

MR. COP, YOUR FEAR IS FATAL: A STUDY OF CAMPAIGN ZERO'S ABILITY TO  
QUELL POLICE MURDER OF AFRICAN-AMERICAN MEN

by

SHOSHANNA ALLISON BITZ

B.A., Colorado State University, 2004

A thesis submitted to the  
Faculty of the Graduate School of the  
University of Colorado in partial fulfillment  
of the requirements for the degree of  
Social Sciences Program

2017

This thesis for the Master of Social Science degree by

Shoshanna Allison Bitz

has been approved for the

Social Sciences Program

by

Omar Swartz, Chair

Candan Duran-Aydintug

Keith Guzik

Date: July 29, 2017

Bitz, Shoshanna Allison (MSS, Social Sciences Program)

Mr. Cop, Your Fear is Fatal: A Study of Campaign Zero's Ability to Quell Police Murder of African-American Men

Thesis directed by Associate Professor Omar Swartz

### **ABSTRACT**

The US was founded on the robbery of Native land and the violent exploitation of African-Americans. It is unsurprising that US institutions like policing are imbued with at least implicit racist undertones. Given the recent and frequent occurrences of police violence on African-Americans, and a lack of accountability for this behavior, calls for reform are inevitable. One such call is the Black Lives Matter movement, a grassroots organization protesting police brutality since the 2013 acquittal of George Zimmerman who killed an unarmed African-American teenager. Following critique for lacking a clear policy agenda, Black Lives Matter released Campaign Zero, a ten-point policy platform outlining institutional policing reforms in an effort to quell police murder of African-Americans. Campaign Zero is divided into three categories of Interventions, Interactions, and Accountability. The three categories span from broad policing approaches, to preventive measures designed to influence individual interactions involving police officers, and mechanisms in place to hold officers accountable after incidences of police brutality. This thesis will evaluate the platform and its ability to alleviate racist police brutality in the US. This analysis will include Critical Race Theory, Du Bois' concept of the double consciousness, and social psychological research on the impact emotions may have on officer attitudes and behavior. The Campaign Zero platform, while reformist and reasonable, alone cannot eradicate the pervasive myth of the African-American man as criminal and dangerous underlying disproportionate police brutality. This myth causes police to be fearful of black

men, and this fear may lead to disproportionate violence upon African-American men.

Abolishing this myth is one of the most important tasks to alleviating violent and (at least implicitly) racist policing. One potential way to erode this harmful myth may be offered by the Black Lives Matter movement.

The form and content of this abstract are approved. I recommend its publication.

Approved: Omar Swartz

To Omar

To Candan

To Keith

To Profe Matias

To my mother

## CONTENTS

I.	INTRODUCTION.....	1
	Rise of Black Lives Matter.....	5
	Campaign Zero is Born.....	6
II.	CAMPAIGN ZERO PLATFORM: INTERVENTIONS.....	11
	Interventions: “Broken Windows’ Policing.....	15
	Interventions For-Profit Policing.....	22
	Conclusion.....	25
III.	CAMPAIGN ZERO PLATFORM: INTERACTIONS.....	29
	Interactions: Limit Use-of-Force.....	29
	Interactions: Training.....	38
	Interactions: Demilitarization.....	41
	Interactions: Community Representation.....	45
	Conclusion.....	48
IV.	CAMPAIGN ZERO PLATFORM: ACCOUNTABILITY.....	50
	Accountability: Body Cams/Film the Police.....	52
	Accountability: Community Oversight.....	55
	Police Commission.....	57
	Civilian Complaints Office.....	58
	Accountability: Independently Investigate and Prosecute.....	60
	Accountability: Fair Police Union Contracts.....	64
	Conclusion.....	67
V.	THEORY, CONCEPTS AND RESEARCH FOR EVALUATING CAMPAIGN ZERO .....	69

Talking Crit.....	69
Du Bois and Fear.....	88
Racism, Fear, and the Effects in Social Psychology Research.....	91
Conclusion.....	98
VI. “DON’T HATE THE PLAYER HATE THE GAME”: CAN CAMPAIGN ZERO PROVOKE THE NECESSARY CHANGE? .....	100
Interventions.....	101
Interactions.....	102
Accountability.....	109
Societally Induced: Fear, Guns, and the Mentally Ill.....	114
Manifestation of Fear on Multiple Levels.....	116
Guns Aplenty.....	118
Bullets are not Treatment for the Mentally Ill.....	119
Conclusion.....	121
VII. CONCLUSION.....	125
REFERENCES.....	133

## CHAPTER 1

### INTRODUCTION

During the latter part of my time as an Investigator at the Arapahoe County Public Defender's Office, a case came through that I worked on briefly. It was not a "serious" case; it was a low-level felony, or perhaps a misdemeanor. I did not work extensively on the case, but it remains in my mind years later. Our African-American client had been stopped by the police and was subsequently detained at the municipal, rather than the county jail where most of my clients were detained (due to the limited severity of this case). Likely the charge was driving under the influence, or driving under revocation. Investigating the case months after our client's arrest I spoke with him over the phone. He said he had been intoxicated and was feeling a bit bold while he was being booked and detained. Pursuant to arrest, our client had to undress, be searched, and dress in jail-issued clothing. A certain jail deputy or police officer (it escapes me now which) was perhaps aggressively telling him to remove his socks. He did so, and with an attitude. He threw one of the socks he removed, and it happened to hit this deputy in the face. My client told me it was unintentional that the sock hit the deputy, but the deputy's face flushed red, and our client could tell the officer was upset. Speculatively, the officer was embarrassed by this happening publicly in an open part of the jail booking area. This area was one of the parts of the jail under heavy video surveillance.

Our client was dressed in jail clothes and booked into jail. He was brought to another part of the jail, a private cell away from video surveillance, perhaps the "hole" (solitary). Our client told me later over the phone, and I fully believe him, that once in the private cell, three or four officers/deputies came into the cell and proceeded to assault him. He was ultimately brought to the hospital with injuries including a broken bone, and a severely swollen and

injured face from being punched repeatedly in the face/head. Our client told me that during the assault, at least one deputy held him down, while the deputy who had been hit in the face with the sock was the principal assailant. Additionally, our client was charged with possession of crack the police claimed they found when searching him, pursuant to booking and arrest. Our client swore, and I believed him, that he did not use or possess crack, no crack was found during his search, and that he was framed for crack possession. Again, I believe our client was being truthful. He did not display any of the usual signs of a crack user.

This story is prescient for a few important reasons. These are: even when surveillance *is* present as a mechanism of check and balance, it can be gotten around (especially when one party or entity knows, or controls the limits of this surveillance and can therefore skirt these mechanisms) (Meisner, 2015). Second, the power wielded by police is substantial, and if conjured up, can easily overcome the agency of individual citizens. This power can be summoned for nefarious reasons like punishment (outside of prescribed limitations) and retribution against the citizenry (Friedersdorf, 2017). Third and relatedly, is the role of emotions experienced by actors of the state, and the possibility that emotions like embarrassment, feeling disrespected or slighted, or a loss of face, may cause actors of the state to abuse their power in response to the actions of individuals (Micucci & Gomme, 2005). Fear experienced by officers is also an important emotion that can trigger the substantial force police have access to.

In a country where the median probability of being African-American, unarmed, and shot by the police is 3.49 times the probability of being white, unarmed, and shot by the police (in some places this differential reaching as high as 22.88 times the rate (Ross, 2015,

p. 6)) calls for reform are inevitable. These calls as of yet, remain unanswered. Black Lives Matter (BLM) like movements before it, responds to long-lasting, yet often ignored, disproportionate police brutality against people of color. For purposes of this thesis I will focus on the disparity and response specific to African-American men, though Native Americans, Latinos, and African-American women also suffer significantly from disproportionate rates of police brutality (Zalman, 2000).

Police brutality, and specifically disproportionate police brutality onto people of color, is cause for concern. Coates (2016) and others (Chaney & Robertson, 2015; Micucci & Gomme, 2005) point out that this type of brutality leads to the flailing legitimacy police have in communities of color. Because this is a long-standing trend without a clear end in sight (Burton, 2015; Newton, 2009; Seale, 1991), police become seen not as law enforcement, but simply as those meting out force. They are seen as no different from a street gang. Further, excessive police use-of-force prevents US citizens from constitutionally guaranteed rights of due process in the court of law. Not only does excessive use-of-force delegitimize police, but this type of police behavior also delegitimizes democracy.

Some critics argue incorrectly that the BLM movement incites violence, has a lack of concern for “all” lives, or for “blue” lives, or perpetuates “reverse-racism.” Tomi Lahren, for example, appearing on *The Daily Show with Trevor Noah*, called Black Lives Matter protesters “militant,” “overtly aggressive,” and engaging in, and advocating for, rioting and looting (Noah, 2016). These claims disregard the way police, as an extension of state have always enjoyed a monopoly on state-sanctioned violence (Bernasconi, 2014; Martinot, 2014). These claims also sidestep awareness that police have always doled out violence unequally onto communities of color, historically through black codes, vagrancy laws, and turning a

blind eye to lynching. Some may conveniently resist knowing in fact, that policing as an agency began in this country as slave patrols (Mills, 2007). Police were charged with “keeping track of all Negroes” (Dubois, 1903/1994, p. 108). Police gained their power post abolition as those tasked with detaining African-Americans so as to create the necessary labor force for agrarian work. When slavery was no longer allowed, white landowners still needed laborers, but were not interested in paying for this labor (Alexander, 2012). Once these policies were outlawed, police continued their role of policing race. They continued to perpetuate racial oppression, but it began to happen through less overt policies like racial profiling (McGregor, 2016; Micucci & Gomme, 2005; Ross, 2015; Weitzer & Brunson, 2009; Zalman, 2000).

Critics of BLM are likely unfamiliar with, and would hotly contest the central tenets of Critical Race Theory (CRT). These three tenets are: “a critique of neutrality,” “an acknowledgement that racism is still widespread,” and a “privileging of experiential knowledge” where the lived experience of racism by African-Americans is valued in a society that generally ignores or discredits such experiences (Longazel, Parker & Sun, 2011, p. 204). Further, white ignorance (Mills, 2007) makes the lived experiences of people of color invisible, and BLM seeks to bring these experiences to the forefront, recognize these experiences as a valid form of knowledge, and share these experiences with the world. BLM brings together collective “we-knowers” (Yancy, 2008) who assert that they, along with most people they know, have been treated in a way that warrants such an obvious statement to be uttered as “Black Lives Matter.” Experiential and historical knowledge shows, in fact, that black life has *not* mattered, or has only mattered insofar as black life benefits white lives or white interests (Bell, 1992). The US, instead, was founded on black life (and brown and

native life) being disposable. This violence against black life has only morphed in the mechanism by which it is doled out, and as Coates (2015) poignantly writes to his teenage son:

And you know now, if you did not before, that the police departments of your country have been endowed with the authority to destroy your body. It does not matter if the destruction is the result of an unfortunate overreaction. It does not matter if it originates in a misunderstanding. It does not matter if the destruction springs from a foolish policy. Sell cigarettes without the proper authority and your body can be destroyed. Resent the people trying to entrap your body and it can be destroyed. Turn into a dark stairwell and your body can be destroyed. The destroyers will rarely be held accountable. Mostly they will receive pensions. And destruction is merely the superlative form of a dominion whose prerogatives include friskings, detainings, beatings, and humiliations. All of this is common to black people. And all of this is old for black people. No one is held responsible. (p. 9)

Coates speaks to a long-standing objectification and disposability with which the black body is treated by the state, specifically the police. He also speaks to the lack of accountability for police who dole out this disproportionate fate upon people of color. Coates (2015) goes on to say that the police are not at the crux of the problem:

There is nothing uniquely evil in these destroyers or even in this moment. The destroyers are merely men enforcing the whims of our country, *correctly interpreting* [emphasis added] its heritage and legacy. It is hard to face this. But all our phrasing--race relations, racial chasm, racial justice, racial profiling, white privilege, even white supremacy--serves to obscure that racism is a visceral experience, that it dislodges brains, blocks airways, rips muscle, extracts organs, cracks bones, breaks teeth. You must never look away from this. You must always remember that the sociology, the history, the economics, the graphs, the charts, the regressions all land, with great violence, upon the body. (p. 10)

He touches on the point that even if police are not *purposefully* destroying predominantly black life, the tangible result of the racism embodied by the country, and police as an extension, is corporeal. This is also nothing new, Coates (2015) points out.

### **Rise of Black Lives Matter**

Certainly not the first organized group to try and address racist (“disproportionate”) police brutality in the US (Foner, 1995; Newton, 2009; Seale, 1991), Black Lives Matter has

both an organized social protest component and a ten-point policy agenda. Following the 2013 acquittal of George Zimmerman, neighborhood watch coordinator who fatally shot unarmed African-American youth Trayvon Martin, the protest arm of Black Lives Matter, sprouted (Black Lives Matter, 2015).

