have incorporated intersectionality as a research paradigm. Hancock (2012) discussed the paradigm of intersectionality as an analytical framework for questions of social justice in which she refers intersectionality “to both a normative theoretical argument and an approach to conducting empirical research that emphasize the interaction of categories of difference (race, gender, class, and sexual orientation)” (2012, 64). Intersectionality may also be divided into the macro and micro levels of analysis, as described by Gopaldas (2013):

At a macro-level of analysis, the concept of intersectionality refers to the interactivity of social identity structures such as race, class, and gender in fostering life experiences, especially experiences of privilege and oppression. At a micro-level of analysis, the implication of intersectionality is that every person in society is positioned at the intersection of multiple social identity structures and is thus subject to multiple social advantages and disadvantages (91).

It is our aim in this manuscript to implement the term of intersectionality to continue the dialog of the black male experience as he is misrepresented through racial injustices and oppression in the criminal justice system, primarily focusing on the black male and police relations. As Crenshaw (1991) denoted intersectionality to describe how race and gender are interrelated to form the multiple dimensions and realities of black women, we intend to incorporate intersectionality to examine the multiple dimensions, realities, and complexities of the black male in America and the constant struggle of oppression and privilege that has existed throughout history. We could continue this discussion to include the judicial and correctional component of this misrepresentation, racial disparities, and injustice, but we first must address the intersection of the black male-police relationship that ushered “him” in the system in the first place. We examine the historical context and the evolution in which institutional oppression and structural racism reside for African Americans to the 21<sup>st</sup> century in which we are still witnesses of racial injustice, but through the auspices of covert racism and unconscious bias that contribute to racial profiling and police brutality. The deaths of Trayvon Martin, Michael Brown, Tamir

Rice, Eric Garner, Laquan McDonald, Freddie Gray, and numerous others are a sounding call for institutional and societal reform.

### **The Foundation of Racial Oppression in America**

An examination of slavery in the United States is necessary in order to understand how and when racism becomes institutionalized. With respect to race and the criminal justice system today, Alridge and Daniels (2001) contend that it is unwise to ignore “250 years of slavery, 100 years of legally enforced segregation, and over two centuries of institutionalized covert and overt racism, discrimination, and prejudice...By ignoring this socio-historical context, and the unbroken campaign of violence that has been subsequently imposed, researchers cannot provide a holistic analysis” (2001, 30).

In 1619, the first Africans arrived in Point Comfort, Virginia via the cargo ships *White Lion* and *Treasurer*. The Africans were captured from an earlier raid against a Portuguese slave ship and, upon arrival in Virginia, were transported to Jamestown and sold into servitude. Virginia’s first colonial census in 1620 revealed a population of 892 Europeans, 4 Native Americans, and 32 Africans (Wolfe n.d.). There are also records of free African Americans during this time period, as some indentured servants were able to secure freedom. According to records in Northampton County on the Eastern Shore of Virginia, there were 101 free African Americans between 1664 and 1667 (Wolfe n.d.).

Slavery in the U.S. is the starkest example of oppression—Africans were kidnapped, held in bondage in perpetuity, and physically and emotionally abused while living in substandard conditions. Mor Barak (2005) defines dehumanization as “the most extreme psychological mechanism in viewing members of other groups as inferior, and its behavioral manifestation is oppression” (2005, 139). The process of dehumanization contributes to the explanation of how the early settlers shifted from a ‘society with slaves to a slave society’ (Berlin 1998). While slavery can never be legitimate, early American society used distorted biblical interpretations and “scientific” racism to dehumanize Africans (Farmbry 2009). Biblical interpretations of Genesis 9:20-27 on the story of Noah and Ham resulting in the curse of Canaan whereby all descendants were marked as slaves and of Genesis 17:12-13, 27 that mentions servants bought and established as inheritable property were used to justify slavery (Morrison 1980). In contrast, a secular approach of “scientific” racism also developed. Physician Samuel G. Norton postulated that different races represented different biological species based upon a collection of 1,000 human skulls. His work influenced a variety of scientists at the time, including Louis Agassiz of Harvard (Reed 1989). The positioning of Africans as the “other” (Farmbry 2009) opened the door for the institution of slavery.

During the latter half of 17<sup>th</sup> century Virginia, oppression and internal colonialism<sup>1</sup> emerged through legislative actions of the Virginia House of Burgesses to institutionalize slavery. The Virginia House of Burgesses declared in 1662 that the status of children born as free or as slaves is determined by the condition of the mother. In 1691 interracial marriage was outlawed and newly freed slaves were exiled from the colony. In 1705, the ability to serve in positions of authority and public service were prohibited from free African American men. By 1723, voting rights of free African American men were stripped and

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<sup>1</sup> Internal colonialism is defined as “a country exploiting its own minority groups, using social institutions to deny minority access to society’s full benefits” (Henslin 1993).

masters were no longer permitted to free a slave even if he wanted to (Wolfe n.d.).

Slavery proliferated under the expansion of the plantation system as tobacco, and later cotton, became lucrative crops for the colonies. The slave population in Virginia increased from 6,000 in the year 1700 to 170,000 by the year 1763 (Zinn 2001). A number of uprisings also occurred throughout the colonies—18 aimed at overthrowing the government, 6 black rebellions, and 40 riots by 1760 (Zinn 2001). Bacon's Rebellion of 1676 caused particular concern as African slaves and poor whites united to overthrow Governor Berkeley and the Virginia establishment. The final surrender included 400 "English and Negroes in Armes" and 300 "freemen and African and English bond servants" (Zinn 2001, 55). In addition to the control and oppression of slaves, the founding fathers were concerned with unrest among poor whites.

If freemen with disappointed hopes should make common cause with the slaves of desperate hope, the results might be worse than anything Bacon had done. The answer to the problem, obvious, if unspoken and only gradually recognized, was racism, to separate dangerous free whites from dangerous black slaves by a screen of racial contempt (Edmund Morgan, as cited in Zinn 2001, 56).

The upper class appealed to the new middle class through the language of "liberty, property, and equality" in the Declaration of Independence to unite whites to fight in a revolution (Zinn 2001). In contrast, although African Americans fought on both sides of the Revolutionary War, most slaves fled the plantations to support British troops and loyalists in exchange for freedom. Despite their service, most African Americans were never granted freedom—many were returned to their masters, sold into slavery in the Caribbean, or killed. "An estimated 100,000 African Americans escaped, died, or were killed during the American Revolution" (PBS n.d.).

As the architect of the Declaration of Independence, and a slave owner, Thomas Jefferson must have been conflicted when he wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness." Arthur (1989) contends that Jefferson reconciled this contradiction through a pragmatic perspective—that slavery was necessary because Africans were inferior and "the economic and political consequences" of abolition made slavery a necessary evil. According to James Reed (1989), Jefferson's *Notes on the State of Virginia* (1786) presented arguments for black inferiority though claims that "blacks were less beautiful than whites, judged their emotional life as less complex, and compared them unfavorably with Roman slaves" (1989 158).

