



*Discrimination:*

## **Police resistance to change, Part 1**

*By David M. Johnson*

A colleague of mine once said that most police departments operate with the handbrake on and are dragged screaming into the future. He was referring to law enforcement's resistance to change and how change came only after litigation or considerable pressure from their communities or those political bodies to whom they are accountable.

Recently, the same resistance has emerged in response to charges of racial profiling. When faced with questions about racial profiling in their organizations, chiefs and sheriffs commonly respond with disbelief, denial, dismissal, or minimization. Eventually, in almost every case and only after community pressure, accused organizations acknowledge racism's presence and try to change. Unfortunately, along the way credibility and community trust are diminished. In addition, reforms frequently fall short or fail because police leaders are not well schooled in organizational change.

Another colleague once humorously compared police powers to those given other powers in the criminal justice system. He said that judges had the power to imprison defendants and sentence them to death. Prosecutors decide who will be brought before judges and on what charges. Police officers decide who gets arrested and, at the very least, can sentence people, whether or not they believe them to be guilty, to a weekend in jail. His humor aside, he identified one of the dangers of misused police power.

Racial profiling is one of those abuses, though it is not the only

form of racism or the only "ism" in policing. As in other American organizations, police employees sometimes face racial oppression when trying to get a police job, competing for promotions and assignments, and subjected to insensitive comments and humor. Today, to most in America, racial profiling generates the most concern and, perhaps, most represents our continuing struggle with race.

### **Good news, bad news**

There is good news and bad news about police and America's racial history. The good news is that racism in America's 15,000+ law enforcement organizations little resembles what it once was. Racism is less tolerated or condoned by communities and police, and egregious racial violence is rarer today than it was just a few decades ago. In the 19th and early 20th Centuries, police and sheriffs — at those times open only to white men — openly enforced "legal" and de facto segregation and racial oppression.

Police corruption and racial violence were common across America, not just in the South where some of our most lasting images of racial profiling and brutality were burned into our minds. While dishonesty and violence were once common in police organizations, today, corruption and racial oppression tend to be more limited, quickly discovered, and easily eliminated. Progress, resulting from legislation, litigation, empowered citizenry, and reform-minded police leaders, has not been easy.

The bad news is that racism still

exists, and no law enforcement organization is immune. Sometimes, racism looks just like its old, violent, frightening self, but more and more it appears in subtler ways. Police in some communities continue to enforce de facto segregation, mostly through racial profiling. People of color rather than whites are more often targets of unwarranted and illegal police attention and abuse. The paradox of racism is that, over time, it is simultaneously different and the same. It appears and is defeated only to re-emerge with a new look.

### **Why eliminating racism in policing is important**

Law enforcement institutions are given much power, which they can use either to protect citizens' rights and safety or abuse them. Society has empowered police officers to stop and detain citizens and to incarcerate them if they believe them to be violating laws. Also, they are the only civil institution given the power to use force, including deadly force, in pursuit of their mission without an order of a court.

When used inappropriately or in violation of the law, police power threatens rather than protects. When people are targets because of their race, as they have been so many times in our history, police abuse can be even more devastating. Therefore, eliminating racism and other "isms" in law enforcement is arguably more important than eliminating it in any other American institution.

Eliminating racism in policing is not so easy. Because their employees come from the communities they

**continued**



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serve and bring with them the same array of prejudices found anywhere in American society, no law enforcement organization, no matter how progressive, diverse, or isolated, is free of racism. The same resistance to confront racism found elsewhere in society also exists in law enforcement, and too many law enforcement leaders simply don't understand racism or know how to change their organizations once they see it. They resort to "quick fixes" — a training day or a new policy prohibiting profiling—that, in the short term, seem to mollify different community and organizational interests but don't eliminate the problem.

### What is racial profiling?

Because the words "racism" and "racist" are too often misused, their meanings and that of "racial profiling" should be discussed and understood before moving toward remedies; otherwise, confusion and resistance will surely follow. Many denials of racism's presence result from misunderstanding and disagreement. Sometimes, other words, such as "racially insensitive," are substituted, and arguments over semantics displace or avoid substantive discussion of actual oppression.

Definition: "Racism" is a form of oppression resulting from the combination of racial prejudice or hatred and exercises of power. Prejudices are in each of us. Usually, they are out of our awareness — that is, we simply accept that something or someone is as we believe without thinking about how we came to that belief or whether the belief is true.

Very often our prejudices misrep-

resent or misinterpret and are applied with a broad brush: blacks are more likely to use drugs; whites aren't safe in the barrio; Hispanics don't respect the police; young black men driving nice cars on the interstate are probably involved in criminal behavior; "illegal" Mexican immigrants are taking good Americans' jobs; people speaking Spanish or Vietnamese in the workplace are talking about their white co-workers.

Prejudices, which operate in us continuously, lead to subconscious beliefs that some groups are not to be trusted, others not qualified, many are weak, and even others uncaring or violent. Some aspects of different racial groups become invisible and others, highly visible. As a result, police officers sometimes see and behave toward people according to some stereotype rather than in reaction to specific, observed behavior.

The second part of the "racism" equation is power. Most power, such as that given police, is created by institutions and bequeathed to or withheld from some because of race (also gender, education, position, physical ability, appearance, etc.) and is exercised individually, usually on behalf of those institutions.