The purpose of this movement is “an ideological and political intervention in a world where Black lives are systematically and intentionally targeted for demise. It is an affirmation of Black folks’ contributions to this society, our humanity, and our resilience in the face of deadly oppression” (Black Lives Matter, 2015). This movement has been cultivated through social media. It includes a strong presence in public places to protest incidences of police misconduct, lack of police accountability, as well as had a presence at 2016 political events in attempts to pressure candidates to address the pervasive police mistreatment of African-Americans. Black Lives Matter, as may be obvious by its name, does not focus on the police brutality faced by Latinx and Native American communities, but welcomes alliances with these, and other groups who also experience disproportionate police brutality (Micucci & Gomme, 2005; Zalman, 2000).

### **Campaign Zero is Born**

Following critique by political leaders in the fall of 2015 for lacking a clear focus, BLM released a ten point policy platform, Campaign Zero (CZ), which aims for specific policy prescriptions toward alleviating racist police brutality. CZ asserts, “We can live in a world where the police don't kill people by limiting police interventions, improving community interactions, and ensuring accountability” (Campaign Zero, 2016). The platform set forth by Campaign Zero is as follows:

- (1) End “Broken-Windows” policing
- (2) Community Oversight of police

- (3) Limit Use-of-Force by police
- (4) Independently Investigate and Prosecute incidences of police violence
- (5) Community Representation on police forces
- (6) Body Cams/Film the police
- (7) Training of police
- (8) End For-Profit policing
- (9) Demilitarization of the police
- (10) Fair Police Union Contracts

Each policy solution is categorized as an Intervention, Interaction, or (method for) Accountability. Campaign Zero approaches the issue of police brutality from these three varying perspectives. Interventions take a broad approach, on the macro level, in trying to end the conflation of blackness (and brownness) with criminality through changing overarching policies that target minority populations. Interventions take a critical view of the relationship between the hyper-criminalization of black communities and the (capitalist) monetary interests that seek to, at least implicitly, extract money from these communities for a profit to those who surveil, police, incarcerate, service, and supervise bodies of color (Fine & Ruglis, 2009; Hayes, 2017). Interventions aim to address this problematic relationship which not only mistakes the effects of racism (institutional racism as it creates and sustains poverty, and therefore crime) for the cause, but also blames the victims caught within the web of institutional racism and its tangible effects (Doane, 2003).

Interactions approach the police's actual behavior on a micro level, and hope to influence police behavior from a preventive or front-end approach. By preparing police preventively, the aim is to influence and reform police behavior when police actually interact with citizens. An improved outcome is hoped for through items like better training of the police and better community representation on police forces. The final prong of the platform includes those items within Accountability that aim to build a check on police power and behavior, that has until now been absent (Bernasconi, 2014; Martinot, 2014). Accountability

items include better reporting of incidences of police brutality (in order to catalog and assess the patterns of this brutality that has been up until now evasive), as well as the built-in mechanism for police accountability in the form of police body cameras. Such items work on the back-end or after an incident of police brutality, in order to expose this brutality. On the contrary, these items could also vindicate police officers falsely accused of brutality.

Campaign Zero also sets forth policy items enacted by particular cities that can be used as model legislation to be adopted on federal, state, and local levels. For example, after the Denver Police killed an unarmed teenage girl in 2015 by shooting at a moving vehicle, Denver Police now has a policy prohibiting officers from shooting at moving vehicles (Campaign Zero, 2016). Campaign Zero has compiled these policies and advocates for broad usage of such legislation.

The goal of the Campaign Zero platform is to suggest, adopt, and implement institutional police reforms to combat disproportionate police brutality against communities of color. The platform suggests reasonable, pragmatic, and non-threatening policies that could help to alleviate brutality against communities of color; on its own, however the platform cannot combat the larger societal problem of anti-black racism that the police simply reflect. These institutional reforms are necessary and a commendable place to begin, but are not sufficient for the necessary societal reform. As the opening anecdote with my client suggests, even when police are surveilled, they tend to be the ones who know how to circumvent such surveillance. They also have the punitive power of the state behind them to enforce upon people rashly, regardless of whether the subjectivity of the officer summons this power for legitimate or illegitimate motives. Finally, the emotions experienced by officers, and all people, significantly influence how they respond in situations. Emotions can

heavily influence officer response, including when and how officers conjure up the brute force of the state they have accessible.

A longstanding problem persists in the US. Disproportionate police brutality is problematic for a variety of reasons, from the violent reality this imposes upon communities of color, to the loss of legitimacy it poses for police, and the implications of this tapering legitimacy for US governance overall. In this thesis I will explore whether the ten point policy platform set forth by Campaign Zero can alleviate racist police brutality. Such exploration will begin with a description of the proposed platform as broken down into the categories of Interventions, Interactions, and Accountability. Next is a discussion of the theoretical framework of Critical Race Theory (CRT), Du Bois' (1903/1994) concept of the double consciousness, and a discussion of pertinent social psychological research positing the role of emotions in discriminatory policing. Utilizing these frameworks, concepts, and research, I will then apply these concepts to the platform, in order to gage its potential.

A preview of this analysis indicates the institutional reform suggested by Campaign Zero is a laudable and a necessary place to begin. Strengths of the platform include comprehensive documentation of police abuses of power, as well as a belated initiation of outside oversight of police. Both aspects have been absent, and both may offer some ability to expose the two-tiered policing system of the US (Hayes, 2017; Zalman, 2000). These reforms, while useful, cannot address the underlying issue that US society was founded upon racism, and the associated dehumanization and allowance for bodily destruction of the (constructed) Other. US institutions like policing are but creations of this society. Campaign Zero cannot quite accomplish the task of alleviating racist police brutality, but perhaps what it can offer is the necessary first step: tools for admitting there is a problem. Institutional

reforms are not the cure to deep societal ills, but perhaps reasonable institutional reform can trickle down (or up) to the societal level. Finally, this thesis will conclude with a discussion of the promise of the Black Lives Matter movement. This movement may be more equipped than Campaign Zero is to addressing the underlying core of disproportionate police violence: the myth of the inferiority of African-Americans.

## CHAPTER II

### CAMPAIGN ZERO PLATFORM: INTERVENTIONS

The first component of the Campaign Zero platform is the category Interventions. These Interventions aspire to intervene in, and disrupt, some of the broad approaches to policing that are problematic, both “Broken-Windows” and For-Profit policing. These, as well as the various “wars” waged on poverty, crime, and drugs, have shaped policing approaches since the 1960’s and 1970’s (Simon, 2007). Campaign Zero and others (Thompson, 2015) argue that these policies are problematic for a number of reasons, not least of which, they may be to blame for initiating many of the contacts between police and African-American men that end fatally for the latter.

A potential alternative Campaign Zero advocates for is community policing, the opposite of “Broken Windows” and For-Profit policing. Community policing emphasizes a closer connection between police and the community in the form of foot patrols, store-front substations, and an open-door policy for citizen comments and suggestions, as well as benevolent police outreach in communities. An emphasis is placed on police that “concern themselves with the social problems of the community” (Lersch & Mieczkowski, 2005, p. 563). This approach may connect rather than separate police from the communities they police.

“Broken Windows” policing can be traced to Edward Banfield, a conservative urban theorist who argued in the 1960’s that inequalities between “races” were not due to structural causes or political and economic inequality as most contemporary theorists argue (Doane, 2003; Mills, 2003), but was a result of inherent biological or cultural characteristics that made non-white ethnic groups inferior to whites (Bonilla-Silva & Embrick, 2006; Feagin,

1997; Thompson, 2015). “Broken Windows” aimed for crack-downs on small crime like graffiti, public urination, and loitering, under the premise that neighborhood disorder underlies these offenses and this “disorder” attracted criminals who would then commit more serious crimes in these neighborhoods (Thompson, 2015). The idea was that major crime and “major” criminals were attracted to areas of disrepair. “Broken Windows” operated under the principle that by heavily policing minor crime, this would subsequently prevent more serious crime from occurring. This policy was predicated on Banfield’s “willful ignorance,” which Mills (2007) thoroughly articulates and can be summed up as “*the concept is driving the perception, with whites aprioristically intent on denying what is before them*” (p. 27 emphasis in original). Bratton’s approach ignored the importance of structural racism and poverty as the real cause of problems within minority communities (Leonardo & Hunter, 2009; Sampson, Morenoff, & Raudenbush, 2005) and instead *blamed* the victims of poverty. He supported a punishment of the *symptoms* of poverty rather than addressing the deeply rooted *causes* of such poverty (Doane, 2003; Mills, 2007).

Banfield, along with James Q. Wilson and George L. Kelling wrote the now infamous 1982 *Atlantic* article, “Broken Windows.” Bill Bratton was inspired by this piece, and ultimately became the policy pusher of “Broken Windows” policing in New York City. Bratton was tapped to run the NYC Transit Police by Mayor David Dinkins in 1990, and was later promoted to NYPD Commissioner under Mayor Rudolph Giuliani. As a mayoral candidate Giuliani notoriously refused to speak out against violence and racism displayed by off-duty NYC police officers who violently protested the creation of an independent Civilian Complaint Review Board. These officers were so perturbed by the (potentially legitimacy-raising) Civilian Complaint Review Board designed “to investigate allegations of police

misconduct” (Thompson, 2015, p. 43), that they chased a West Indian City Council member into City Hall yelling racial epithets at her, beat up two reporters, and held “racially inflammatory sign[s]” (p. 43) denigrating Mayor Dinkins (Thompson, 2015). This is demonstrative of the reticence police may have to outside oversight on their practices.

Many problems plague US practices of “Broken Windows” and For-Profit policing, the most central of which is that these policies, while on their face may seem race-neutral, are not race-neutral in practice. They target communities of color inequitably by conflating poverty and blackness with criminality (Bernasconi, 2014). Such populations are then subjected to constant surveillance, contact, and bodily control by the police and the greater carceral state. Fine and Ruglis (2009) argue this targeting is conversely related to educational opportunities--while some reap the rewards of education and educational opportunity, others are targeted for their body to profit both private and public entities. Those targeted bring profit to privatized security firms and testing companies that contract with schools, and maintain “justification” for continued funding to policing and incarceration. Heightened police presence in communities of color increases the likelihood for police-citizen interactions and “the potential for acrimonious encounters” (Weitzer & Brunson, 2009, p. 236). Police misconduct is more prevalent in disadvantaged and high crime areas (Weitzer & Brunson, 2009), which, because of the way race and socio-economic policy converge, means communities of color. This constant targeting of black communities by police, and the subsequent misconduct of police, leads to a fear, disdain, and a loss of legitimacy for the police in the eyes of the populace (Chaney & Robertson, 2015; Coates, 2016; Micucci & Gomme, 2005).

As Burton (2015) points out, “Broken Windows” policing carries forward old “imperatives that animated 18<sup>th</sup> and 19<sup>th</sup> century slave patrols: the incapacitation of blackness, the fragmentation of black association, and the criminalization of black life” (p. 47). This type of policing, couched in its “race-neutral” guise, may indeed be a form of social cleansing (Burton, 2015). Both “Broken Windows” and For-Profit policing are anti-democratic in that they target marginalized communities, disproportionately in poverty as a result of their marginalized status. This inequitable targeting may be primarily monetarily driven, in that over-policing these communities is an easy way for police to extract money from these communities (Department of Justice Ferguson report, 2015; Hayes, 2017). Both practices continue the American tradition of wealth extraction from both Native Americans and African slaves (Mills, 2003). Burton (2015) points out that even when formally freed, black bodies became “floating signifiers for threat that require[d] policing” (p. 41). Lest the black body gain agency and halt the extraction of free labor from it, the body became the subject of police attention, police control, and the police-orchestrated delivering of this body right back to forced, unpaid labor, continuing slavery just in a slightly different costume (Burton, 2015, Du Bois, 1994). Policing targeting African-American communities continues patterns of early slave patrols that “sought to occlude the possibility of black private space and black resistance” (Burton, 2015, p. 43).