Among the 55 delegates at the Constitutional Convention, 15 were slave owners (Arthur 1989). Slavery is evident in the original passages of the Constitution under the three-fifths clause (Art. I, sec.2, cl.3), the slave trade clause (Art. I, sec.9, cl.3) and the fugitive slave clause (Art. IV, sec.2, cl. 3). The three-fifths clause based representation in the House on population size that counted each slave as three-fifths a person, thereby increasing political strength in the South. The slave trade clause permitted and taxed the sale of slaves until 1808 and the fugitive slave clause codified the return of runaway slaves to their master. Charles Beard (1935) posits that the Constitution may be interpreted as an economic

document designed to protect the interests of the members at the 1787 Convention. The majority of members were lawyers, not small farmers or craftsman. Article I, section 8 of the U.S. Constitution provides the foundations for our economic system by establishing the power to tax, borrow money, regulate commerce, suppress insurrections, etc. "...to guard the states against renewed attempts of desperate debtors like Shays" (1935, 43). Similarly, the Madisonian perspective supports the argument that the constitution was intended to protect the economic interests and property rights of colonial aristocracy. "In the debates on the Constitution, Madison pointed out that if elections in England were open to all classes of people, the property of land proprietors would be insecure. An agrarian law would soon take place giving land to the landless" (Chomsky 1999, 47).

Slaveholders held positions of power across the three branches of government at the dawn of our nation. Twelve of the first eighteen U.S. Presidents owned slaves, eight of which owned slaves while serving in office.<sup>2</sup> George Washington became a slave owner at the age of eleven when his father passed away (PBS n.d.). "James Madison told a British visitor shortly after the American Revolution that he could make \$257 on every Negro in a year, and spend on \$12 or \$13 on his keep" (Zinn 2001, 33). In addition, 17 of 28 Supreme Court justices and 21 of 34 speakers of the House were Southern (Arthur 1989). Courts were obstacles to abolition, evident in *Scott v. Sanford* decision in 1857 which held that Dredd Scott did not have standing to sue because slaves are not citizens (Arthur 1989).

### **Racism: Reconstruction and Jim Crow**

The South experienced major losses in land, life, and economic stability (wartime debts, collapse of confederate currency, crop failures, etc.) as a result of the Civil War. Furthermore, after surrender at Appomattox underclass whites were now in competition with newly freed African Americans for limited opportunities (Prather 1989). Federal occupation and the election of 2 African Senators and 20 House Representatives (Zinn 2001) contributed to the virulent racism of the post war south. Although the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments to the Constitution prohibit slavery, ensure equal protection, and extend the right to vote to African Americans, the era of Reconstruction resulted in a backlash among whites to preserve their own social dominance in the South through violence and the establishment of Jim Crow laws. Appeals to white supremacy conquered any potential for unity and uprising among poor whites and slaves.

The work of social psychologists in this century strongly suggests that conditions in the post-war South were ripe for the emergence of heightened racial hostility on the part of whites...Freud argued that sanctioned hostility towards a clearly identified minority or 'outsider' group can contribute significantly to social cohesion among a majority, especially under conditions of social stress. In

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<sup>2</sup> George Washington, Thomas Jefferson, James Madison, James Monroe, Andrew Jackson, John Tyler, James Polk, and Zachary Taylor owned slaves while serving in office. Martin Van Buren, William Henry Harrison, Andrew Johnson, and Ulysses S. Grant also owned slaves prior to serving in office ("Slave holding Presidents").

1958, Gordon Allport, while not sharing Freud's emphasis on universal, instinctual aggressiveness, also argued that aggression and hatred towards a scapegoat group can be a need-satisfying mechanism under conditions of unmanageable frustration (Pressman 1998, 4).

Reconstruction ended through the Hayes Compromise of 1876— a deal to placate Southern Democrats who threatened to rebel over what they viewed as a stolen presidential election, electoral votes were cast for Rutherford B. Hayes in exchange for the retrenchment of federal occupation in the south (Prather 1989; Ward and Rivera 2014). By the end of Reconstruction a new system of segregation was established through black codes that grew into Jim Crow Laws of the 1880s (Pressman 1998; Ward and Rivera 2014) and segregation was reinforced through the U.S. Supreme Court decision *Plessy v. Ferguson* (1896).

Violence erupted after the Civil War and Reconstruction in the form of race riots and lynchings. Named after Colonel William Lynch, "lynch laws" originated in Pittsylvania County, Virginia in 1780 (Well-Barnett 1893). According to Prather (1989), in 1866 46 African Americans were killed in their newly established community in Memphis and 37 African Americans were killed at a "black suffrage convention" in New Orleans. Between 1868 and 1876 numerous race riots occurred in Arkansas, Louisiana, Mississippi, and South Carolina. In comparison, the period between 1882-1900 represent the highest occurrence of lynchings (Wasserman and Stack 1994). According to Farmbry (2009), "...more than three thousand people were lynched in the United States between 1889 and 1918" (69). However, the true number of lost lives will never be truly known because some lynchings were classified as legal homicides when "local law enforcement officials dispensed 'street-corner' justice" or deputized a posse (Wasserman and Stack 1994, 72). Perhaps the tragic murder of 14 year old Emmitt Till in 1955, tortured and beaten for talking to a white woman in a Mississippi store, served as a catalyst for the Civil Rights movement.

### **Renewal: Civil Rights & Civil Disobedience**

Students today are often taught that the Civil Rights era ushered in equality through the U.S. Supreme Court decision in *Brown v. the Board of Education* (1954), along with the repeal of the Poll Tax via the 24<sup>th</sup> Amendment and the passage of the Civil Rights Act of 1964. The discussion often excludes the massive resistance against equal rights throughout the South and the bloody struggle for social justice, as stated by Dr. Martin Luther King, Jr. (1968), "Just as the Congress passed the civil rights bill in 1868 and refused to enforce it, the Congress passed a civil rights bill in 1964 and to this day has failed to enforce it in all its dimensions" (85).

James Farmer established the Congress of Racial Equality (CORE) in 1942 to confront racism and segregation through nonviolent means. CORE members held one of the first "sit-in" demonstrations at a coffee shop in Chicago in 1942. CORE played a critical role in supporting Dr. Martin Luther King, Jr. during the Montgomery bus boycott and the Freedom Riders demonstrations and Dr. King's Southern Christian Leadership Conference (SCLC) worked closely with CORE on various projects including voter drives and sit-in demonstrations throughout the South. Freedom riders were subjected to brutality and firebombs. By 1964, many members were discouraged by nonviolence as a means to achieve equality. CORE shifted to black separatist policies in 1966 under Floyd McKissick's platform of Black Power (Stanford Encyclopedia n.d.). The appeal to the shift in a more

militant platform is evident through the words of Malcom X (1963): “How can you justify being nonviolent in Mississippi and Alabama, when your churches are being bombed, and your little girls are being murdered...” (401).

