

Policing

From about 1960-1991, the US and Europe both experienced an increased crime rate, though the two places pursued different policing and incarceration strategies. Starting in 1991, the US's crime rate declined fairly sharply, as indicated below. A 2015 study concludes, "We do not know with precision what caused the crime decline, but the growth in incarceration played only a minor role, and now has a negligible impact."⁷⁶ In other words, crime rates have risen and fallen on their own accord, despite the draconian efforts by police departments.

The "holy grail" mode of policing is "community policing," where officers live in the community they protect and know the people who live there. This is, to a greater or lesser extent, the way white, more affluent communities are policed. Responding to higher crime rates in the 1970's and '80's, however, police departments adopted more aggressive broken windows policing in poor neighborhoods of color, and "solving crimes became secondary."⁷⁷ (The national "clearance rate" for solving homicides today is 64.1%, down from over 90% fifty years ago.)⁷⁸

Hilkhot Sanhedrin Section 7

This function, of arresting a person and bringing him/her in front of the court, should not be assigned to someone who is not well-versed in law; s/he should know well the definition of transgression. It already happens many times that a person is arrested, and in the course of this person's arrest, it becomes clear that s/he didn't do anything wrong. Or, this person is brought before a court, and only there it becomes clear that s/he did nothing at all wrong. But in the meantime, much damage has been caused to this person, both materially and psychologically.

- Rabbi Hayyim David HaLevy, *D'var HaMishpat*

This shift created two related sets of problems. First, "broken windows" set up a confrontational dynamic between police and poor, minority communities. (And, as it turns out, "minority" is a more important factor than "poor"; well-off black people get stopped more often than poor white people.) In theory, broken windows could perhaps be

implemented without racial overtones and without escalating tension. In practice, when so much behavior is considered "disorderly" and grounds for a stop, a search, and likely an arrest, police-community relations inevitably go sour.⁷⁹

The ironic counterpart to racialized broken windows policing is that people of color are more likely to be victims of crimes than white people⁸⁰ — and yet police don't provide them the protection they need. They are "overpoliced for the small stuff and

underpoliced for the important stuff."⁸¹ This both further reduces the community's trust in police and makes it more likely that individuals will take the law into their own hands—either in the context of gangs or not—with the result of still more violence. A vicious cycle forms, which police can use to further justify their stereotypes of people of color as dangerous and criminal.

⁷⁶ <http://www.theatlantic.com/features/archive/2015/02/the-many-causes-of-americas-decline-in-crime/385364/>

⁷⁷ <http://www.npr.org/2015/03/30/395069137/open-cases-why-one-third-of-murders-in-america-go-unresolved>

⁷⁸ <http://www.npr.org/2015/03/30/395069137/open-cases-why-one-third-of-murders-in-america-go-unresolved>

⁷⁹ <http://www.thenation.com/article/191985/we-dont-just-need-nicer-cops-we-need-fewer-cops>

⁸⁰ "Bridging the Divide: A New Paradigm for Addressing Safety, Crime, and Victimization." Pat Clark et. al., 2014, p. 13.

<http://www.safetyandjustice.org/files/Bridging%20the%20Divide%20-%20Full%20Report.pdf>

⁸¹ <http://www.latimes.com/opinion/bookclub/la-reading-los-angeles-kennedy-ghettoside-20150404-story.html>

The effects of this sort of over-policing ripple out to entire cities. In addition to the person stopped by the police, each arrest affects a wide circle of people, including family members, community members, and onlookers. One out of 28 American children has a parent behind bars; in the black community the figure is one in nine.⁸² These children grow up without one parent, within a family financially and emotionally stressed as a result of the missing family members. “Depopulated and destabilized”⁸³ neighborhoods suffer from the imprisonment or premature deaths of a generation of young people (mostly men, some women)⁸⁴. The resulting discrepancy may affect family structures in the black community, according to some research.⁸⁵ Consider also the reputation such a neighborhood gets in the city and the disincentive for economic investment that might help break the vicious cycle.



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Modes of police training contribute to this situation. Police trainees learn to see threats all around them.⁸⁶ This is especially true when officers find themselves patrolling “dangerous” neighborhoods, where they have been instructed

to crack down on broken windows. Alternative training that created less of a hair-trigger, or more restrictive rules about probable cause, might lead to less confrontation, but the current combination has created the explosive mix that

we have seen combust in Ferguson, Baltimore, and other cities. A few departments have begun investing in training on de-escalation (Seattle)⁸⁷ and mental health (Phoenix, for a specialized team)⁸⁸, but such reforms are not sufficiently widespread.