Further, such discriminatory targeting and abusive treatment squeezes communities of color for money and resources already hard to come by as a result of centuries of racially discriminatory social and economic policy, such as redlining, lack of FHA loans, and discriminatory implementation of the GI Bill among many others (Brodkin, 2002; Lipsitz, 2002). These policies indirectly and directly disadvantaged African-Americans unable to

access the financial and material support offered to white people, or those passing for white (Brodkin, 2002). In the long-run, not only was material support unavailable to African-Americans, but so was the subsequent wealth accumulation which accompanies home ownership. For-Profit policing and a targeting of the poor for monetary extraction that flows to the government and its agents is highly reminiscent of early slave patrols that codified the ability for patrols to appropriate for the patrolmen's own use "fowls or provisions found in the hands of any negro who is away from home without a ticket" (as cited in Burton, 2015, p. 43). Present forms of over-policing of black bodies do not directly extract labor, but do continue to extract material goods in the form of asset forfeiture. Perhaps the only difference between early slave patrols and police departments of today (US Department of Justice, 2015) is that wealth extractions are no longer in the form of "fowl and provisions," but in the form of court fines, probation fees, asset forfeiture (Burton, 2015), and the myriad costs associated with "servicing" those incarcerated by way of exorbitant telephone prices, commissary costs, and placing money on the "books" of those incarcerated. It may be that these exploitative practices attempted to fill material and occupational voids resulting from American deindustrialization.

Present-day policing styles carry-on traditions of policing race, and extract money from the already poor. Such policies also punish those living in poverty through heightened policing. Campaign Zero attempts to address this in their call to end the defunct policy that polices rather than alleviates poverty in "Broken Windows" policing.

### **Interventions: "Broken Windows" Policing**

An approach like "Broken Windows" institutionalizes "processes that maintain racial stratification," even though they "appears to be race neutral" (Smith, 2012, p. 471). These

policies codify discrimination and racism simply through new techniques that work to “replace antiquated forms of overt discrimination with more sophisticated versions” (Smith, 2012, p. 471). These sophisticated new versions utilize the criminal justice system (to label people “criminals”), unsurprising given the role of the criminal justice system that has “historically been one institution used to control black populations following periods of reform” (Smith, 2012, p. 471). Policing as an arm of the state has long been a mechanism to perpetuate white rule through violence and control (Bernasconi, 2014; Coates, 2015; Du Bois, 1994; Mills, 2003; Smith, 2012). As Bernasconi (2014) points out, the function of the law is in fact to “protect an oppressive system, one of whose main goals is to maintain material inequality” (p. 150). “Broken Windows” policing continues old policies of oppressing black populations, with the same enforcers, but who now have militarized weapons, and who claim to act under the guise of “crime-control” rather than overt race patrol.

“Order-maintenance” policing, another term for “Broken Windows” policing (Burton, 2015), is waged in predominantly impoverished segregated communities of color created by years of discriminatory housing practices (Smith, 2012) and white flight to the suburbs. White flight to the suburbs brought with it the few American jobs available post deindustrialization, leaving swaths of families isolated in the cities they had migrated to from rural areas, in search of work following WWII. Black families were hardest hit by the lack of jobs resulting from deindustrialization (Alexander, 2012). Unable to leave urban neighborhoods because of lack of access to capital and because of housing discrimination, people of color remained far from jobs (Smith, 2012) which induced impoverished conditions in cities.

“Broken Windows” policing strategies confuse harsh material conditions (social, economic, and political) for a more convenient narrative of a “culture” that is somehow not living up to ideals of abstract liberalism (Leonardo & Hunter 2009). Police cracking down on those in impoverished conditions works to obfuscate deep structural inequalities that are instead contrived as pathological in nature rather than as a result of state-induced poverty. This narrative does not place any blame on the inequitable policies that created the structural conditions causing people to flee the South (such as lack of GI benefits available to African-Americans in the South). It does not blame the structural racism that precluded African-Americans from finding work when they moved to northern industrial cities in search of jobs which had fled with the white people fearful of ethnic integration.

Related to the permanence of white supremacy (Mills, 2003), and an inability or unwillingness to embrace equity, there is frequently backlash to gains that are achieved (Mills, 2003; Smith, 2012). Nixon’s War on Drugs for example, may be a prime example of backlash to the voting rights act of 1965 that gave African-Americans the unadulterated right to vote (until mass incarceration effectively chipped away at such a right) as well as the *Brown v. Board* decision (1954) that was to desegregate schools (Alexander, 2012; Mills, 2003; Smith 2012). These new forms of oppression that become more sophisticated than those they replace, can be seen in the rhetorical strategies in the various “wars” waged, as well as in “Broken Windows” policing. These policies all target black communities, “coincidentally,” after such Civil Rights gains. Such policies and practices were able to “legitimately” target communities of color (Weitzer & Brunson 2009; Zalman 2000) by conflating minority ethnicity with criminality (Bernasconi, 2014). In effect, these policies criminalize the poor and marginalized without explicitly naming them as targets.

The heavy policing of communities of color that revolves around painting people of color in a unidimensional way (Ross, 1997), i.e., as criminals, resorts to the mechanistic thinking that relies on erroneous “common knowledge” and “available cultural scripts” in order to “explain why inequality and poverty continue to plague people of color and working class Anglos” (Gonsalves, 2008, pp. 5-6). Rather than seeking an illumination through “critical thinking and emotional investment in the issues” (Gonsalves, 2008, pp. 5-6), and investigating the link between socio-economic policies, poverty, and crime, this mechanistic thinking that relies on circular reasoning, is easy and comfortable. In line with Banfield, Bratton, and their inspiration from Wilson and Kelling (1982), treating African-Americans as criminals is an accessible cultural script. It is mechanistic thinking, and it is easier psychoanalytically than acknowledging the role white supremacy has played in creating poverty for marginalized people. Perhaps criminalizing black men through “Broken Windows” policing however, is the perfect deflection (Feagin, 1997; Thandeka, 2013) of the actuality of *white* criminality onto black bodies.

“Broken Windows” policing in practice makes concrete these “abstract beliefs” of inferiority by way of policies that ensure and “maintain material differences based on a premise of racial domination and subordination” (Thandeka, 2013, p. 84). Once the material inequality becomes actualized, this is used to argue racial difference and as a basis for legal and social discrimination and exclusion (Thandeka, 2013), demonstrating a circular logic. Politicians and police argue implicitly that people of color are inherently more criminal, (reminiscent of antiquated eugenics-based “science”) and rest their argument upon the “proof” that jails and prisons contain a disproportionate amount of black men. This

conveniently ignores that black communities are policed in a highly discriminatory way (Alexander, 2012), and relies heavily on erroneous and circular logic.

After the implementation of “Broken Windows” policing in New York City, “complaints of police misconduct shot up” (Thompson, 2015, p. 46). It has also arguably led to a loss of legitimacy for police (Micucci & Gomme, 2005) in and out of communities of color (for obvious reasons). Not only is this policy questionable in its overarching approach, it has deleterious effects on the micro level. A significant portion of the African-American men killed by police have been contacted for “Broken Windows” policing “offenses” like illegally selling cigarettes, illegally selling CDs, or walking in the street rather than on the sidewalk (Hales, 2014; Thompson, 2015). Such policies mean that “the sheer number of police officers” patrolling poor neighborhoods “increases the frequency of police-citizen contacts and the potential for acrimonious encounters” (Weitzer & Brunson, 2009, p. 236). Research shows too that “police misconduct is more prevalent in disadvantaged and high-crime neighborhoods” (Weitzer & Brunson, 2009, p. 236). This policy preys on the already vulnerable.

Moreover, as Thompson (2015) points out, “Broken Windows” policing has been wholly ineffective at reducing violent crime. Crime rates did drop in New York City, as did they in cities around the country where “Broken Windows” was not implemented. The drop in crime was likely attributable to demographic and economic trends including fewer 16-24 year olds (as this age group tends to be responsible for most “assaultive” crimes), a better economy, and some community vigilance, not to “Broken Windows” policing (Thompson, 2015). New York had complaints of police misconduct “skyrocket,” while cities like San Diego that implemented community policing models enjoyed larger decreases in the amount

of homicides than New York, and had far fewer complaints about police (Thompson, 2015, p. 46).

Campaign Zero recommendations to end “Broken Windows” and Order Maintenance policing include calls to stop policing minor offenses. This would include decriminalization or de-prioritization of the enforcement of public consumption of alcohol, marijuana possession, disorderly conduct, trespassing, loitering, disturbing the peace (including loud music), and spitting. Campaign Zero argues these are often symptoms of other underlying issues like drug addiction, homelessness, and mental health issues (Campaign Zero, 2016), and a more appropriate approach would be to get those in need of help, in touch with social workers and other mental health professionals, rather than with police.

Campaign Zero’s call to end “Broken Windows” policing also seeks to stop the racial profiling rampant under policies like stop-and-frisk and other policies that allow for police subjectivity deeming people of color “suspicious” or threats (Zalman, 2000) for no reason other than their ethnicity. Such policies include stopping people simply for being in “high-crime areas,” for “furtive” movements, for matching generalized descriptions, and other stops with disparate impact on protected groups. Ending “Broken Windows” policing also includes reporting requirements that seek to determine if police are stopping people for objective rather than subjective reasons, by compiling reports on stops in order to detect patterns. Finally, this platform item seeks to shift from approaches that *police* mental illness, to those that seek to *aid* those with mental illness, or at least train police (in overlap with platform item number four) as to how they should intervene with mentally ill people. This includes training for police on crisis intervention, multi-disciplinary co-responder teams including

mental health professionals, and the involvement of these teams in planning, implementing, and responding to mental health crises (Campaign Zero, 2016).

Campaign Zero's call to end the era of "Broken Windows" policing aims to shift policing approaches from those that confuse hundreds of years of discriminatory US policy directly and indirectly robbing resources from communities of color, for a propensity to crime. Such an error of logic victim-blames, and through ubiquitous police presence in communities of color, creates a self-fulfilling prophesy. Police constantly targeting people of color ensures more "criminals" of color. Further, such an ominous police presence increases contacts between police and communities of color, leads to acrimonious encounters, and arguably leads to police violence against communities of color. This type of policing, rather than reducing violent crime, may in fact increase it, if police violence on the citizenry is taken into account (Rosenberg, 2016). This deepens the already-wide chasm between the haves and have-nots, which in the US, is and has always been, inextricably bound up with ethnicity (Mills, 2003).

Having addressed the self-fulfilling way economic conditions are bound up with race due to discriminatory policies that keep African-Americans impoverished, who are then targeted by police in a conflation of poverty with criminality through "Broken Windows" policing, we now move to discussion of the capitalist tradition that extracts money from already marginalized groups. In For-Profit policing, not only are the already poor shaken down for money, but the police are the ones performing this shakedown, perhaps instead of focusing on public safety. Such a motive convolutes the role of the police changing their position from one of public safety enforcers to that of money makers. This may contribute to a loss of legitimacy and loss of respect for the police.

**Interventions: For-Profit Policing**

As with most of Campaign Zero's ten platform items, there is an overlap between items. Ending For-Profit policing has overlap with the need to end "Broken Windows" policing, the need to demilitarize police increasingly armed with tools of war, and the need to improve police training. For-Profit policing, inequitably waged on communities of color (and therefore undemocratic in its implementation) is in line with long-standing US tendencies that extract profit for some, from the subjugation of others (Fine & Ruglis, 2009). For-Profit policing creates incentive, which policy then follows, for an emphasis on policing in ways that yield profit to police and government, rather than on public safety (Ferguson Report, 2015). Incentive to police in ways unrelated to public safety is cultivated through federal monies and military equipment (which is often used against the public) given to local and state police departments who prioritize the War on Drugs (Alexander, 2012). This insidiously makes the War on Drugs become more important than other police priorities, unrelated to the prioritization of public safety. Money also infiltrates policing, perhaps more directly, through asset forfeiture of money and materials loosely (or suspected to be) associated with the drug trade. This encourages police to "raise" money for municipalities through excessive ticketing, and court fines and fees for minor "rule violators." For-Profit policing may be an example of accumulation by dispossession, where a common good, policing (if it ever were, given its origins in slave patrols), is taken from people, and privatized (Fine & Ruglis, 2009).

The way the Federal government bribes jurisdictions with material and grant money for prioritizing the War on Drugs (Alexander, 2012) has been a watershed of money and supplies for police. Policing in this way has an odd side effect of making drug crimes take precedent over other crimes (Alexander, 2012; Simon 2007). While arguably drug use and

sales should be seen as a public health issue and an issue of lack of access to jobs and wages (Hayes, 2017; Smith, 2012), police have become accustomed to the money that flows from waging a never ending war. This makes it difficult to enact a paradigm shift because of vested material interests that conflict with public health, safety, and democratic ideals of equity (of policing).

Without consideration of the disparate way communities are policed based on their ethnicity, For-Profit policing is already problematic. It feeds off of, and contributes to, a situation where there is constant surveillance and contact between police and poor communities of color (Leonardo & Hunter, 2009) fueling acrimony between the two. Because drug use and sales are consensual activities where neither the buyer nor seller report themselves or the other person in the exchange, police have to choose where they crack-down on drug “offenses.” Though drugs are used and sold at similar rates among people of all ethnicities (Alexander, 2012), or as other sources indicate that white people use drugs at five times the rate of African-Americans (NAACP, 2017), police engage in a selective search for certain kinds of drug users and sellers. These “certain” users and sellers are to be found in communities of color that lack political and economic capital white suburbanites can use to push back (Alexander, 2012). Economics and racism are again wrapped up as those lacking capital and access to private spaces, are likely to engage in illicit activities in public spaces; i.e., on the street, versus in the privacy of their home.