In the late 1960s, civil unrest and riots broke out in major cities across the U.S. including: Atlanta, Baltimore, Chicago Detroit, Los Angeles, Newark, New York, and Philadelphia. The violence was attributed to hopelessness and alienation. Although Dr. King (1968) did not condone violence, he understood the frustrations of African Americans living in the ghetto, “A riot is at bottom the language of the unheard. It is the desperate, suicidal cry of one who is fed up with the powerlessness of his cave existence that he asserts that he would rather be dead than ignored” (120). In addition, *The Report of the National Advisory Commission on Civil Disorders*, also known as the Kerner Commission (1968), cited historic institutional oppression of African Americans as the contributing factor to urban uprisings (Alridge and Daniels 2001; Farmbry 2009). The Kerner Commission report (1968) states:

Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to most white Americans. What white Americans have never fully understood--but what the Negro can never forget--is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintained it, and white society condones it (1).

The report also asserted that police harassment and brutality against African Americans were contributing factors to the civil disturbances (Kappeler, Sluder, and Alpert 1998). Historically, African Americans have had a tenuous relationship with law enforcement agencies. The relationship between the African American community and law enforcement agencies has been a national and persistent problem in that many blacks have experienced racial injustices and discrimination in the hands of white law enforcement officials, with primary subjugation focused on black males (Johnson 2004).

### **Reckoning: Embedded Racism and the Criminal Justice System**

In this section, the historical context and current incidents of racial profiling and police brutality will be discussed in linking the parallel shift in racism from overt to covert—to unconscious bias that streamlines the decision-making practices within the criminal justice system.

#### **Racial Profiling**

Profiling, as a single construct, is a significant assessment tool used by law enforcement officials to solve crime (Bah 2005). Defined in several ways by researchers to denote “the application of statistical evidence concerning differences in propensity for crime in a police practice when deciding whom to target” (Thomsen 2011, 90), “a set of characteristics that can be physical, behavioral, or psychological” (Harris 2002, 16), and as “a technique that can help law enforcement agencies concentrate resources in specific directions in order to maximize the chances of preventing crime or apprehending criminals” (Bah 2005, 2). However, race is always a factor and when attached to “profiling”, promulgates a long-standing bias that has resonated between modern policing and the African American community. Moreover, when the term racial is attached, another meaning



takes place that significantly changes the overall understanding and usage of profiling in that police officers can use their discretion and in most cases provide a distorted view of who is the “primary target.” At the core of racial profiling, the biased attitudes and treatment emanated by various law enforcement officials presents a substantial threat to the legitimacy of policing in all communities (Goff and Kahn 2012; Tyler and Huo 2002). For many African Americans, racial profiling symbolizes a regime of social dominance, institutional oppression and structural racism.

Shuford (1999) contends that racial profiling is in violation of various constitutional and statutory rights, including the Equal Protection Clause of the 14<sup>th</sup> Amendment and Title VI of the Civil Rights Act of 1964. The U.S. Supreme Court has rendered numerous decisions on the 14<sup>th</sup> Amendment in relation to racial discrimination and racial profiling: *Whren v. United States* (1996) challenged the issue of probable cause as it related to racial profiling in routine traffic stops, primarily the issue of pretext for search and seizure; *Ohio v. Robinette* (1996) challenged the consent to search rule; *United States v. Armstrong* (1996) focused on the issue of racial discrimination in the war on drugs; and *United States v. Sharpe* (1985) the Court addressed the constitutionality of reasonable length of time to hold a suspect. Currently, there are over 200 U.S. court cases involving allegations of racial and ethnic profiling against law enforcement organizations (Antonovics and Knight 2009).

Racial profiling perpetuates negative stereotypes of black males as “criminals”, “aggressive”, or “dangerous” with catch phrases and verbal constructs (i.e., driving while black) or actions of locking your car door or crossing the street when you see a black man approaching. Many African-Americans contend that the issue of stereotyping them as criminal defendants and then disaggregating them out from other racial groups for discriminatory treatment by police officers is commonplace and, in essence, the price for being Black in America (Joseph 2003). For example, blacks are: approximately four times more likely to be targeted for police use of force than their white counterparts; arrested and convicted for drug-related criminal activities at higher rates than their overall representation in the U.S. population; and are more likely to fear unlawful and harsh treatment by law enforcement officials (Goff and Kahn 2012; Tyler and Huo 2002; Walker, Spohn, and DeLone 2007; Weitzer and Tuch 2006). The *Police-Public Contact Survey*, administered by the Bureau of Justice Statistics, consistently reports that black and white drivers are stopped at the same rates. However, blacks were three times as likely as whites to be searched during a traffic stop (Eith and Durose 2011). Using data collected from police departments for the years 1995-2000, The International Association of Chiefs of Police (2001, 45) compared the race of officers for intra and inter racial comparisons. When officers and suspects were the same race, 84% of excessive use of force incidents involved white officers on white suspects compared to black officers on black suspects (15%). When officers and suspects were of different races, 83% of use-of-force incidents involved white officers on black suspects—only 6% of the incidents represented black officers on white suspects. Similarly, Jacobs and O’Brien (1998) reveal that law enforcement agencies are more punitive in cities with large black populations. They examined the rate of police killings across 170 U.S. cities and found that police were more likely to use deadly force in cities where the black population is high and economic disparities between blacks and whites are evident.

Our society also needs to acknowledge the fact that negative stereotypes begin early in life for black children. One study by Goff, Jackson, Di Leone, Culotta, and DiTomasso (2014) found that black and white children are judged equally innocent until the age of 10, thereafter, white participants consistently rated black children as less innocent

than their white counterparts. Because black males are treated unfairly and often subjected to racial profiling, this can have an adverse effect on them psychologically and legally. In some respects this psychological effect can mirror the essence of an inferiority complex, as stated by Rome (2004):

...it is important to point out that the precept of inferiority is unique to the American slavery experience. Moreover, this experience of African Americans is unique in African Americans ascription to inferior status in that no other ethnic minority group entered the country as slaves and just as important, no other group was victimized across centuries the way African Americans have been victimized (19).

Rome (2004) further explained that the superior/inferior ideology is manifested in the criminal justice system when African Americans are labelled as criminals.