Compounding the issues in the training of police officers, our society increasingly resorts to police as the main way of responding to an ever-greater number of social issues. The Baltimore Sun Editorial Board commented on this in the wake of Freddie Gray’s death:

*Baltimore police officers are not bad people, but they are put in an untenable position. They are sent to clean up communities like Sandtown-Winchester, where decades of social and economic devastation have left the drug trade as the only viable option for many, and their actions only make it more difficult for the people who live there to find legitimate jobs. The cycle self-perpetuates, and resentment builds until it blows over in a case like this one.*⁸⁹

82 <http://www.nij.gov/journals/270/pages/criminal-records.aspx>

83 Gottschalk, p. 257

84 <http://www.nytimes.com/interactive/2015/04/20/upshot/missing-black-men.html?abt=0002&abg=0>

85 Charles and Luoh, “Male Incarceration, the Marriage Market, and Female Outcomes.” The Review of Economics and Statistics. August 2010. http://www.mitpressjournals.org/doi/abs/10.1162/REST_a_00022?journalCode=rest#.VUzzKoWHXcu

86 http://www.nytimes.com/2015/05/01/us/no-sharp-rise-seen-in-police-killings-though-increased-focus-may-suggest-otherwise.html?_r=0

87 <http://www.justice.gov/opa/pr/justice-department-applauds-adoption-police-department-wide-tactical-de-escalation-training>

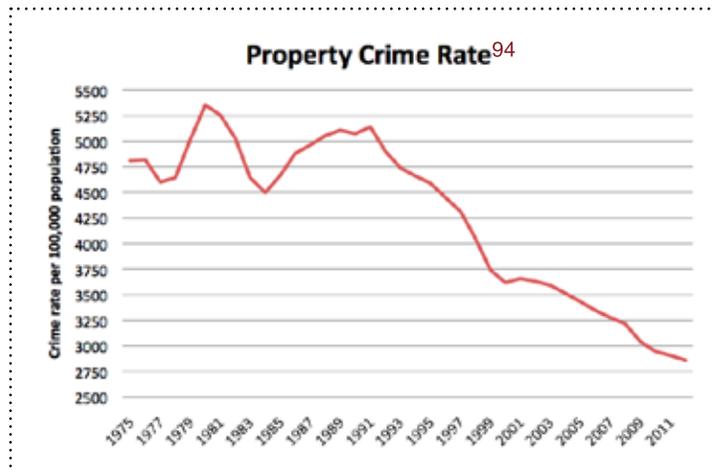
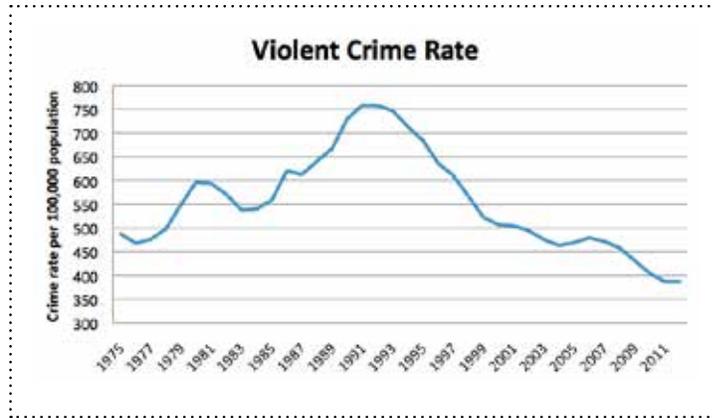
88 <http://www.azcentral.com/story/news/local/phoenix/2015/03/17/phoenix-police-assemble-dedicated-mental-health-squad/24886601/>

89 <http://www.baltimoresun.com/news/opinion/editorial/bs-ed-freddie-gray-20150425-story.html>

Another analyst comments, “[Police] are primarily equipped with the tools of arrest and physical coercion, which can be incredibly counterproductive when dealing with a person in crisis.”⁹⁰ Situations that call for social workers, educators, nurses, or other kinds of professionals to intervene get handled by police because that’s who’s available. Once police are primed to respond with force, there is greater potential for any given encounter to turn violent. Social psychologists have shown that the militarization of police forces, as discussed on p. 31, contributes to violence—through the “weapon effect,” where the presence of violent stimuli cause people to respond more violently; through masks and face shields that make it harder for a police officer to try to resolve a situation peacefully; and through the police’s own feeling of anonymity, which increases the bounds of what they will do.⁹¹ The statistics below document the high rates of police-involved violence in our society.