In line with policies that extract money and goods from the already poor in yet another manifestation of victim-blaming, asset forfeiture carves exceptions into people’s right to their property. Asset forfeiture allows police to seize, keep, and use profits and assets seized from the citizenry, so long as they are (even loosely) connected with the (suspected)

drug trade (Zalman, 2000). This material incentive encourages police to participate in the War on Drugs for its profitability (not because it is productive or useful to public safety necessarily). Such seizures are not limited to cases where people are actually charged or convicted of crimes, but simply suspected (Alexander, 2012). For example, a person suspected of one crime may incidentally have their belongings, including cash, seized, which as a result of police rules is difficult to reclaim, even if charges are dismissed or the person pleads guilty to a non-drug related offense. This cultivates vested interest for police departments to participate in such a “war” (on drugs), as these funds have been known to fund ski trips, expanded police departments, and other unauthorized uses (Alexander, 2012). In this way, pursuing drug crimes is far more lucrative than pursuing crime unrelated to drugs.

Finally, with incentives coming from policing in profit-driven rather than public safety-oriented ways, municipalities short on revenue (especially post-recession) have been encouraging formal and informal quota systems that target minor rule and traffic violations (Hayes, 2017; US Department of Justice, 2015). Such targeting does not address the lack of access and economic conditions that create the need for black market participation, but focuses instead on the side-effects of unequal access to opportunity. This generates revenue, and such quotas are even tied to officer evaluations, giving individual officers incentive to police for minor infractions. In a problematic way, the US Department of Justice (2015) found in Ferguson, MO, that police saw and treated especially black citizens, “less as constituents to be protected than as potential offenders and sources of revenue” (p. 2). This inherently contradicts the foundational presumption of innocence, as well as flies in the face of equity under the law. Further, this decreases the perceived legitimacy of police, especially

in communities of color (Weitzer & Brunson, 2009). In an ironic twist, the poor and people of color already hardest hit by the economic recession in the US (Harvey, 2013) are coerced into making up budget shortfalls caused by wealthy interests that crashed the world market. The poor are charged with replenishing municipal coffers in yet another exploitative squeeze of the poor, for the economic maintenance of the country.

Campaign Zero makes legitimate and reasonable recommendations in their policy solution to end For-Profit policing including ending police department quotas for tickets and arrests, limiting fines and fees for low income people, and preventing police from taking money or property of innocent people (Campaign Zero, 2016). Such recommendations are common-sense and attempt to de-incentivize police from contacting people in order to squeeze them of money. Likely, there would be resistance to this platform item, as police and municipalities have enjoyed direct and significant monetary benefit from over-policing the poor (US Department of Justice, 2015). Police have vested interest in emphasizing policy that extracts money from the poor, rather than policy that emphasizes public interest, public safety, and encouraging democratic ideals. However, if police and the country overall seek legitimacy, especially in the eyes of people of color, these recommendations must necessarily be adopted.

## **Conclusion**

The recommendations set forth within Interventions aim to end the over-policing of poor communities of color where ethnicity and poverty have been confused for criminality. The hope is that by ending this race and poverty policing, the acrimonious interactions between police and citizens could be eased (Weitzer & Brunson, 2009). Such policing has, at its core in both aim and result, the material extraction from those who have already been

subjected to such extraction since the inception of the US. Such a shift in policy would likely be welcomed by community members, but would indicate not only an institutional shift, but a societal one as well.

Though communities of color would likely welcome such changes, there will likely be resistance to such change from those invested in present policing practices, as well as those tasked with implementing such policy change. Such change will be time consuming and difficult, but the present policies are contrary to stated ideals of equality, given the disparate enforcement and impact on communities of color. Changing both policies of “Broken-Windows” policing and For-Profit policing requires a shift away from policing’s origins of slave patrols that surveilled blackness and confiscated freedom and material wealth from African-Americans. Even with opposition, a motivating factor for change is the goal of legitimizing policing in the US. By ending the policing of poverty and race, and by abstaining from monetary incentives and instead focusing on public safety, ideally police legitimacy would increase. As it stands now, many people in this country, including some white people, fear the police, feel under constant scrutiny and attack by police, have minimal respect for the police, and ultimately come to see the police as lacking legitimacy (Burton, 2015; Coates, 2016). African American youth for example, feel police approach them in adversarial, provocative, belligerent, inflammatory, antagonistic, unfair, racist, and condescending ways (Weitzer & Brunson 2009). This is not only a problem for communities of color under attack by the police, but for the police and US overall (Coates, 2016). This loss of legitimacy discourages people from seeking the protection of police, from cooperating with police, and leads to a delegitimization of both police and the state they are tasked with representing (Micucci & Gomme, 2005).

Campaign Zero Interventions aim to impact macro-level policing approaches in hopes that limiting unnecessary contact between police and African-American men will reduce the amount of people killed by police. Increased contact through both “Broken Windows” policing and For-Profit policing encourage police profiling of minority men that leads too frequently to “brutal or deadly encounters when they involve black people” (Burton, 2015, p. 47). The over-policing of minorities, a problem itself, is heightened because “police officers... perceive minorities as a threat” (Zalman, 2000, p. 189). Even if minority people walk away unscathed from police, the constant attention by police leads to a feeling that police are more interested in making arrests than in public safety. This feeling also contributes to the loss of legitimacy and trust for American police, causing problems for a purportedly democratic structure.

As Burton (2015) points out, both Eric Garner in New York City and Mike Brown in Ferguson, MO, were contacted by police for “order-maintenance” violations; allegations of selling loose cigarettes, and “Manner of Walking in Roadway” respectively (p. 46). Burton (2015) argues that “Order-Maintenance” and “Broken Windows” policing act under the premise that “public disorder and violent crime are ‘inextricably linked’” (p. 42) and that policing minor crimes and their perpetrators will deter serious crime. In an effort to “deter” serious crime by policing minor crime, ironically, both Garner and Brown (and many others) ended up dead *by* police who instead “*brought* [emphasis added] violence to the situation” (Burton, 2015, p. 46). Not only are these policies problematic for their conflation of minority ethnicity with criminality and the tendency to squeeze the already poor, but they also do nothing to address the underlying causes of such poverty. Instead, they crack down only on the symptoms or side-effects of poverty induced by discriminatory state policies.

Having addressed Campaign Zero's Intervention items that aim to reform policing in broad and macro level ways, we next turn to the Interaction platform items. Interaction items hope to target police behavior preventively, before police interact with the public, and on the micro level, impacting each officer individually. These items include limiting police use-of-force, improved training for police, demilitarization of the police, and improved community representation on police forces so they better reflect the communities they serve. By approaching police behavior preventively and perhaps more holistically, the hope is that police will be less violent with the populace when interactions are inevitable.

## CHAPTER III

### CAMPAIGN ZERO PLATFORM: INTERACTIONS

In the last chapter, the Campaign Zero approaches aiming to affect policing broadly, on the macro level, was addressed. The next portion of the platform, those items within Interactions, will now be discussed. These platform items aim to reform police by influencing their behavior preventively, with the hope this preventive preparation will carry-over and affect police on the micro-level when interacting with the citizenry. Through items addressing use-of-force, training, demilitarization, and community representation, this front-end approach aspires to influence police-citizen interactions to be more humane and less oppressive. These items also include significant changes to policies and procedures, to legislation regarding policing, and more reporting of problem officers and problematic incidences between police and the citizenry. These increased standards aim to illuminate policing patterns that may remain unseen (Chaney & Robertson, 2015; Ross, 2015). Each of the four platform items will be discussed in turn.

#### **Interactions: Limit Use-of-Force**

Limiting the use-of-force by police seems an obvious but difficult to implement suggestion. Part of this has to do with the definition that “excessive force occurs when officers use a greater degree of force than is necessary to counter a suspect’s resistance.” Given that “greater degree of force than is necessary” is “frequently a matter of opinion,” it is hard to determine when “excessive” use-of-force has occurred (Micucci & Gomme, 2005, p. 487). What one calls forceful, another may deem appropriate.

Four main elements of this platform item are to: establish standards and reporting of deadly police use of force, revise and strengthen local police use-of-force policies, end traffic

related killings and dangerous high speed chases, and monitor how police use force and proactively hold officers accountable for excessive use of force (Campaign Zero, 2016). There is natural overlap between this and other platform items including the need for independent oversight (under Accountability reforms), the need for (unbiased or independent) documentation relating to police misconduct (within a number of the platform items), and with macro approaches to policing like ending “Broken Windows” and For-Profit policing.

The need to end police use-of-force should be obvious; violent encounters with police erode police and governmental legitimacy. Communities of color subjected to police use-of-force, directly and indirectly, come to view law enforcement (those charged with protecting the citizenry) with suspicion and fear (Chaney & Robertson, 2015). Further, police use-of-force is unconstitutional creating a situation where police, in addition to being agents of the law, endow themselves with the ability to be judge, jury, and executioner, overstepping all aims for built-in checks and balances. The police, in large part because they are infrequently held accountable (as will be addressed in chapter III), can enact state-sanctioned murder (Bernasconi, 2014) without being held accountable.

The first prong for limiting police use-of-force involves establishing standards and the reporting of deadly police use-of-force. Standards would dictate that deadly force should be used only when completely unavoidable, to protect the life of the officer or another, when it is *imminently* threatened (Campaign Zero, 2016). It would require officers to use “all other possible means” before using deadly force (Campaign Zero, 2016), which relates to a need (and platform item) for training police to learn to de-escalate and use non-lethal force. This requirement would include the officer’s “tactical conduct and decisions” prior to using

deadly force, could be considered in determining whether the use-of-force was reasonable. It would also require that officers give a verbal warning and ample time to comply with the warning, prior to the use of (deadly) force.

Standards themselves do not offer much hope for reform, but in conjunction with accountability platform items (like independently investigating and prosecuting police and wide-scale use of body cameras) and community pressure, they may offer some relief. If police are held legally responsible for improved standards through successful lawsuits when standards are not followed, and if improved reporting made publicly available and accessible information disclosing how much taxpayers spend paying out police brutality cases (Balko, 2014), this could slowly encourage reform through community and departmental pressure at such costs. Currently, even when police *are* found to violate standards, they are not held to account for these suits financially (Balko, 2014; Chaney & Robertson, 2015). Instead departments, insurance, and taxpayers pay these lawsuits, potentially eliminating a deterrent effect for violent policing.

The accountability platform item of filming the police (discussed further in Chapter III) is complementary to calls for improving standards and reporting of police use of force because it can be difficult to detect whether police are following standards related to use-of-force. Often the only witnesses to police brutality are police, or victims of police brutality who lack credibility in the eyes of the court. *Sousveillance*, the “watching by publics of those with institutional authority” (Brucato, 2015, p. 45) of the police, could be a useful complement to improved standards in order to demonstrate whether standards were indeed followed.

The dire need for reporting (in a publicly accessible online format), on federal, state, and local levels, incidences where police kill or injure people is essential to reform and is long overdue. As it stands now, the US Department of Justice does not systematically or completely (Burton, 2015) collect data on police deadly use-of-force, nor does the FBI, or CDC National Vital Statistics System. Each entity collects *some* records, but these are wholly incomplete, censored, and rife with bias. FBI statistics (called the “Supplemental Homicide Report”), for example, are self-reported by *some* police agencies, though the majority of the nearly 18,000 police departments in the US do not “file fatal police shooting reports, or do so only selectively.” There are police departments who have not filed this “optional” report since 1997 (Ross, 2015, p. 2). The FBI has been seemingly underestimating the amount of people killed by police each year (in 2009 at least) by approximately 124% (Swaine, Laughland, Lartey, & McCarthy, 2015). Estimates indicate there may be near 1000 police killings per year (McGregor, 2016), other estimates show young people of color are killed by police on average of every 28 hours (Martinot, 2014), or every 36 hours (Chaney & Robertson, 2015).

Such a lack of reporting is indicative of a problem. Especially problematic is that, as Burton (2015) points out, in an age of “big data” where “virtually all facets of social life are collected, measured, and traded as currency, the number of killings by police is not even an official category of knowledge” (p. 45). The UN Committee Against Torture agrees and stated it “regrets the lack of statistical data available on allegations of police brutality and the lack of information on the result of the investigations undertaken in respect of those allegations” (as cited in Ross, 2015, p. 2). It would seem if there was a desire for

transparency, comprehensive reporting would have long since been compiled. That it is has not may lead to public suspicion over this absence of data.