Dr. Martin Luther King, Jr. (1968), eloquently stated, “The plantation and the ghetto were created by those who had power both to confine those who had no power and to perpetuate the powerlessness” (37). The negative stereotypes that many people have of African American men are reinforced through mass media as African Americans are often depicted as criminals, drug dealing hoodlums living in the ghetto (Anderson, 2013; Rome, 2004). According to Anderson (2013), America has the perception that the ghetto is a dangerous part of the inner-city, where most perceive violent behavior and drug crimes occur. He further discussed the idea of the “iconic ghetto”, which he referenced has become a powerful source of stereotypical connotations, prejudice, and racial discrimination in our society. In retrospect, this modern day ghetto, according to Anderson (2013) symbolizes racism of Emmett Till’s time and the location of the black man. Meaning, in Till’s era “a black person’s “place” was in the field, in the maid’s quarters, or in the back of the bus. If a black man was found “out of his place,” he could be punished, jailed, or lynched. In Martin’s day—in our day—a black person’s “place” is in the ghetto” (Anderson, 2013.). He indicates that although there are some comparisons with the storyline of both boys, their deaths are the result of diverse strains of racial tension in America. He noted in his description of the historical times in which both teenagers witnessed:

#### Till

The racism that led to Till’s death was embedded in a virulent ideology of white racial superiority born out of slavery and the Jim Crow codes, particularly in the Deep South. That sort of racism hinges on the idea that blacks are an inherently inferior race, a morally null group that deserves both the subjugation and poverty it gets.

#### Martin

The racial prejudice that led to Trayvon Martin’s death is different. While it, too, was born of America’s painful legacy of slavery and segregation, and informed by those old concepts of racial order—that blacks have their “place” in society—it in addition reflects the urban

iconography of today's racial inequality, namely the black ghetto, a uniquely urban American creation (n.p.)

Another vantage point to Anderson's discussion, particularly as it relates to the thematic strand of intersectionality, is Erving Goffman's classic publication on stigma (1963) and research conducted by Victor Rios (2011). Goffman's work on stigma and spoiled identity still has relevance today. In his book he analyzed two perspectives: 1) how individuals are defined by stigmas and 2) how these individuals identify themselves and their relationships based on those defined stigmas. As an ethnographer, Rios (2011), analyzed how stereotypical perceptions and stigmatization had adverse effects on the lives and behavior of marginalized inner-city youth in Oakland, CA. According to Stanfel (2013), Rios' research attempted to provide insight into the environmental and systemic factors that contribute to the criminal stigma and behavior these disenfranchised and delinquent inner-city youth face daily. The inclusion of intersectionality furthers the discourse of how the interactions and intersections of race, class, gender, and location signifies the bias and overall negative perceptions of African American males and in this case inner city youth and the criminal justice system. Rios' work is significant as it symbolizes Anderson's viewpoint of the overall perception of the urban community, aka, "the ghetto" and the negative stereotypical connotations and perceptions that plagues the black male, primarily since Rios grew up in the "ghetto" and was a gang member during his adolescent years. More importantly, as police officers patrol the inner city, the stereotypical bias and racial profiling that exist is relative to the dynamics associated with the intersectionality of law enforcement and black males.

Fridell (2008), indicated that there is a significant difference between explicit bias and implicit or unconscious bias, specifically as it relates to the discriminatory practices and prejudices in policing against Black males and their association to crime. In defining each concept, Fridell (2008), denoted that:

...while some of the bias in policing is caused by intentional discrimination against people of color, there is a considerable body of research that points to another mechanism producing biased behavior. Social psychological research has shown that "implicit" or "unconscious" racial bias can impact what people perceive and do, even in subjects who consciously non-prejudiced attitudes (39).

Furthermore, Fridell and Brown (2015) indicated that:

Implicit biases are similar to explicit biases in that the biased person links individuals to stereotypes or generalizations associated with their group or groups. But, unlike explicit biases, implicit biases are not based on animus or hostility and these "implicit associations" can impact perceptions and behavior outside of conscious awareness. Even individuals, who, at the conscious level, reject prejudice and stereotyping, can and do manifest implicit.

Historically and present-day these negative stereotypes and overall perceptions are

the depiction of African Americans. However, one can speculate and provide inferences on the motives and thought patterns of George Zimmerman, a neighborhood watch officer, who saw a young, black male, wearing baggie jeans and a hoodie. Did George Zimmerman, racially profile Trayvon Martin based on the demographics of race, age, and gender? In comparison to Anderson's analysis, Zimmerman may have believed through his perceptions and attitudes of race in general that Martin was out of his place "from the ghetto" walking through his neighborhood only to find out later that he was walking home from the convenience store to his father house whom he was visiting. The issues that are raised with the Trayvon Martin case are the elements of those stereotypes George Zimmerman had upon witnessing Martin walking through his neighborhood. Anderson (2013) further indicated that if a black man is found out of his place, he may be treated with suspicion, stopped, frisked, searched, arrested or worse. And in Trayvon's case, killed. It is through this theoretical lens of intersectionality that the interaction of race, gender, age collided with the decision-making strategies that Zimmerman made and as Hancock (2012) described as restricting Martin's democratic freedom as a young Black male. Nevertheless, Zimmerman was acquitted in state court on July 13, 2013. Citing insufficient evidence to prove beyond a reasonable doubt that Zimmerman willingly violated Martin's civil rights under a variety of federal criminal civil rights statutes, the U.S. Department of Justice closed the investigation into the death of Trayvon Martin on February 24, 2015 (DOJ 2015b).

The Martin/Zimmerman encounter continues to feed into the minds of Americans, primarily the dominant culture of the negative stereotypes that exists in the United States and that race, gender, age, and class does matter in the fight against racial injustices, institution oppression, structural racism and the elevation of social justice.

#### **Use of Force**

The International Association of Chiefs of Police (IACP) defines *force* as "that amount of effort required by police to compel compliance from an unwilling subject" and excessive force as "the application of an amount and/or frequency of force greater than that required to compel compliance from a willing or unwilling subject" (2012, 14). Reasonableness is the standard used to distinguish between allowable force and excessive force. Interpreted under the 4<sup>th</sup> Amendment under *Graham v. Connor* (1989), factors considered in reasonable use of force include the severity of the crime, whether the suspect posed an immediate threat to officers or the public, and whether the suspect was resisting arrest or fleeing from the officer. Similarly, *Tennessee v. Garner* (1985) provided guidance on the deadly use of force from a reasonable officer perspective at the time of the incident. Furthermore, according to the U.S. Department of Justice (2014), "A police officer may not use deadly force against an unarmed and otherwise non-dangerous subject...and the use of deadly force is not justified in every situation involving an armed subject" (13).

The *Violent Crime Control and Law Enforcement Act of 1994* provides the Special Litigation Section within the Civil Rights Division of the U.S. Department of Justice with the authority to investigate and establish remedies for state and local law enforcement agencies that violate constitutional rights of citizens. The remedies typically include memorandums of agreements (MOA) or consent decrees. Between 1994 and 2000, fourteen law enforcement agencies had been placed under federal monitoring (IACP 2001).

#### **Deadly Use of Force**

There are numerous incidents of deadly use of force by police officers in any given year, however, 2014 and 2015 were tumultuous years for police-public race relations, social

unrest, and the loss of lives on both sides. A list of unarmed minorities killed by law enforcement officers in 2014 is provided in Box 1. As of November 30, 2015, thirty unarmed black citizens were fatally shot by police this year (Washington Post 2015). The stories that saturated mainstream media addressed the deaths of Michael Brown, Eric Garner, Tamir Rice, Laquan McDonald, and Freddie Gray. As a result, we examine police departments in the cities of Ferguson, New York, Cleveland, Chicago, and Baltimore.