What can be done to increase oversight of police and to change policing practices? One popular position calls for

officers to wear body cameras. This will be an important step. We will also need to institute accountability measures to ensure access to the film after an incident. Many reformers have also called for the investigation and prosecution of police violence by independent prosecutors not attached to the District or State’s Attorney’s office. Since DA’s rely on police to do their jobs (and, often, for support in reelection bids⁹²), it is not surprising to find DA’s hesitant to “turn on” the rank and file. (For more on prosecutors, see p. 48).



Receding Crime Rates

From 1991-2015:⁹³

- Violent crime is down 51%.
- Property crime fell 43%.
- Homicides are down 54%.

⁹⁰ <http://www.thenation.com/article/191985/we-dont-just-need-nicer-cops-we-need-fewer-cops>

⁹¹ <http://nymag.com/scienceofus/2014/08/how-militarizing-police-can-increase-violence.html>

⁹² <http://www.nytimes.com/2015/05/06/us/police-struggle-with-loss-of-privileged-position.html>

⁹³ <http://www.theatlantic.com/features/archive/2015/02/the-many-causes-of-americas-decline-in-crime/385364/>

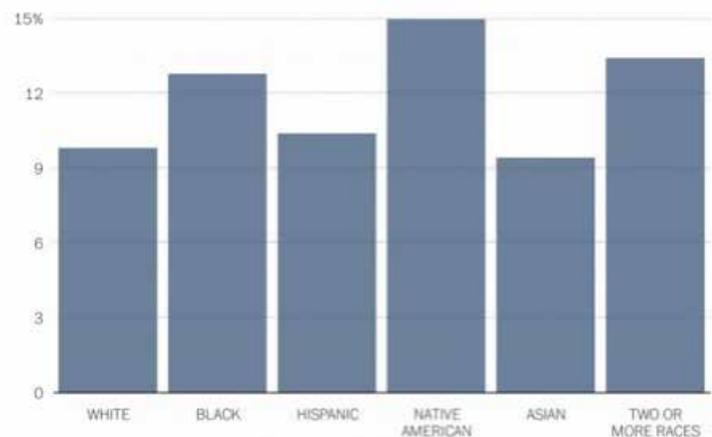
⁹⁴ <http://www.ucrdatatool.gov/Search/Crime/State/RunCrimeStatebyState.cfm> Note that the vertical axes of these two graphs use different scales. Property crime is much more prevalent than violent crime, so graphing them on the same scale makes it harder to see the trends in the latter.

Traffic Stops

- Nationwide, black drivers are 31% more likely to be pulled over than whites; once stopped, they are more than twice as likely to be subject to police searches. They are nearly twice as likely not to be given any reason for the traffic stop.⁹⁵
- A separate study focused on North Carolina found similar results, with the added discovery that black drivers were more likely to be stopped in situations where police officers have more discretion—seatbelts, vehicle registration, and equipment—whereas whites are more likely to be stopped for speeding or running red lights.⁹⁶

Driving while black?

Percent of drivers pulled over by police in 2011, by race

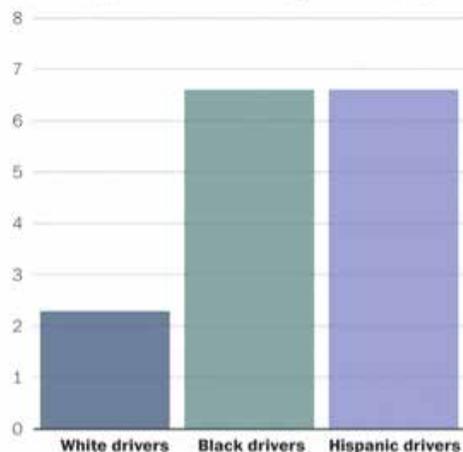


WASHINGTONPOST.COM/WONKBLOG

Source: "Police Behavior during Traffic and Street Stops, 2011," Bureau of Justice Statistics

White drivers significantly less likely to be searched

Percent of stopped drivers searched by police in 2011, by race



WASHINGTONPOST.COM/WONKBLOG

Source: "Police Behavior during Traffic and Street Stops, 2011," Bureau of Justice Statistics



Photo by CoolCaesar, Creative Commons License

95 <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/09/09/you-really-can-get-pulled-over-for-driving-while-black-federal-statistics-show/>

96 <http://www.charlotteobserver.com/news/local/crime/article18289739.html>

Arrest Rates

According to a USA Today analysis:⁹⁷

- At least 1,581 other police departments across the USA arrest black people at rates even more skewed than in Ferguson.
- At least 70 departments—in all regions of the country arrest black people at a rate 10 times higher than people who are not black.
- Only 173 of the 3,538 police departments examined arrest black people at a rate equal to or lower than other racial groups.