As a result of shamefully lacking and biased reporting, multiple crowd-sourced and privately funded organizations have sprung up to document the dead: the Malcolm X Grassroots Movement (Bernasconi, 2014), Copblock, National Police Misconduct Reporting Project (funded by CATO Institute) (Chaney & Robertson, 2015), and the US Police-Shooting Database (USPSD) (Ross, 2015). These sources aim for more complete and less biased reporting than the statistics police agencies self-report to the FBI, if reporting them at all. Reporting to the FBI is voluntary, and New York City has not reported these numbers in five years (Chaney & Robertson, 2015), while Florida departments have not filed these reports since 1997 (Ross, 2015). If numbers are self-reported to the FBI by police agencies, they include a category “justifiable homicides” in which the “justification” lacks “independent evaluation of the justification for the shooting” (Ross, 2015, p. 2). By advocating thorough reporting of uses-of-force (including death), the hope is to name and make visible that which is occurring but may not be detected, such as discriminatory policing and uses-of-force. That projects to document the dead *have* sprung up speaks to the public’s ability to be catalysts for change, even or especially when the government is reluctant to change.

Police agencies with thorough and transparent reporting and built-in checks on power through independent oversight could achieve greater legitimacy. Campaign Zero sets forth recommendations for federally funded reporting (which could be handled by the Independent Police Commission or Civilian Complaints Office addressed in Chapter III) accessible to the public within a quick time after the injury or death at the hands of police. This may help

future work in transforming policing by way of transparent and non-biased analysis as a first step.

Related to the first prong in use-of-force and pertaining to policies and standards is the need to revise and strengthen local police “use of force” policies. This revision would include requirements that police use the least amount of force necessary (perhaps having right-handed police wear Tasers on their right side and gun on the left side, as well as using rubber bullets), de-escalate first, carry a less lethal weapon, ban using force on people as punishment for talking back or for running away, criminalizing or banning certain uses of force maneuvers like chokeholds, hog-ties and “nickel-rides,” and requirements for officers to intervene when other officers are using excessive force (Campaign Zero, 2016). Parts of this prong are slightly problematic as they rely on police officer self-report as to what less lethal and de-escalating tactics were used first, whether force was used as a punishment for talking-back or running away, and the final portion would include overcoming the “blue code of silence” pervasive in policing.

The blue code of silence “refers to unwritten expectations of group solidarity and support among ‘street cops’ against outsiders.” These outsiders can include “police supervisors, managers, and internal affairs investigators.” This code is “fostered by the ‘us versus them’ mentality” and “cultural norms require that officers neither report nor incriminate fellow officers who engage in misconduct” (Micucci & Gomme, 2005, p. 490). This code is well-documented and is strongly linked to the lack of supervision of officers as they work in the field (Lersch & Mieczkowski, 2005; Micucci & Gomme, 2005). It includes the sentiment by street cops that others just do not understand, as well as “a fear of loss of autonomy and authority as external groups try to limit police discretion and decision-

making” (Micucci & Gomme, 2005, p. 490). It also contains a sense that the justice system is too weak, and ties the hands of police officers, who may be better positioned to dole out their own form of “justice” (Micucci & Gomme, 2005). The blue code of silence is strong, and most officers acknowledge that breaking the code can mean being socially shunned, ostracized, or “outright expulsion from the informal work group” (Micucci & Gomme, 2005, p. 491). This is all very impactful for a group who have, related to their occupational role, “sensitivity to status” where power and authority of officers combines with a need to maintain respect even if that requires doing so with violence (Binder & Scharf, 1980, p. 114). Also, the “authoritarianism...cynicism, bigotry, conservatism, group loyalty and secretiveness” that “is inculcated ...through strenuous socialization” on the police force helps to maintain the blue code of silence (Binder & Scharf, 1980, p. 113). Relatedly, police, likely as a result of their isolating job, are highly suspicious of the citizenry (Binder & Scharf, 1980).

The third component to reforming police use-of-force involves ending traffic-related police killings and dangerous high speed chases. This includes prohibitions on police behavior where police shoot at moving vehicles, put themselves in front of vehicles, and engage in high-speed chases of people not committing or about to commit a violent felony (Campaign Zero, 2016). These activities are more dangerous than helpful, and are not only dangerous for the officer(s) involved and potential suspects/police victims, but for bystanders as well.

The fourth component for reforming police use-of-force involves a monitoring of how police use force and proactively hold officers accountable for excessive force. This is missing at present given that such a report would be initiated by citizens, and only one in

every 12 complaints of police misconduct results in disciplinary action for officers (Friedersdorf, 2017). This indicates that 11 of 12 reported incidents are found to be unsubstantiated, and perhaps ignored or dismissed. Related to reporting requirements within the first component above, this policy item emphasizes that reporting should include injuries sustained and demographics of the civilian victims of police use of force. This overlaps with the overarching need for police behavior to be thoroughly documented and reported, and available to the public for scrutiny. The public exposure of this reporting could allow for public censuring of unacceptable police behavior. So far this has been avoided, and due to the secrecy around poor police treatment, this has evaded the court of public opinion (Burton, 2015; Chaney & Robertson, 2015; Ross, 2015). By not being reported on, it has been able to remain a “nonexistent” problem. This portion of the platform also aims to establish early interventions for officers using excessive force, which may have the ability to reduce complaints against officers by an average of 50% (Campaign Zero, 2016).

The early detection (correction) and discipline (expulsion) for violent officers suggested by Campaign Zero could be a significant institutional recommendation. As Brandl and Stroshine (2012) cite research from the Christopher Commission (enacted in the wake of LAPD’s 1991 beating of Rodney King), a small portion of officers are shown to be responsible for almost a third of use-of-force situations, so eliminating “problem” officers could potentially reduce one out of seven use-of-force incidences (Brandl & Stroshine, 2012, p. 563). This would be enacted through a reporting of officers who receive two or more complaints within the most recent month, reporting officers with two or more use of force incidences or complaints within the last quarter, and a requirement that officers to attend “re-

training” and be monitored by an immediate supervisor after their first quarterly report, and be terminated if they have multiple reports (Campaign Zero, 2016).

In the final part of the use-of-force platform item, and also involving reporting, is a requirement that police departments report officers who have broken department policy, the law, or who have committed official misconduct. A database with this information would be maintained. The Campaign suggests officers found to have committed a felony while working as officers, be precluded from employment by any other law enforcement agency in the state, and from becoming teachers or other government employees. There is also a public disclosure recommendation that would release the officer’s and victim’s name within 72 hours of an incident of police brutality (Campaign Zero, 2016).

The policies within this platform are most useful due to the need for, and present lack of comprehensive reporting of police abuse upon the citizenry, including how this violence is distributed by ethnicity (of those abused by police). The idea is that publicly available information could help put public pressure on police to behave properly. With thorough reporting including the demographic information of victims, the disparate impact of police brutality on communities of color may finally be illuminated to those who deny this reality (Chaney & Robertson, 2015; Noah, 2016).

Because of the blue code of silence (Micucci & Gomme, 2005; Zalman, 2000), reporting of officers is complicated. The use of body cameras (discussed further in chapter III) may be helpful backup to policy and procedural change because video footage of officers may fill gaps and can refute or corroborate officer claims. This platform item requires the assistance of independently investigating and prosecuting police, (discussed in chapter III)

which includes removing barriers to reporting police behavior so the improved documentation discussed here, can occur.

### **Interactions: Training**

Correlated with teaching police to use less force in conjunction with improved documentation of police use-of-force, is Campaign Zero's advocating for improved and more holistic police training prior to and during their service in the field. This micro-level and preventive approach would better prepare police for interacting with the public. Those charged with maintaining law and order are trained in a way that emphasizes armed response rather than helping, calming, or de-escalating situations. This is evidenced by the 58 hours spent teaching officers to shoot firearms, compared with the eight hours spent for police to learn to de-escalate situations (Campaign Zero, 2016). Campaign Zero in this platform item recommends "rigorous and sustained training" (Campaign Zero, 2016) for police officers. The platform item is dedicated to police training, as well as to instituting statewide standardized requirements. It also includes intentional consideration of "unconscious" or "implicit" racial bias through training and testing tied to performance evaluations. Researchers agree that training "has long been considered essential in controlling the use-of-force by the police" (Brandl & Stroshine, 2012, p. 564). The hope is that more training can cause police to be less scared of, reactionary, and violent toward the populace.

Focusing on police training is a part of the larger problem of police oriented toward the public in a violent way. Campaign Zero cites current policies that fail to "effectively teach [police] how to interact with our communities in a way that protects and preserves life" (2016). The Campaign advocates quarterly training for officers that includes "scenario-based training" designed and implemented with the help of the community (including youth of

color) which includes training on implicit bias, procedural justice, relationship-based policing, community interaction, crisis intervention, mediation, conflict resolution, and rumor control. Other topics include: appropriate engagement with youth, LGBTQ, transgender and gender nonconforming individuals, appropriate engagement with English language learners, those from “different” religious affiliations, and those who are “differently” abled.

Training emphasizing community involvement could not only benefit police, but could bridge chasms present between police and communities of color that include distaste, resentment, and hatred (Coates, 2016; Lersch & Mieczkowski, 2004; Micucci & Gomme, 2005). Training could also be useful in dealing with what Binder and Scharf (1980) point out is, “[t]he presence of overpowering emotional elements...particularly likely to accompany a decision to use deadly force” (p. 118). Thorough and comprehensive training would aim to educate so that police act on intellect and constitutionally allowed grounds, rather than on emotions.

Within training, Campaign Zero articulates a need for an intentional consideration of unconscious or implicit racial bias. Campaign Zero advocates current and prospective police officers be required to “undergo mandatory implicit racial bias testing including testing for bias in shoot/don’t shoot decision-making.” Results of such testing would then be taken into consideration in certification, hiring processes, performance evaluations, and decisions about whether particular officers are “deployed to communities of color” (Campaign Zero, 2016).

Experiments performed where participants were asked to determine if fake suspects were armed or not, showed participants were more likely to erroneously think African-American suspects were armed and erroneously think armed white suspects were not armed. Participants also became increasingly more punitive and hostile when primed with images or

verbal cues indicative of an African-American suspect (Alexander, 2012). Implicit bias is measured in research by Goff, Jackson, Culotta, Di Leone, and DiTomasso (2014) as well. They found bias in both undergraduate students without much interactive experience with African-American children, as well as with police officers with more interactive experience with African-American youth. When given scenarios of hypothetical “law-breakers” who were white, African-American, and Latino, both undergraduates and officers assumed the African-American boys (in the scenario suspected of having committed a felony) were on average approximately *four and a half years older* than they actually were (African-Americans suspected of committing a misdemeanor were on average estimated to be two and a half years older than they actually were). Latinos were estimated to be older than they actually were as well, but were attributed a smaller age inflation than African-American boys. Whites were estimated to be either *younger* than they actually were, or less than *half a year* older than they actually were. The researchers link these categorical overestimations of age to a fundamental dehumanization, and perceived lack of innocence for African-American youth. This has criminal justice implications when innocence is foundational and constitutionally required as a presumption, but which may evade people because of their ethnicity.

Implicit bias is significant to address because the disproportionate rates of unarmed African-American men shot by police are killed at rates not explainable by local-level crime rates (Ross, 2015). This leaves little explanation other than implicit or explicit bias, both of which Campaign Zero aims to address in the training platform item. At the very least, Campaign Zero aims to avoid placing the most biased police in communities of color.

The Campaign call for better training and testing for implicit bias of police aims to make police more well-rounded and compatible with the neighborhoods they police. These recommendations operate under the adage that an “ounce of prevention is worth a pound of cure.” Better preparing police with tactics other than force, such as de-escalation, may lead them to resort to violence less frequently when these other alternatives are firmly implanted in their repertoire. Placing police with empathy rather than disdain or bias for communities of color may lead also to more humane interactions.

### **Interactions: Demilitarization**

Preventively eliminating police brutality includes addressing an increasingly militarized police force. Not unrelated to “Broken Windows” and For-Profit policing, police became increasingly militarized as a result of exceptions carved out in the Reconstruction era *Posse Comitatus Act* which had prohibited using the military for civilian policing (Alexander, 2012; Hammond, 1997). These exceptions were allowed for drug interdiction, illegal immigration, and investigative support for terrorism. As Hammond (1997) argued, “these minor exceptions can quickly expand to become major exceptions” (p. 954). The police although heavily militarized, have been able to avoid direct violation of the act because military supplies and equipment are deemed “passive” versus “active” support by the military (Hammond, 1997).

Municipalities received a plethora of costly military gear as a result of prioritizing Reagan’s War on Drugs. Over 20 years ago in 1993, the “Department of Defense budget included more than \$1.4 billion for drug interdiction missions” (Hammond, 1997, p. 977). Municipalities had been reluctant to prioritize the War on Drugs because drug use and abuse had been on the decline, and this was seen to be a Federal imposition on municipalities.