**Box 1: Unarmed Minorities Killed by Police or Guards in 2014**

Tanisha Anderson, 37-Cleveland, OH  
Jordan Baker, 26- Houston, TX  
Romain Brisbon, 34- Phoenix, AZ  
Michael Brown, 18- Ferguson, MO  
McKenzie Cochran, 25-Southfield, MI  
John Crawford III, 22-Beavercreek, OH  
Ezell Ford, 25- Los Angeles, CA  
Eric Garner, 43-Staten Island, NY  
Akai Gurley, 28- New York, NY  
Dontre Hamilton, 31- Milwaukee, WI  
Dante Parker, 36- San Bernardino, CA  
Kajieme Powell, 25-St. Louis, MO  
Tamir Rice, 12- Cleveland, OH  
Yvette Smith, 47- Bastrop, TX  
Dillon Taylor, 20- Salt Lake City, UT

(Sources: Juzwiak and Chan 2014; Nashrulla 2014)

*Cleveland, Ohio*

On November 13, 2014, the family of Tanisha Anderson called to report that she was disturbing the peace. Previously diagnosed with a mental illness<sup>3</sup>, she died in police custody after physical restraint in a prone position (Shaffer 2015). While her death was ruled a homicide, at the time of this writing the Cleveland Police Department (CPD) has yet to determine whether the officers' use of force was appropriate (justifiable homicide) or excessive.

Eight days later, on November 22, 2014, two police officers responded to a call for service about a male pointing a gun at random people in a park but stated that the gun was likely fake and that he was probably a juvenile. The 911 dispatcher did not report that the gun was fake when she issued the calls for service to the police. When the officers arrived on the scene they reported that he reached for the gun in his waistband and fired their weapons within 2 seconds. Twelve year old Tamir Rice died one day later. Sources later revealed that Officer Timothy Loehmann, who fatally shot Tamir Rice, was previously declared unfit for duty by his former employer—Independence Police Department. A 2012 memo issued by Jim Polak, deputy chief of the Independence Police Department, stated that Loehmann, “could not follow simple directions, could not communicate clear thoughts nor recollections, and his handgun performance was dismal” (McCarthy 2014). In addition,

<sup>3</sup> Some sources report that she suffered bi-polar disorder, others cite schizophrenia.

Loehmann's partner, officer Frank Garmback, was accused of excessive use of force in 2010—the City of Cleveland paid \$100,000 to settle the lawsuit in 2014 (Caniglia 2014). To make matters worse, Cleveland Mayor Frank Jackson originally placed blame on Tamir and his family for failing to “exercise due care to avoid injury” and that the loss of his life “were directly and proximately caused by their own acts” (Tribune wire reports 2015). The mayor later issued an apology. At the time of this writing a grand jury is reviewing evidence to decide whether officers Loehmann and Garmback should be charged for the death of Tamir Rice.

The Cleveland Police Department (CPD) had been under investigation by the U.S. Department of Justice since March of 2013 for civil rights violations. The final report issued on December 4, 2014, found that CPD demonstrated a pattern of using excessive force. The report also cited “structural deficiencies and practices—including insufficient accountability, inadequate training, ineffective policies, and inadequate engagement with the community—contribute to the use of unreasonable use of force” (DOJ 2014b, 1). The report further indicates that officers are not properly trained to address persons with mental illness and that officers fire their guns when there is not an immediate threat of death or injury to the officers. A consent decree enforced by court supervision is being negotiated at the time of this writing. However, it is important to note CPD was previously investigated by the Justice Department in 2002 for similar violations. A memo of agreement was issued in 2004 and terminated in 2005. The Department of Justice Report (2014b) states, “. . . many of the policy and practice reforms that were initiated in response to our 2004 memorandum agreement were either not fully implemented or, if implemented, were not maintained over time” (5).

#### *Ferguson, Missouri*

Michael Brown was stopped after leaving a convenience store on August 9, 2014. Officer Darren Wilson reported that Brown resisted arrest and a “scuffle” between the two resulted in the discharge of his firearm. Officer Wilson fired 12 rounds—six of which hit Michael Brown when he died at the scene. Officer Wilson claims that he was responding to a call for service about a convenience store robbery in which \$50.00 of cigars were stolen Associated Press 2014, however, Police Chief Thomas Jackson maintained that the death of Brown was not related to the robbery (Siddiqui 2014). In contrast, Officer Wilson testified to the grand jury that Michael Brown and his friend were stopped for walking down the middle of the street and blocking traffic (Basu, Yan, and Ford 2014). Protests began in Ferguson and spread globally immediately after the death of Michael Brown. On November 25, 2014, the grand jury chose not to indict Officer Wilson and violence erupted in Ferguson.

The U.S. Department of Justice opened an investigation into the Ferguson Police Department (FPD) in September of 2014. The final report issued on March 4, 2015 reveals racial bias and stereotyping by FPD disproportionately affects African Americans: “Data collected by the Ferguson Police Department from 2012 to 2014 shows that African Americans account for 85% of vehicle stops, 90% of citations, and 93% of arrests made by FPD officers, despite comprising only 67% of Ferguson’s population” (DO, 2015c, 4). In addition, 95% of walking in roadway charges, 94% of failure to comply charges, and 90% of documented use of force incidents by FPD were directed at African Americans (DOJ 2015c). Furthermore, FPD is cited for a pattern of excessive use of force where “Some incidents of excessive force result from stops or arrests that have no basis in law. Others are punitive and retaliatory” (28). The report also indicates the lack of diversity within FPD contributes to community distrust. Only 4 of 54 sworn officers are African American in a

city where two-thirds of the population are African American.

*Staten Island/NYC, New York*

Eric Garner was confronted by police on July 17, 2014 for selling individual untaxed cigarettes on Staten Island. He was originally surrounded by five police officers, including Officer Daniel Pantaleo who placed Garner in the chokehold that brought him to the ground. Garner informed the officers that he could not breathe. Although officer Pantaleo claimed that he did not use a chokehold, a tactic prohibited by New York Police Department (NYPD), the medical examiner's office stated that Garner died of cardiac arrest as a result of: "compression of neck, compression of chest and prone positioning during physical restraint by police" (Izad 2014.). Another disturbing fact in this case is that the two Sergeants on the scene, Dhanan Saminath and Kizzy Adoni, failed to intervene. Sergeant Adoni is quoted as saying, "The perpetrator's condition did not seem serious and he did not appear to get worse" (Pujol 2014.). Similar to prior misconduct by officers involved in the shooting of Tamir Rice, Officer Pantaleo had been charged with officer misconduct on two separate occasions for "humiliating and unlawful strip searches in public view" that resulted in a settlement with NYPD for \$15,000 awarded to each of the two plaintiffs (Soergel 2014). Officer Pantaleo is also involved in a current lawsuit alleging that he misrepresented facts in a police report (Soergel 2014). Nevertheless, on December 3, 2014, the grand jury declined to indict officers involved in the case. U.S. Attorney General Eric Garner announced an investigation into the death of Eric Garner (DOJ 2014a).