As it relates to racial profiling, police officers have the power to stop, detain, and arrest and to use deadly force. Racial prejudice, then, becomes racism when it is a factor in decisions about who gets stopped, arrested, or searched or when force is used in those actions. Individuals become racist when they consciously or unconsciously exercise power — through action, inaction, or deliber-

ate indifference — that supports racist institutional policies and practices or the racist acts of others or when, individually, they abuse or misuse their power because of their own racial prejudice or hatred.

"Racial profiling" is one manifestation of racism in which police target people for contact or enforcement simply because of their race or ethnicity. Profiling can be either personally or institutionally motivated; that is, it results from individual prejudice or hate or from institutional policies and initiatives, such as crime-prevention or crime-suppression programs. Racial profiling is committed intentionally and unintentionally; some officers are fully aware of their racial motivations while many others are not.

### Examples of racial profiling

Are you lost? Absent any suspicious behavior, stopping a person of color in a predominately white neighborhood and asking for identification or an explanation for their being there. Conversely, stopping white people in predominantly black neighborhoods to tell them that they aren't safe.

DWB--Driving while black or brown. Stopping black and Hispanic motorists on the belief that they are more likely to be carrying drugs or guns. Usually, the pretext for such stops is a traffic violation or the excuse that the vehicle or someone in it matches some suspect description. Officers then ask permission to search the vehicle or its occupants or will find some justification for a search. In some instances, officers have detained motorists for signifi-

**continued**



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## Police resistance to change, Part 1

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cant periods to await drug-sniffing dogs to do the search.

"You might be a shoplifter."

Following a person of color inside a store based on a belief that someone of that race is likely to shoplift. In some stores, watching blacks and Hispanics more closely is store or corporate policy.

Keep our community safe.

Setting up police roadblocks or permanent barricades to prevent people from predominantly black or Hispanic neighborhoods or communities access to white neighborhoods or communities.

"You could be a drug runner."

Detaining and questioning people of color returning from foreign travel and subjecting them to interrogations and searches.

"My safety comes first." "Frisking" people of color or searching their cars when they've been stopped only for traffic violations and absent suspicious behavior. (Generally, the courts have given police officers great latitude to "frisk" based upon the officer's need to feel safe. Some officers would argue that, if they feel unsafe, they should be allowed to frisk anyone. The appropriateness of this argument is an important legal issue. But "frisking" people becomes racial profiling when the decision is based only on the person's race.)

"It's amazing where they hide things." Requiring a person of one race but not of another arrested for a minor offense to strip their clothes off so that they can be searched for contraband.

"We need to find the rapist."

"Sweeps" targeting people of one race when looking for criminal

suspects. Police departments instruct officers to set up roadblocks and stop anyone of a particular race or indiscriminately stop, detain, and search people of a particular race when looking for a suspect.

"Hondas are the #1 stolen car."

Stopping young black or Hispanic men driving the types of cars most frequently stolen to see if the car is stolen.

"It's a war out there!" Crime suppression campaigns targeting "quality of life" offenses—public drinking, urination, sleeping, "tagging," and loitering—usually in low-income, higher-crime neighborhoods with high percentages of people of color. Enforcing minor laws becomes the pretext for selecting people of color for closer scrutiny.

"They are trying to take over the town." Increasing police staffing and more strictly enforcing laws when black college students descend upon their towns for spring break.

"I thought he had a gun!" Too often in encounters such as those above, officers, believing black or Hispanic men to be violent, mistake a wallet for a gun or a furtive motion as the prelude to an attack, and shoot the person.

In these examples people of color are the subjects of racial profiling. That is no accident as it is people of color around the country who almost exclusively file these complaints.

### Why are police racist?

The short answer is simple: cops are racist because they are human. If racism exists in every other American institution, why would it not also

exist in police departments? They are recruited from the communities they serve and bring with them the same racial baggage carried by people in those communities. Give power to someone with racial prejudice or hatred and racism can occur.

Some say that only a few "bad apples" are racist. However, profiling is often done in the name of good police work because police don't believe their actions are racist. Like so many others in society, police officers, unaware of their prejudices and fears, unwittingly behave in racist ways.

### Stopping the profiling isn't that easy

Eliminating racism in policing is not easily accomplished. There are more than 15,000 law enforcement agencies in the United States, each answerable independently to as many communities, counties, and states. They are subjected to control, pressure and influence from interests and institutions that are themselves racist. To some extent, the federal government, each state, and the courts have regulatory power over law enforcement but only a limited ability to cause massive change.

Though racial profiling is now a national issue, most police leaders are only marginally engaged in the discussion, except in those organizations with progressive leaders or where the community or the courts have made them pay attention. Most law enforcement agencies are small—with fewer than two dozen officers—and exist in communities with little diversity and few contacts with people racially different from

**continued**



*Discrimination:*

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them. Many of them aren't even sure what profiling is and don't see profiling as their problem. And some of them knowingly profile and see nothing wrong with it.

The ability and time it takes to change varies. Organizations with a small number of employees can change more easily than larger ones with thousands of employees. If you think of police departments as boats, a department with a dozen officers is like a rowboat and can be turned very quickly, in just a few feet. A department the size of Los Angeles Police Department, with almost 10,000 officers is more like a supertanker and takes several miles and much more time to turn around. Sadly, most of them don't begin to turn until pressured by their communities. ■

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