Military grade supplies flowed however, from the federal government to those who made this War a priority (Alexander, 2012). The military was also encouraged to cooperate with local jurisdictions that prioritized the War on Drugs under “justification” (from the Federal government) that drugs were a threat to national security. Reflexively then, these supplies were increasingly used in the War on Drugs. Jurisdictions competed against one another for grants and military equipment and they ended up with an abundance of military gear now shown to be used on the populace (Hales, 2014; Hayes, 2017).

By virtue of being militarized, police may in turn approach citizens as combatant enemies or savages, rather than as a citizenry to be protected (MacKenzie, 2014). In places like Ferguson, MO, where protestors showed “righteous indignation” (Hales, 2014, ¶6) at yet another police murder of a young, unarmed, African-American male, police approached protestors with “assault rifles, tear gas, concussion grenades, smoke bombs, rubber and bean bag bullets, long-range acoustic devices, armored personnel carriers and Humvees” (Hales, 2014, ¶4). This approach is not in line with the *Posse Comitatus Act* that outlined both the requirement that there be civilian control of the military, and the “traditional American principle of separating civilian and military authority” (Hammond, 1997, p. 953).

Police approaching protestors with militarized gear sends a clear message that exercising the right to free speech and assembly may mean a risk to their lives--Michael Brown had been killed for less (or no) provocation. This type of police/military presence chills democratic rights, processes, and liberties of the people (Hammond, 1997). When police fight a war on people, crime, or drugs (rather than enact a narrative of safety and protection), Bernasconi (2014) argues, “[i]t is not their behavior that is targeted, but their very existence” (p. 151). Much like enemies at war who remain eternally unnamed, their

cause unacknowledged, civilian deaths in a militarized policing of cities are seen as “collateral damage” (MacKenzie, 2014). A militarized police, unlike civilian law enforcement, does not respect or protect individual rights. Instead, they may use deadly force “without any aggressive or bad act by the person” (Hammond, 1997, p. 973). This of course has implications resulting from violation of due process and other constitutionally guaranteed rights.

Militarized police are a “tone-deaf” response to those already protesting inhumane treatment. Communities of color often already feel like they live in an “occupied zone” (Hales, 2014) by police waging their various wars. Bringing in militarized police more firmly establishes the dualistic way in which people in the US are policed (Bernasconi, 2014; Hales, 2014; Hayes, 2017; Zalman, 2000). On the one hand, white collar criminals go free, while people protesting rampant police brutality are treated as though they were the criminals (Bernasconi, 2014). Excessive force by police (to say nothing of the violent police response when people protest such force) “reinforces political, economic, and cultural arrangements that disadvantage segments of the citizenry” (Micucci & Gomme, 2005, p. 488). As seems apparent, militarized policing predominantly happens in communities of color, or sites of social unrest, in preparation for “squashing” this unrest (Hales, 2014). Militarized police indicate a refusal to respond dialogically to social unrest, and as Martinot (2014) argues, militarized police also function to keep white people regimented in support of the police disbanded to criminalize and segregate people of color.

Campaign Zero calls for demilitarization of police following events in Ferguson, MO, that showed a militarized police force that mimics militarization strategies embraced by US armed forces abroad (MacKenzie, 2014). This platform item is double-pronged and calls for

an end to police agencies purchasing or being provided with military equipment from the federal government. It places restrictions on state and local agencies from deploying military equipment already in their possession, like armored vehicles, weaponized aircraft, Stingray surveillance, camouflage uniforms, and grenade launchers (Campaign Zero, 2016). The second prong also includes prohibitions against using SWAT teams unless there is an emergency situation or imminent threats to life where high-ranking officers have approved their use, and police departments would also be restricted from doing “no-knock” raids without probable cause that the person inside is an “imminent threat” (Campaign Zero, 2016) because of the risk of deaths these raids bring.

This platform addresses the danger of SWAT raids on people caught up in the War on Drugs who pose no public safety threat (see platform items one and two). In 2014 alone, at least 38 people were killed in SWAT raids (Campaign Zero, 2016). Militarized equipment that ends up being used by SWAT teams to serve mere drug warrants heightens situations and has included elderly people and children having guns pointed at their heads in the middle of the night, and high school students having guns drawn at their heads at school while police search for a benign suspected drug dealer. Such raids go awry, with people dying of heart attacks, and/or being shot and killed in front of their children over trace amounts of marijuana (Alexander, 2012). This restriction on police departments could make a dent in the amount of people killed by the police every year, and is necessary to reign in what has become a severely exaggerated police response to the offense it is supposed to address.

Zalman (2000) addresses militarization at home and abroad and points out prophetically that the “fears of terrorism and narco-terrorism are also likely to fan the fears that maintain the autocratic side of criminal justice” (p. 201). The treatment of “criminals”

(or potential criminals) domestically and “terrorists” abroad is one of violence and inhumanity. Criminalizing people of a particular ethnicity (by labeling them threatening) seems to “excuse certain forms of violence being used against them” (Bernasconi, 2014, p. 146) without ever attempting to understand the person committing the crime (if they have committed one at all). By increasing our militarized responses, we prevent ourselves the opportunity to get at the *causes* of crime at home and terrorism abroad. Continually throwing money and military equipment at the problem (crime or terrorism) prevents understanding and real solutions, as well as tempts our police and military to act in extra-judicial and unconstitutional ways.

Policing in a militarized way distances police from the communities they are obliged to protect. Citizens treated as enemy combatants are unlikely to trust or seek help from police, thereby delegitimizing the role of police. The natural response of people treated as enemies is defensiveness, fear, and a perception that police are abusing their authority (Weitzer & Brunson, 2009). When people assemble to protest anything, but specifically police brutality, and police arrive armed for war, it makes clear to the populace that their voices not only are not being heard, but such a presence has a chilling effect on the fundamental US right to freedom of speech and assembly. Given the ethnic bias and disproportionate policing already a problem, further arming this same police force is ripe opportunity for further amplified, discriminatory, and violent policing.

### **Interactions: Community Representation**

Another preventive approach that seeks to alleviate police brutality is to make police forces better represent the communities they police in the way of officers of more diverse gender, ethnic, religious, and sexual orientations on police forces. White men comprise two

thirds of police officers, though less than one third of the US population is comprised of white men (Campaign Zero, 2016). The US Department of Justice Ferguson Report (2015) showed a lack of diversity in the composition of officers in Ferguson, MO; a mere four African-American officers of 54 total officers (7%), in a city two thirds African-American. While this may not be directly related to Mike Brown's extra-judicial murder by police, better community representation on police forces could hope to affect police culture on the front-end.

This is relatively well-addressed in the US Department of Justice Ferguson Report (2015) which articulates that “[w]hile a diverse police department does not guarantee a constitutional one, it is nonetheless critically important for law enforcement agencies, and the Ferguson Police Department in particular to strive for broad diversity among officers and civilian staff” (2015, p. 89). Doing so will not necessarily improve officer conduct or increase community trust in the police, but may help increase at least the confidence African-American citizens have in the police.

In this way, this platform item struggles to address the severe lack of legitimacy that police have in the perception of African-Americans. The US Department of Justice Ferguson Report (2015) advocates for increased diversity of police, which is proposed to benefit communities in two ways: through a positive impact to law enforcement culture, and to police-community relations. The US Department of Justice Ferguson Report (2015) cites research that African-American officers are less prejudiced than white officers overall, are more familiar with African-American communities, are more likely to arrest white suspects, less likely to arrest black suspects, and receive more cooperation from African-American suspects. Simultaneously though, the US Department of Justice (2015) cites research that

shows African-American officers are “equally likely to fire their weapons, arrest people, and have complaints made about their behavior, and sometimes harbor prejudice against African-American civilians themselves” (p. 89). Studies are mixed as to whether African-American officers are any less likely to brutalize suspects than white officers, (Brandl & Stroshine, 2012; Chaney & Robertson, 2015) but there is some discussion that African-American officers were “more likely to use reasonable force against citizens [and] they were less likely to use excessive force than their white peers” (Lersch & Mieczkowski, 2005, p. 556).

Having officers of color may help with police legitimacy in theory (but perhaps not in practice) by stopping young men of color in the community from being seen as “symbolic assailants” to police. Having police of color on the force may make such subjects less likely to be seen as threatening simply by the way they walk, talk, and dress (Micucci & Gomme 2005). It may be that the common experience of being a person of color may reduce alienation from, and hostility toward, communities of color if there are police of color. Certainly this diversity may be necessary, but is not sufficient for positive change.

In addition to a gross underrepresentation of officers of color, the US Department of Justice Ferguson Report (2015) showed there was a serious deficit in the amount of female police officers. Only four of the 54 officers in Ferguson were female (or 7%) in a town 55% female. Police forces ought to have more female officers, as Brandl and Stroshine (2012) found female officers much less frequently used force, either because of the way they perform their job, or the reduced need to use force because of (some aspect of) their female presence.

While recruiting women and people of color to police forces may assist in decreasing incidences of police brutality, so might recruiting members of the community culturally,

economically, and ethnically sensitive to the constituents (Micucci & Gomme, 2005). If police are to serve the public, and police chiefs and commissioners are to be well-liked and respected by the community, they would seemingly be able to make hiring choices of applicants who are not fearful of black constituents, do not find the public pugnacious, that feel a bond and responsibility to public safety, and who take their job as non-violent protectors of the peace, seriously.

### **Conclusion**

By working on areas that influence how police do their job from the front-end (or preventively), Interactions seek to influence the day-to-day interactions police have with the citizenry when interaction is unavoidable. Through less use-of-force, and only use-of-force when absolutely necessary, more comprehensive and well-rounded training (including thorough training on alternatives to force), demilitarization of the police, and better community representation on police forces, Campaign Zero aims to make police more holistically equipped to deal with the populace in humane and non-violent ways.

These platform items involve creating better standards, better policies, and comprehensive reporting. In theory these items assist police in being more respectful of citizen rights, more understanding and open-minded, less biased, less discriminatory, and less fearful of the populace. These interaction-based platform items could close some of the social distance between the police and those they are charged with protecting. Such distance is only exacerbated by forceful tactics and force-based training, militarized equipment and approaches, and predominantly white and male police forces. Such social distance causes problems not only for those that are policed (Weitzer & Brunson, 2009), but is potentially harmful to police as well, when people are constantly brutalized by them (Coates, 2016).

Interactions seem to run with a trickle-down effect, effectuating change at the departmental level is expected to influence how individual police approach individual community members for the better (Campaign Zero, 2016).

Even with the broad approaches to policing eliminating “Broken Windows” and For-Profit policing in Interventions, as well as the preventive mechanisms addressing use-of-force, training, demilitarization, and community representation within Interactions, some police will make errors in judgment and action. When these errors occur, the Accountability platform items of film the police/body cameras, independently investigate and prosecute, community oversight, and fair police union contracts are suggested to hold police officers accountable to the public. These items work on the back-end, after an incident of (reported) excessive use-of-force. They aim to expose disparate policing practices, bring oversight of the police away from police departments and instead under the scrutiny of independent oversight and the community, and prevent the secrecy and private arbitration provided by police union contracts when police are suspected of violent behavior. Each Accountability platform item will be discussed in turn.

## CHAPTER IV

### CAMPAIGN ZERO PLATFORM: ACCOUNTABILITY

After discussing the preventive approach of the Interaction platform items which aim to affect police behavior on the micro-level, the Accountability items take the approach of reform on the back-end of police-citizen interactions that have already gone awry. These items of filming the police, independently investigating and prosecuting police, community oversight, and fair police union contracts, aim to hold errant police officers responsible for behaviors that harm the public, and could also vindicate police falsely accused of misbehavior. These platform items are the most useful of all because they accomplish two important goals. The first is that they may expose disparate policing practices that treat some as though they live in a colony while others are treated to a democracy (Hayes, 2017). Second, these items finally bring the supervision and oversight of the police away from the police themselves (Chaney & Robertson, 2015; Friedersdorf, 2017; Hales, 2014; Martinot, 2014; Zalman, 2000).

Up until now, policing has been one of the only institutions in the U.S exempt from the checks and balances to which most other agencies are subjected (Martinot, 2014; McGregor, 2015; Zalman, 2000). Police have been tasked with policing themselves, and have done so in a “grossly inadequate” way that is laden with conflicts-of-interest (Zalman, 2000, p. 188). The “blue code of silence” (articulated in Chapter II) permeates policing and deters police from reporting colleagues who act inappropriately/unlawfully (Micucci & Gomme, 2005; Weitzer & Brunson, 2009; Zalman, 2000). As a result, police have been able to act with relative impunity. Oversight of the police is lacking in substance, and any data of civilian homicides by police that is voluntarily self-reported by police agencies to the FBI, is subjective (Ross, 2015). This data includes police homicides that are “justified,” a subjective

finding that lacks credibility when police agencies self-report, and self-determine these homicides as “justified” (Martinot, 2014). In some ways, police have acted like a street gang, with only the force they employ as their power, not a higher ideal (Coates, 2016). As Coates (2016) points out, police that act like a street gang lack legitimacy (Ariel et al., 2014) and may open themselves up to street-justice done unto them.