Akai Gurley was fatally shot by NYPD officer Peter Liang on November 20, 2014 in a public housing stairwell being patrolled by the officer. Officer Liang claims to have accidentally fired his gun, however, the bullet ricocheted and hit Gurley in the chest. Liang was still considered a rookie officer, under probationary status, with less than 18 months on the force (Wilson 2014). Although NYPD Commissioner William Bratton declared the shooting an accident, a grand jury indicted Liang on manslaughter, criminally negligent homicide, assault, and reckless endangerment charges on February 10, 2015 (Goodman and Yee 2015). He faces up to 15 years in prison if convicted.

*Chicago, Illinois*

On October 20, 2014, Chicago Police Officer Jason Van Dyke responded to a call for service about a suspect with a knife breaking into cars. Seven additional officers were on the scene when Van Dyke shot 17 year old Laquan McDonald 16 times (NBC Chicago 2015). The dash-cam video of the incident was withheld from the public until a journalist filed a Freedom of Information Act request, followed by a ruling that the video had to be released by November 25, 2015 (Sholchet 2015). Although the dash-cam video shows Laquan with a knife, there is no evidence that he lunged at officers as originally reported (Berman 2015). In addition to the dash-cam video, surveillance video from the nearby Burger King was confiscated by officers on the scene (Marin and Moseley, 2015). Cook County State's Attorney Anita Alvarez charged Van Dyke with first degree murder on November 24, 2015—more than one year after the death of Laquan McDonald and one day prior to the deadline of the release of the dash-cam video (Ford, Botelho, and Kirkos 2015).

The City of Chicago has paid more than \$500 million over the past decade to address and settle police misconduct cases (Davey and Smith 2015). This includes \$5.5 million in reparations to a group of black men who had been "been systematically tortured and abused by a "Midnight Crew" of police officers on the city's South Side in the 1970s and '80s." (Davey and Smith 2015). Police records also indicate that Officer Van Dyke had received numerous citizen complaints, including excessive use of force. Although the

McDonald family did not file suit, the City of Chicago awarded the family \$5 million (Davey and Smith 2015). Officer Van Dyke awaits trial at the time of this writing.

### *Baltimore, Maryland*

On April 12, 2015, Baltimore City Police officers approached Freddie Gray outside of the Gilmore Homes public housing project (Rector 2015). Freddie Gray initially ran, however, he then stopped voluntarily and was arrested without resistance. Gray had previously been arrested eight times for drug related charges, found guilty in five of the cases, and incarcerated for three years. He had five pending drug related charges at the time of his last arrest (Rentz 2015).

The legality of the arrest of Freddie Gray is debatable. The officers claimed that Gray was in possession of a switchblade and evaded arrest in a high crime area. Under *Terry v. Ohio* (1968), police can stop citizens if they “articulate a reasonable suspicion that the person they’re questioning is committing or about to commit a crime...” (Ericson 2015, 16). Three weeks prior to Gray’s arrest, State’s Attorney Marilyn Mosby requested the police to increase drug enforcement efforts at the intersection where Gray was arrested (Rector 2015). Defense attorneys for the officers contend that the detention and arrest of Gray was legal, “...involuntary detention of a suspect using handcuffs prior to an arrest—known commonly as a ‘stop and frisk’—is legal according to decisions by the Supreme Court and Maryland appeals courts, as well as the Baltimore Police Department’s general orders” (Rector 2015). In contrast, other legal professionals and scholars assert that Gray’s arrest was improper—he was handcuffed prior to the arresting officers’ knowledge of his possession of a weapon. Furthermore, his knife was not a switchblade and running does not satisfy probable cause (Ericson 2015; Rector 2015).

During the arrest phase, Gray was handcuffed with his arms behind his back—he requested an inhaler while in police custody waiting for the transport van (Fenton 2015). Video of Gray’s arrest shows him being dragged into the van. The transport phase is of particular concern as there were several stops along the way to Central Booking, yet one stop was not originally reported by the officers. Some witnesses reported that Gray was beaten during this time period, however the officers claim that the autopsy disputes the allegations (Ericson 2015). Others contend that Gray’s spinal cord injury occurred during a rough ride in the police transport van (Donovan and Puente 2015). Either way, Gray’s request for a medic was ignored until he was unconscious and taken to the Western District Police Station where paramedics transported him to Maryland Shock Trauma (Ericson 2015). Freddie Gray was in a coma when he was admitted to the hospital—he died on April 19, 2015 at the age of 25.

One interesting coincidence is that on April 12, the same day that Gray was arrested, *The Baltimore Sun* issued a front page report (Puente 2015) notifying citizens of the first scheduled community meeting to be held on Thursday, April 17 at Coppin State University as part of their investigation into the City of Baltimore’s high payouts to settle police brutality suits. Mayor Stephanie Rawlings-Blake and former Police Commissioner Anthony Batts requested the investigation a year prior after a *Baltimore Sun* investigation revealed that the city “paid nearly \$6 million in court judgments and settlements in 102 lawsuits alleging police brutality and other misconduct” since 2011 (George 2015, 12). After the death of Freddie Gray it was also revealed that citizens injured during “rough rides” have been awarded damages while other cases were settled. For example, a jury awarded Jeffrey Alston \$39 million when he became paralyzed from the neck down as a result of a “rough ride”. Similarly, Dondi Johnson, Sr. became a paraplegic after a “rough ride”—he won a



\$7.4 million dollar verdict in 2005 (Donovan and Puente 2015). In the spring of 2015, there were at least 24 pending use of force investigations within the Baltimore City Police Department (Ericson 2015). Mayor Stephanie Rawlings-Blake moved to award the family of Freddie Gray \$6.4 million (Wenger and Puente 2015).

On May 1, 2015, State’s Attorney Marilyn Mosby charged six officers involved in the arrest and transport of Freddie Gray. On May 21, a grand jury indicted all six officers. The charges were comparable to the original charges by the State’s Attorney’s office. At the time of this writing each officer is scheduled for a separate trial and the charges range from murder to involuntary manslaughter (Fenton 2015). The six officers charged with the death of Freddie Gray are Caesar Goodson, Jr., William Porter, Edward Nero, Garrett Miller, Lieutenant Brian Rice, and Sergeant Alicia White. Three of the six officers are African American: Goodson, Porter, and White (Duncan 2015).