Police Shootings

1. We don't have good official federal data on police shootings. The volunteer-managed database Fatal Encounters (www.fatalencounters.org), drawn from news reports, recorded about 1,100 police related murders in 2014.⁹⁸
2. According to such non-federal databases, since 2013, blacks are three times more likely to be killed by police than whites, on a per-capita basis.⁹⁹
3. When looking just at youth aged 15-19 (this time from the federal data), the disparity jumps significantly: black teenagers are 21 times more likely to be killed by police than whites.¹⁰⁰
4. In 1985, the Supreme Court ruled that police could only use deadly force if the suspects posed a threat to the officer or others.
 - From 1980 to 1984, “officer under attack” was listed as the cause for 33% of deadly shootings.
 - From 2005 to 2009, “officer under attack” was cited in 62% of police killings.¹⁰¹
 - It seems likely that the increase is not due to dramatically different crime profiles, particularly as the national crime rate has dropped, but to a change in police reporting.

97 <http://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/>

98 <http://www.nytimes.com/2015/05/01/us/no-sharp-rise-seen-in-police-killings-though-increased-focus-may-suggest-otherwise.html>

99 http://www.nytimes.com/2015/05/01/us/no-sharp-rise-seen-in-police-killings-though-increased-focus-may-suggest-otherwise.html?_r=0

That is, in total numbers, more whites are killed by police than blacks, but relative to their percent of the population, more blacks are killed.

100 <http://www.propublica.org/article/deadly-force-in-black-and-white>

101 <http://www.propublica.org/article/deadly-force-in-black-and-white>

102 <http://www.policemisconduct.net/statistics/2010-annual-report/>

Other Police Misconduct

The CATO Institute's 2010 National Police Misconduct Report found:¹⁰²

1. 4,861 “unique reports” of police misconduct involving 6,613 law enforcement officers and 6,826 victims.
2. Police agencies spent \$346,512,800 in civil judgments, settlements, and fees.
3. Top three offenses:
 - Excessive force: 23.8%
 - Sexual misconduct: 9.3%
 - Theft/fraud/robbery: 7.2%

Further Reading

“I'm a black ex-cop, and this is the real truth about race and policing,” by Reddit Hudson, Vox, May 28, 2015:
<http://www.vox.com/2015/5/28/8661977/race-police-officer>

Sample Partner Organizations

ACLU's Campaign for local, state and federal laws outlawing racial police profiling: <https://www.aclu.org>

National Coalition of Law Enforcement Officers for Justice, Reform, and Accountability:
<https://www.facebook.com/ncleo>

Chicago Cop Watch

THERE IS WIDE AGREEMENT, FROM MANY ANGLES, THAT THE PROBLEM LIES WITH THE SYSTEM RATHER THAN WITH INDIVIDUAL “BAD APPLES.”

Journalist

“A reform that begins with the officer on the beat is not reform at all. It’s avoidance. It’s a continuance of the American preference for considering the actions of bad individuals, as opposed to the function and intention of systems.”

- Ta-Nehisi Coates¹⁰³

Police Chief

Fixing this system will not be accomplished by investigating and charging bad cops or criminals after the fact. It can only be fixed by looking at how police are trained and led. My analysis is that it is the *system* that needs fixing and we are fooling ourselves if we look at these incidents singularly and not as a collective example of things gone terribly wrong and in need of immediate repair.

- Former Madison, WI police chief David Couper¹⁰⁴

Protesters

*“Indict, convict, send the killer cops to jail!
The whole damn system is guilty as hell!”*

Academic

I think it’s not just about individuals. That’s where this conversation has been for much of the last century. It’s been about cleaning house in a particular department, identifying rotten apples, and saying, “Now that’s we’ve removed those individuals, everything’s going to be ok.”

- Professor Khalil Gibran Muhammad, director of the New York Public Library’s Schomburg Center for Research in Black Culture¹⁰⁵



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103 <http://www.theatlantic.com/politics/archive/2015/04/the-myth-of-police-reform/390057/>

104 <http://www.washingtonpost.com/news/the-watch/wp/2015/03/18/were-asking-the-wrong-question-about-police-shootings/>

105 <http://www.npr.org/2015/03/13/392718524/ferguson-needs-to-be-model-for-systemic-change-professor-says>