Campaign Zero makes an astute call for police accountability. As Chaney and Robertson (2015) point out, when officers are *not* held accountable for killing African-Americans, the resounding message is that black lives in fact do *not* matter, at least not as much as white lives (or only matter if they are profitable to white lives). Chaney and Robertson (2015) point out a vast lack of accountability in their content analysis examining police murders of 78 unarmed African-American men and women. In only 16% of the cases examined was the officer indicted (or found to have probable cause to have committed a crime). This says nothing about whether the officer was later convicted of a crime, nor does this address what punishment the officer ultimately experienced, if punished at all (p. 61).

Accountability platform items may offer the most potential for positive change. In addition to the grave need for better reporting use-of-force incidences, is the even more dire need for an independent, community driven, critical oversight of the police that has until this point been evaded. Such oversight comes in the form of the four accountability platform items: (1) filming the police (both by civilians and the police), (2) community oversight of police (including civilian oversight structures that have the power to investigate police misconduct, subpoena police and records, and discipline officers if misconduct is found), (3) an independent, external (to the police) organ that can independently investigate and prosecute police, and (4) a significant overhaul of police union contracts that brings police

misconduct out of the darkness of private arbitration and into the light of the court of public opinion (Campaign Zero, 2016; McGregor, 2015). Such actions are necessary because ultimately, police malfeasance is on the conscience of the public as well (Bernasconi, 2014; Martinot, 2014).

### **Accountability: Body Cams/Film the Police**

The call to film the police is ever-relevant. Even when the police are wearing body cams however, there is still room for subjectivity, human error, tampering (Frumin, 2016), and apparent irrelevance, given the lack of indictment in the case of Eric Garner's death, captured on camera. Filming the police takes the form of both police wearing body cameras, and the need to "pass legislation establishing that the act of filming the police is not, by itself, interfering with law enforcement activity" (Campaign Zero, 2016), a call to the *sousveillance* referred to in Chapter II where the public is entitled to, and should, film the police. In places where this legislation is already in place, police would be expected to be aware of, and comply with such legislation.

*Sousveillance* is an important complement to police wearing body cams (and the use of dashboard or dash cams) given that police who *are* wearing body cameras, sometimes have these cameras "fall off" or "malfunction" in the course of civilians being shot by police at point-blank range (Frumin, 2016). *Sousveillance* has the ability to fill in voids where police do not have, or say they do not have police-taken footage. Because police have the ability to circumvent surveillance that does exist, *sousveillance* is an important back-up measure. As discussed later in chapter V, *sousveillance* has been the igniting factor in revealing patterns and practices of racism and brutality by officers that would otherwise have gone undetected.

Exemplifying the need to check police ability to circumvent surveillance is the case of 17 year old Laquan McDonald. McDonald was shot 16 times by a Chicago police officer, mostly as the child's back was turned to the officer. Four police dash cams captured the footage, but this footage remained hidden from the public for nearly a year until the courts ordered it to be turned over (Rosenberg, 2016). Additionally, police manipulated their authority and obstructed investigation into the conduct of their fellow officer (demonstrating the strength of the blue code of silence) when they demanded access to the nearby Burger King video surveillance program, (gaining permission because of their police status) and subsequently erased 86 minutes of footage that coincided with McDonald's shooting. McDonald was shot at approximately 9:57 PM, and the gap of footage spanned from 9:13 PM to 10:39 PM (Meisner, 2015).

Campaign Zero addresses issues of privacy and access that accompany usage of body cameras. The platform item acknowledges a need to respect the privacy of individuals contacted by police and outlines the ability for people to request anonymity and remain unrecorded when contacted by police. Related to issues of access, the platform item outlines rights to video footage by family members of police victims, as well as for living subjects of police brutality. Public access to footage is also included in recommendations that reign in exemptions police invoke to Freedom of Information Act (FOIA) requests. Modifications would require police to meet a standard by the courts in order for requested exemptions to be legitimate (perhaps to show good faith basis). Other recommendations in this item require police to complete reports prior to viewing footage (to prevent tailoring of their narrative of events), and a need to address the issue of unavailable or tampered-with footage in the administrative and criminal proceedings of officers. Officers would also not be allowed to

use footage to create photo lineups, use footage in conjunction with facial recognition software, or to create databases of mugshots (Campaign Zero, 2016).

Filming the police has worked to push police behavior into the public eye, when white people have not known, or resisted knowing the brutality people of color face at the hands of police (Mills, 2007). Largely because of video footage taken by the public, police behavior has undergone more scrutiny now than in the past, when non-white victims were ignored or explained away (Mills, 2007). This footage has sparked a dialogue about inequitable and violent policing, albeit belatedly (Chaney & Robertson, 2015).

Campaign Zero acknowledges that filming the police is not a “cure-all” (Campaign Zero, 2016), but can be useful for exposing violent police encounters. While there is a dearth of research on the topic, Campaign Zero’s recommendation is supported by at least one experiment showing police body cameras may reduce incidences of use-of-force. A “randomized-controlled field-trial”/experimental design of a small California police department found the “incident rate” of use-of-force was almost twice as high in the control group (police not wearing body cameras) as in the treatment conditions (police wearing body cameras) (Ariel et al., 2014, p. 518). The study, while useful for making the argument for police-worn body cameras, also has its limitations. As in most policing research, it was conducted based on the self-report by officers as to how much force they were using and how often. Reporting on these uses-of-force was also not comprehensive, as it omitted reports of plain physical force by officers where an apparatus such as pepper spray or Taser was not used. The jurisdiction from the research was small with only 100,000 people, unlikely comparable to other major US cities. Funk (2016) notes a “self-awareness-effect” (¶49) in the research that may have biased the results where police announced they were filming when

approaching citizens. This may have reminded police they were on video, and encouraged appropriate behavior. A pleasant “spillover” effect in the research may have had the control group on “good behavior” because of their knowledge of the research. This indicates that factors other than being observed can influence (officer) behavior, like “peer-pressure, social desirability, deterrence, leadership, perceptions of danger, and crowd influence” (Ariel et al., 2014, p. 527). Both the perception of being filmed, as well as institutional changes to police culture may positively impact police conduct.

Supporting advocacy for filming the police is an older study of over three thousand officers which found low levels of willingness for officers to report on colleagues who used violence in their work (Micucci & Gomme, 2005). Findings also showed novice and senior veteran officers were more likely to see police violence as highly problematic, and *said* they were more likely to report it than junior and intermediate officers indicated. Only 50% of officers said there was a high probability they would report excessive use-of-force by colleagues. This limited likelihood that police will report violence of colleagues indicates filming police may be necessary to breaking the blue code of silence. Filming may also be helpful to detecting patterns of abuse, as well as providing recourse when citizens are harmed or killed by police.

### **Accountability: Community Oversight**

One peculiarity of policing is the extreme lack of accountability police have to the public as in other publicly funded entities (teachers have school boards, politicians have constituents). When people have died at the hands of police, the police are infrequently disciplined or criminally charged. When they are criminally charged the charges are relatively minimal, and few convictions enter (Chaney & Robertson 2015). Perhaps we, as

the public, just have yet to *hold* police accountable. Because of the lack of independent oversight over police, and the related (and selective) self-reporting by departments of civilian murders to the FBI (as well as the subjective nature of the “justification” for homicides), police may not have fear of, or experience, actual redress for malfeasance. As it stands now, police agencies set the rules for how to pursue, and follow-up on complaints of police impropriety. Campaign Zero (2016) found only one in 12 complaints of police misconduct nationally resulted in *any* disciplinary action being taken. Demonstrative of the ease at which civilian complaints are dismissed, the US Department of Justice Ferguson Report (2015) discussed a man justifiably complaining of an improper detention where the incident actually *was* investigated. When the complainant did not return a cell phone message left for him by the police investigator within 13 days, the complaint was reclassified as “withdrawn” (p. 85).

Police have escaped public scrutiny for a number of reasons. As discussed, police are highly unlikely to report one another’s misconduct due to the blue code of silence (Micucci & Gomme, 2005; Rosenberg, 2016; Weitzer & Brunson, 2009; Zalman, 2000), citizens are discouraged from making complaints against the police in difficult-to-navigate bureaucracy and roadblocks to lodging complaints (Micucci & Gomme, 2005; Zalman 2000), and when citizen complaints *are* made, police supervisors, rather than an independent body, evaluate these complaints and make decisions as to what disciplinary action, if any, the officer receives. Such decisions are generally lenient (Madar, 2014; Zalman, 2000).

Micucci and Gomme (2005) point out, much of police interactions with citizens go on at night, in unpopulated or poor urban areas without other civilians or supervisors looking on. This allows the police version of events to receive an audience with no alternate versions given credence. Post arrest, a person with pending charges who makes complaints of police

misconduct will inevitably lack credibility because of their criminal charges. In this way, having the power to criminally charge people becomes a police safety net against accusations of abuse. Knowing this, police may routinely add charges of “disorderly conduct or resisting arrest in order to construct a legally justified account of the interaction” (Micucci & Gomme, 2005, p. 490) when there are (anticipated) accusations of police misconduct. This may be common when police extract the “customary pound of flesh” from the “asshole” that shows “contempt-of cop” by running away, being disrespectful, or otherwise not being deferential to police (Micucci & Gomme, 2005, p. 490). This police discretion allows police to not only brutalize, but by adding charges, get away with this brutalization by falsely accusing people of crimes (or overcharging). In an odd process, two police wrongs make them look right.

### Police Commission

In hopes of creating what is at present a significant lack of police oversight, Campaign Zero calls for a strong, all-civilian oversight structure with disciplinary power that presides over both a Police Commission and a Civilian Complaints Office. Presumably not much has changed since a 1998 Human Rights Watch report found police oversight in the US to be “grossly inadequate” and found it “alarming” that no outside review had found any of the large US cities to have satisfactory operations in internal affairs divisions (Zalman, 2000, p. 188). A more recent 2014 report by the UN Committee Against Torture cited by Ross (2015) “specifically noted that it ‘regrets the lack of statistical data available on allegations of police brutality and the lack of information on the result of the investigations undertaken in respect of those allegations’” (p. 2). Campaign Zero recommends a Police Commission that:

1. Determines policy for police departments, in consultation with the community and academic experts;
2. Shares policy and policy changes in an accessible way;
3. Disciplines and dismisses police officers;

4. Holds public disciplinary hearings of officers;
5. Selects candidates for a police chief to be ultimately hired by the mayor;
6. Evaluates and fires the police chief if necessary.

The Campaign articulates that the Commission should be fully funded through full-time, competitive salaries for all members, receive regular training on civil rights and policing, not consist of any members that are current or past police or family members of police officers, as well as select its members from the recommendations of community organizations (Campaign Zero, 2016). These recommendations would aim for a full civilian oversight organ entirely separate from the vested interests of police. This Commission would finally place police under the supervision of the community, and inevitably cause more community-responsive policing, and perhaps even effectuate community policing models. Such a Commission, by virtue of its independence from police, may easily detect longstanding patterns of (ethnically biased) abuse historically swept under the rug due to police discipline being handled internally (and therefore under the cover of secrecy from the community). Seemingly, this Commission would answer more substantively to the community and aspire to make police departments more culturally, and community-responsive entities.

#### Civilian Complaints Office

In conjunction with the Police Commission, Campaign Zero proposes a Civilian Complaints Office that has a predominantly investigative function. They would investigate both complaints of police as well as police shootings or in-custody deaths. The Office could make disciplinary and policy recommendations to the Police Chief, and could compel the Police Chief to explain when recommendations are not followed. It could also have the Commission decide cases when the Police Chief does not follow recommendations. The

investigative function of the Office would also include reports that analyze complaints, demographics, findings, and actions taken regarding police uses-of-force.

Campaign Zero articulates multiple requirements for the Civilian Complaints Office. The first is that the Office be housed separately from the police. Second, it must be funded at no less than 5% of the total (police) department budget. Third, it should have at least one investigator for every seventy police officers, or four investigators for the department, whichever number is higher. Fourth, the Director of the Civilian Complaints Office should be selected from candidates vetted by community organizations. Finally, members, including the Director, should not consist of any current or past police officers or family members of officers (Campaign Zero, 2016).