**Table 1: Officers Charged with the Death of Freddy Gray**

<b>Officer</b>	<b>Age</b>	<b>Race</b>	<b>Joined BCPD</b>	<b>Grand Jury Charges</b>
Caesar R. Goodson Jr.	45	African American	1999	Second-degree depraved heart murder, manslaughter, second-degree assault, vehicular manslaughter-gross negligence, vehicular manslaughter-criminal negligence, misconduct in office, reckless endangerment
William G. Porter		African American	2012	Manslaughter, second-degree assault, misconduct in office, reckless endangerment
Brian W. Rice	41	Caucasian	1997	Manslaughter, second-degree assault, two counts of misconduct in office, reckless endangerment
Edward M. Nero	29	Caucasian	2012	Second-degree assault, two counts of misconduct in office, reckless endangerment
Garrett E. Miller	26	Caucasian	2012	Second-degree assault, two counts of misconduct in office, reckless endangerment
Alicia D. White	30	African American	2010	Manslaughter, second-degree assault, misconduct in office, reckless endangerment

Sources: (Duncan 2015; Ericson and Kirkman 2015)

**Strategies for Change**

Institutional oppression, racism, and unconscious biases, result in complex problems that require a multitude of strategies at every level. According to Ward and Rivera (2014):

Institutional racism should be part of any treatment of diversity and social equity subjects, particularly as these relate to public administration. However, institutional racism entails a multidimensional set of factors—historical, cultural, economic, political, cognitive, and organizational—which combine complexly, in negative synergism. The subject is a difficult one because it involves settled, taken-for-granted social and organizational practices. It can be treated abstractly, as a

matter of definition, but must also be considered in concrete instances (119).

Given the limitations of scope and size of this manuscript, we address strategies for change and reform within the law enforcement profession and within the context of recent demands in our society.

#### *Law Enforcement Profession*

The Department of Justice Investigation of the Ferguson Police Department (2015c) included 12 pages of recommendations (see pages 90-102). Among the numerous recommendations, the Justice Department referenced the need for several reforms. First, FPD needs to implement “true community policing” practices that develop partnerships and increase interaction between the police and the community. Second, FPD needs to reform the way it conducts stops and searches, issues citations, and makes arrests. This includes recurrent training on 4<sup>th</sup> Amendment protections of citizens with respect to police action, as well as analyzing “race and other disparities shown in stop, search, ticketing, and arrest practices to determine whether disparities can be reduced consistent with public safety goals” (2015c, 92). Third, FPD needs to restructure reporting and review of use of force incidents as well as train officers on de-escalation tactics. This includes requiring officers to complete and submit narratives of use of force incidents separate from the offense report, along with a supervisory review of force and the discipline of officers involved in excessive force. In addition, the Justice Department recommends the identification of “race and other disparities in officer use of force and develop strategies to eliminate avoidable disparities” (2015c, 93). Fourth, FPD will be responsible for implementing policies and providing training for officers to interact with vulnerable populations, particularly the mentally ill. Fifth, FPD should provide training on stereotypes and implicit bias to reduce racial disparities in police-citizen interactions and within the department itself. In addition, personnel practices related to recruitment, hiring, and promotion should ensure compliance with federal law and reflect valid and reliable selection processes. Sixth, FPD will need to develop a system to respond more effectively to officer misconduct. This includes the civilian complaint process as well as disciplinary procedures for officers who have engaged in misconduct. Seventh, FPD needs to be more transparent by sharing information with the citizens of Ferguson. This includes providing regular reports on police-public interactions in relation to stop and frisk, as well as officer misconduct.

While the Department of Justice report on Cleveland provides an extensive account of the problems within CPD, specific recommendations have yet to be established. A joint statement of principles signed by both agencies indicates that they are looking forward to working with relevant stakeholders to recommendations. In contrast, the Justice Department has yet to release a final report on the investigation of the death of Eric Garner in New York City.

The Department of Justice cited the lack of diversity on the Ferguson Police Department. The implicit assumption of increased diversity is related to the normative and practical arguments of representative democracy—as stated by Wyatt-Nichol and Antwi-Boasiako (2012), “Some might argue that “diversity is a desirable goal in itself” and that democracy requires a representative bureaucracy staffed with employees that reflect the population at large. Others maintain that representative bureaucracy leads to better organizational performance and service delivery” (752). However, the limitations of representative bureaucracy are evident when representative bureaucracy is further divided

into active and passive representation. For example, Wilkins and Williams (2008) found that professional and organizational socialization can overpower racial identity in the performance of police duties. Specifically, their study revealed that the percentage of black officers within a department did not reduce racial profiling for vehicle stops. Combined, the studies reveal that police departments should do more to increase the representation of minorities but minority representation is necessary but not sufficient to address racial disparities in police-public interactions. Police agencies must also address organizational culture.

Although organizational culture exists within organizations regardless of occupation, police culture is particularly strong and is formed by the “interaction between specific structural conditions of police work (the field) and the cultural knowledge accumulated by police officers which integrates past experiences (*habitus*)” (Chan 1997, 225). Furthermore, police subculture and police worldview is reinforced through the nature of the work. According to Dempsey and Coffey (2001):

Police officers experience a heavy dose of reality about human nature; they lose innocence and naiveté and become cynical...Over the years, routinely hurrying into dangerous circumstances from which everyone else is fleeing must affect the officer as an individual and shared police culture. The resulting values, perspectives, and beliefs will shape the individual’s approach to human relations (81).

In their duty to enforce the law and maintain social order, police begin to view criminal activity and disrespect for authority as antithetical to a civilized society (Kappeler, Sluder, and Alpert 1998). Nevertheless, while organizational culture and police worldview provide an explanation for police-public interactions, it does not justify racial disparities or excessive use of force. The Department of Justice report on Ferguson makes reference to police culture and culture within the organization 13 times throughout the 105 page document.

Law enforcement training can introduce or reinforce biased perceptions. A 1999 study by the American Civil Liberties Union (ACLU) revealed that the Drug Enforcement Agency trained 27,000 police officers across the U.S. to use pretextual stops to curb drug trafficking, this included the use of racial profiling (Ward and Rivera 2014). Pictures of African Americans have also been used as target practice for firearms training. In 2013, a police sergeant was fired for distributing pictures of Trayvon Martin for target practice on the firing range and in January 2015, a Florida Army National Guard Sergeant found a picture of her brother’s prior mugshot (from his arrest for drag racing when he was a teenager) left behind at a shooting range used by North Miami Beach police officers (McLaughlin 2015). The Department of Justice report on Ferguson makes reference to training 49 times throughout the document.

Based on Fridell’s research and extensive work in biased policing, she has been instrumental in the development of a training program called the Fair and Impartial Policing (FIP). The foundation of the FIP training program is grounded on the standpoint of implicit bias that exists among police officers and police professionals. Funded by the U. S. Department of Justice, Office of Community Oriented Policing Services, the FIP training program has curriculum components designed for various subgroups within an agency to include: 1) command level personnel; 2) recruits and patrol officers; 3) first-line supervisors;

4) mid-managers; and 5) trainers (Fridell and Brown 2015). The programmatic components varies for each subgroup. For example, academy recruits learn through interactive and experiential practices, the science of bias; first-line supervisors and mid-managers acquire knowledge on how to appropriately scan for biased policing on the part of their subordinates; while the command level and trainers gain an understanding about the implications of science of bias for police policies and practices. The take away for the command level session to produce a preliminary action plan for their agency. In essence, according to Fridell and Brown (2015), the FIP transforms the thinking of the police agents and their stakeholders.

Additional recommendations for reform include data sharing and accountability mechanisms. In the area of deadly use of force (by police or against police), Attorney General Eric Holder pointed out that the annual figures on both “justifiable homicides” as well as the number of officers killed or assaulted is incomplete because reporting is voluntary among law enforcement agencies and many police departments do not participate (DOJ 2015a). One positive example is the OpenJustice database established by the California Department of Justice (CDOJ) that collects data on deaths that occurred during arrest, custody, and incarceration. Based upon data collected from 2005-2014, CDOJ found an average of 684 deaths per year. An examination of the manner of death reveals that the majority of deaths (61.4%) were from natural causes, followed by homicide by law enforcement (14.4%), suicide (10.5%), accidental (8.4%), inmate homicide (2.8%), and other (2%) (Open Justice, 2015). An examination of arrest related deaths reveals that although African Americans represent 6% of the state population, they account for 17% of the arrest population and 21% of arrest related deaths (Open Justice 2015).

Data sharing and accountability mechanisms are also relevant to police misconduct. License revocation of police officers ensures that an unfit officer in one department cannot acquire employment in another department—similar to the licensing of doctors, teachers, cosmetologists, etc. According to Goldman (2014), of the 44 states with revocation authority, 16 are limited to revocation only after an officer has been convicted of a crime, and 6 have no revocation authority at all. Since 1960, when New Mexico became the first state to enact revocation authority, about 30,000 officers have had their licenses revoked (Goldman 2014). Nevertheless, the absence of a national databank to track the revocation of officer licenses limits the true power of revocation if an officer movers to another state. The International Association of Directors of Law Enforcement Standards and Training (IADLEST) operates a National Decertification Index (NDI), however only 37 states submit data to the NDI—approximately 18,000 decertified officers are listed in the database. In 1996, a bill (Law Enforcement and Correctional Officers Employment Registration Act) was introduced to Congress to require all revocations to be entered into a national database—the bill died in subcommittee in the U.S. House of Representatives (Goldman 2014).

#### *Societal level*

Over the past several decades, African Americans have been victims of racial profiling and police brutality. More than any other racial and ethnic group, they have been subjected to unnecessary stop and frisk, humiliations, racially motivated beatings, and even death by police officers throughout the United States (Bah 2005). The dialog to eradicate the demise of structural racism and institutional oppression against the African American community must continue. The question remains: How can we change the trajectory of race relations between black and white Americans; to rid the negative stereotypical opinions, racist perceptions and attitudes against the African American community and become a

nation that is truly “post-racial”? Historical events over several centuries have been written and discussed, however the Trayvon Martin case served as a catalyst for greater awareness of the deadly impact of negative stereotypes.

Recently, we have witnessed across major metropolitan cities in the U.S. (New York City, Atlanta, Chicago, Los Angeles, and Baltimore) as conscientious Americans of all races and ethnicities have organized massive protests against racial profiling and police brutality. Through these efforts, social media outlets have set the pace to have formal and informal discussions on what constitutes appropriate institutional and societal reform. Since the death of Trayvon Martin, Eric Garner, Michael Brown, Tamir Rice, Laquan McDonald, Freddie Gray, and numerous others, African American communities nationwide have sparked a revolution, a renaissance if you will, that speaks life into the mantra of “#BlackLivesMatter” and “#ICan’tBreathe.”

To continue the dialogue of race relations and the incorporation of societal reform, Jost (2013) indicates that civil liberty advocates and minority groups are pressuring law enforcement agencies to eliminate racial and ethnic profiling and police brutality within their practices. According to Bah (2005), there tend to be opposing viewpoints on racial profiling and police brutality in the news media. Very often, policing debates in the media tend to be either “institutionally driven” or “event-driven” (Bah 2005; Lawrence 2000). Meaning that while elected politicians and police departments debate the issues of the policing institutions, minority leaders and civil rights advocates have successfully capitalized on dramatic incidents of police brutality making a strong case for the elimination of racial profiling and discrimination by policing agencies (Bah 2005; Lawrence 2000). In addition, we have witnessed a strong disconnect between two governmental entities as they grapple with the issue of race relations in the United States. One being the police departments themselves and the other elected officials and political figures that either have a personal connection to these tragic loss of lives of unarmed African American men or upholding the positions of their constituencies that voted them in office.

### **Conclusion**

Incorporating the epistemological framework of intersectionality, we discussed the dimensions of race and gender in relation to the strained relationship between the African American community and law enforcement officials—primarily black males and police officers. By examining the historical journey of Blacks in America we were able to draw the connection that the Constitutional rights that were denied for Blacks in the past are still quite relevant in the 21<sup>st</sup> century as it relates to racial profiling and police brutality. No one is born a racist, a criminal, or a brutal police officer. Individuals are born into a society, bound in a particular time period, operating under established institutional structures that reflect the values and beliefs of those in power. Racism, criminal behavior, and brutality are learned—a reflection of the external environment to which one is exposed. Now is the time to critically reflect on what it means to unlearn.

### **Authors’ Biographies**

**Dr. Seabrook** is an Associate Professor of Criminal Justice at the University of Baltimore. She received her Ph.D. in Criminal Justice from Rutgers University, Newark, NJ. While Dr. Seabrook’s expertise is corrections based, her research interest has expanded to incorporate other interdisciplinary fields that correlate with criminal justice. Over the last five years her research has evolved into four thematic strands: cognitive-behavioral treatment programs for female offenders; incarcerated mothers and ex-offender reentry

services; pedagogical research; and social justice. Currently, Dr. Seabrook is the 2015 Daily Record's Maryland's Top 100 Women and a 2014 Community Fellow by the Open Society Institute (OSI)-Baltimore. As an OSI-Baltimore Fellow, Dr. Seabrook established the Helping Others 2 Win Program, an experiential learning environment that affords pre-and post-release adult female offenders viable reentry services. She also serves on the editorial board for the Journal of Prisoners on Prisons. Dr. Seabrook has presented her research at several national conferences on the issues of women offenders and has appeared as a featured guest on several Baltimore radio programs. She is a member of the American Society of Criminology, and the Academy of Criminal Justice Sciences.

**Heather Wyatt-Nichol** is as an MPA Program Director and Associate Professor in the College of Public Affairs at the University of Baltimore. She has taught courses on American Government, Ethics & Politics, Diversity Management, Political Institutions, Public Administration, Planning & Evaluation, Research Methods, Public Human Resources Management, and Public Organizations and Management. She has also provided several training sessions for the Certified Public Management Program in Maryland, Virginia and Texas. She coordinated a police leadership training program funded by the U.S. Department of Justice Byrne grant from 1999-2003. She has published several book chapters and journal articles. Her research interests include diversity management, ethics, family friendly-workplace policies, organizational behavior, and social equity.

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