This policy recommendation would give significant power to civilians and community organizations over police by way of both the Police Commission and the Civilian Complaints Office. Removing barriers to reporting is an important improvement, as is the more balanced and community-centered way citizen complaints would be addressed. Having subpoena power (over police personnel records for example) and other tools to assess the performance of the police, as well as the ability to discipline police when necessary, are also improvements currently absent from police oversight entities (Lersch & Mieczkowski, 2004). These could serve to effectively check the police in their presently unbridled power and discretion. Overall, holding police accountable to the public may be an effective way to curb errant police behavior. Perhaps police knowledge of this accountability would affect behavior on the front-end, much like the “spillover effect” found in the control groups of police not being video recorded, but whose behavior was likely influenced by knowledge that colleagues’ behavior was being recorded.

Such modifications suggested by Campaign Zero would be a significant change from Citizen and Civilian Review Boards that are at present “weak,” lack subpoena power, and with whom police participation is merely voluntary. At present, police union representation prohibits officers (the Union’s client) from participating in this voluntary process. Campaign Zero’s modifications would be improvements upon Commissions that make findings about police brutality that are then criticized, rather than used as a basis from which to improve upon (Zalman, 2000). While some cities have established oversight mechanisms like civilian review and oversight boards (McGregor, 2015), the rates of unarmed black men killed by police still seem to be rising (Chaney & Robertson, 2015).

**Accountability: Independently Investigate and Prosecute**

The most important platform item of Campaign Zero calls for independent investigation and prosecution of violent police. This could create a necessary check on police behavior. As Micucci & Gomme (2005) argue, police are taught to lie early in their careers with “acceptable lies” like in interrogations or undercover work. Later, they may partake in “cover lies” that help them negotiate between their official role and “individual senses of morality and justice” in order to mitigate “personal responsibility in the face of disciplinary action” (p. 491). “Cover lies” often occur when an officer needs to protect himself from accusations of brutality or homicide, and may bridge the gap between street justice and legally allowed uses-of-force (Micucci & Gomme, 2005). Because police may lie to protect themselves or colleagues due to the pervasive blue code of silence, independent entities are needed to investigate and potentially prosecute officers. Supervisory officers are also unlikely to know or sanction police violence appropriately.

If an officer is violent toward a community member, and if a supervisor finds out, there is a likelihood the sanction is lenient. Of supervisors surveyed for example, slightly over 24% said for the behavior of officers punching a suspect in the face a few times for running away from them, they thought those officers should receive no punishment, a written reprimand, or a verbal reprimand (the other 75% thought suspension, demotion or dismissal should follow). Of that same sample, 45% of supervisors believed there was a high probability that most officers would report this behavior. The other 55% thought there was a low or moderate likelihood that most officers would report this (Micucci & Gomme, 2005). It is unlikely this behavior would ever reach the attention of a supervisor, and if it did, a quarter of supervisors would not substantially discipline officers behaving this way.

Much like the conflict of interest for police charged with policing themselves, local prosecutors are also not in a position to oversee policing conduct. As Campaign Zero points out, “[l]ocal prosecutors rely on local police departments to gather the evidence and testimony they need to successfully prosecute criminals. This makes it hard for them to investigate and prosecute the same police officers in cases of police violence” (Campaign Zero “solutions” “investigations,” 2016, ¶1). Campaign Zero is polite in their phrasing. District Attorneys are committed to police in a way where not only is it “hard” for District Attorneys to investigate police, but they have little desire or commitment to doing so as that would alienate entire police forces District Attorneys need in order to prove their cases. District Attorneys and police work on the same side, and investigating one’s colleagues is not ideal, nor could it be unbiased. District Attorneys are therefore unable to offer critical oversight of the police, as doing so would lead police to cooperate less with District Attorneys, inhibiting their ability to prosecute crime (Lustbader, 2014; Voorhees, 2014).

Police are not charged by District Attorneys (Zalman, 2000) except in the most egregious of cases, with overt evidence of misconduct, and in highly publicized cases (Micucci & Gomme, 2005). This gives police freedom to operate with impunity, or in more polite terms, creates a shield for police to commit error without fear of prosecution, setting them above and apart from all other citizens in a “democracy.”

When District Attorneys decide to, in a performance to make it *seem* like they will hold an officer accountable, they may turn the issue to a grand jury. Such proceedings are highly problematic for two reasons when police are “investigated” for misconduct. First, while the general public may *think* a grand jury holds evaluative power, the reality is that everyone in the courtroom during a grand jury proceeding works *for* the prosecutor (Lustbader, 2014). This creates absolutely no check on the prosecutor’s version of events, as no opposing counsel is heard at all (which is usually the built-in check on the prosecutor), and almost certainly the version of events the jury hears will be biased in the direction of the prosecutor’s narrative. Juries tend to follow the suggestion of the District Attorney to indict or not, based on how the argument is constructed. Grand Juries and regularly paneled juries are reticent to return police indictments, because the standard is low and ambiguous. Juries judge the officer’s “‘reasonableness’ of a particular use of force ... from the perspective of a reasonable officer on the scene rather than with the 20/20 vision of hindsight” (Voorhees, 2014, ¶4). Second, such prosecutor bias is not exposed to the public because grand jury proceedings are secretive. This secrecy helps perpetuate the myth of a grand jury’s evaluative power in police brutality cases. The prosecutor can act as though they “sought justice” by letting a jury decide, knowing the public will never be privy to how the case was presented (to favor the defendant). Indictments for police who have killed unarmed African-Americans

in one content analysis (Chaney & Robertson, 2015) were only returned in 17% of fatalities. This says nothing as to if officers were convicted nor does it speak to their sentence.

If an officer *is* faced with being tried in a court, the standard for “justifying” police violence is low, an officer simply has to *believe* (subjectively) that their use of force is “objectively reasonable” (Madar, 2014, ¶8). Courts defer to the officer’s personal assessment of the situation, making “objective reasonableness” indistinguishable from panic-driven subjective snap judgments by officers (Madar, 2014). In other words, the standard is subjective and leaves plenty of room for empathizing for the officer who believed himself to be in danger, even if no danger was present.

Campaign Zero makes suggestions for lowering the standard of proof for federal civil rights investigations of police officers, allowing for prosecution of *individual officers* without having to prove that the officer “willfully” deprived the rights of another. The section 242 code would provide for fines and penalties to officers including prison time (Campaign Zero, 2016). It is also recommended that federal funds be used to encourage independent investigation and prosecution when there are police killings, likely those set forth in the previous platform item in the Civilian Complaints Office would work in conjunction with the Special Prosecutor to compile and investigate cases.

Importantly, the Campaign calls for a Special Prosecutor’s office to be permanently set up at the state level, funded and independent from police and prosecutors. Such an office would alleviate the conflicts preventing ordinary District Attorneys from prosecuting police. Such an office would be required and authorized to prosecute all cases where police seriously injure or kill civilians, or when there is an in-custody death, and when civilians allege criminal misconduct of police officers. The Special Prosecutor would be equipped with an

office and resources to conduct thorough investigations. The Chief Prosecutor would be chosen from a list of candidates vetted by community organizations and possibly from the Civilian Complaints Office. Such investigations would then be reported and available to the public (Campaign Zero, 2016). This community involvement and oversight could drastically improve relations between the community and police, as well as effectively check police power.

Important recommendations in this policy item at the state level end provisions in officer contracts that “delay investigations, obstruct civilian review and that expunge or otherwise hide officers’ disciplinary records from the public” (Campaign Zero, 2016). Seemingly police officers under investigation are able to be judged by fellow officers, thereby ensuring protection from criminal consequences as well as community oversight. This indicates overlap between this policy item and a need to amend police union contracts, as well as the urgent need for community oversight.

#### **Accountability: Fair Police Union Contracts**

The final policy solution the Campaign recommends involves removing protections built into federal, state, and local police union contracts. These protections limit the way police can be investigated for wrongdoing, keep the police chief with sole authority over how to discipline officers, protect officers from civilian oversight, prevent their disciplinary records from being exposed publicly, and allow for police disciplinary records to be expunged. These contracts also allow police to receive pay, and or stay on desk duty, even after they *kill or seriously injure someone*. These protections prevent police from being criminally charged for illegal misconduct, an exemption from the rule-of-law police are charged with upholding.

One of the ways police have evaded oversight and discipline for inhumane practices is due to strong union-supported contracts. In an odd privatization of a public good, and a deflection of public accountability, arbitration built into police contracts keeps police out of criminal courts, and instead turns what could be a criminal matter into a civil or contract matter. Such union strength is rare in the US after concerted efforts to weaken unions, but given that policing is one of the few occupations that cannot be outsourced or shipped overseas, police have maintained a strong position from which to negotiate when dealing with municipalities over contracts (K. Guzik, personal communication, June 30, 2016). This strength is coercive, and in a strange pitting of unions against the public, has elevated the former over the latter.

Until this point, police contracts have provided that police, when being investigated for misconduct, be investigated only by fellow officers. They are given the right not to be questioned without their counsel present. Police are given cooling-off periods after an incident of suspected misconduct, allowing 48 hours excluding weekends (to talk with representation) in order to get their story straight, following civilian shootings (Zalman, 2000). Such maintenance of (the right to) silence is understandable, but citizens who also share this right are often coerced or persuaded by police to waive this right when they are being investigated. In this way police are elevated above the citizenry into a type of “superhero” status.

In line with other platform items, amending and limiting the special protections of police union contracts seeks to move police behavior out of the shadows and into the public sphere where police can be held accountable to the citizens they are to serve. This movement would hopefully influence police behavior in a positive way, similar to police being filmed,

or knowing they are accountable to a Civilian Complaints Office they would seemingly be on their best behavior knowing the public is watching. Even if police are killing people not because no one is watching, but because they are fearful and trigger-happy, the knowledge that they are under scrutiny would add another layer of pause in situations where officers have been reaching for their guns. This pause would hope to guide police to their training, to alternate modes of de-escalation, and to using less force when dealing with the populace.

Police union protections exist that hold the statute of limitations for officer misconduct at a mere 100 days, an arbitrary and short period of time compared with civilian statutes that number in years and decades. Campaign Zero argues that these statutes are unreasonably low and need to be amended to have more parity with civilian statutes. Also necessary is a removal of police union protections that exempt officers from being investigated for misconduct that is revealed during an initial investigation of misconduct (Campaign Zero, 2016). Campaign Zero does not address the lack of financial responsibility police officers have when they kill or harm people. When cities settle lawsuits with those harmed, or families of those killed by police, individual officers are never responsible for any of the payout. Even police budgets are unscathed, rather these massive sums come from the general municipal budget (Madar, 2014). Perhaps union protection could ease up enough that individual police are responsible for a mere portion of the payout to get police to personally invest in their humane treatment of the public.

Weakening police unions is tricky because police, their unions, and lawyers would vehemently fight against this. Perhaps the strength of the public right to information is a strong weapon. If police officers and agencies honestly apprehend the situation, they too have an interest in becoming legitimized. As procedural justice tenets argue, when the public

sees police practices as “unfair and demeaning,” this can actually create more crime (Rosenberg, 2016). Procedural justice also asserts that when authorities treat the public in a fair and respectful way, and authorities then tell people what to do, people actually follow the law (Rosenberg, 2016). This seems to indicate that appropriately acting and respectful officers (system-wide) may encourage people to follow the law, reduce crime rates, and make police jobs easier and more pleasant.

### **Conclusion**

Accountability platform items are the most important of the Campaign. By filming police (in addition to sousveillance), establishing community oversight of the police in a Police Commission and Civilian Complaints Office, independently investigating and prosecuting police, and finally modifying police union contracts to allow officers to be publicly sanctioned for inappropriate behavior, these items may have the ability to expose and address the reality of a two-tiered policing system in the US (Hayes, 2017; Martinot, 2014; Mills, 2003, Weitzer & Brunson, 2009; Zalman, 2000). Those treated fairly and respectfully by police do not experience what people of color do, and in fact they have little idea, little comprehension, and often are invested in denying the reality of the way African-Americans are policed in the US. Much like the way patriarchy causes male privilege to be invisible, racism and white supremacy makes white privilege invisible (personal communication, C. Duran-Aydintug, July 5, 2017). By exposing police behavior in these ways, more comprehensive reporting and observation of policing can take place. Policing, a public service to communities, is rightfully supervised by these same communities rather than operating in a dark and insulated realm far from the discerning eyes of the public. If there is nothing to hide, such thorough and independent oversight and community

supervision is nothing to be concerned about. If on the other hand there are troubling patterns that emerge with thorough documentation and video footage, the communities affected by such policing have a right to demand responses and reform.

Having concluded a discussion of Campaign Zero's ten-point policy platform broken down into the three categories of Interventions, Interactions, and Accountability, we now move to a discussion of relevant theoretical frameworks, concepts, and social psychological research that guide critique of the platform. Utilizing the theoretical framework of Critical Race Theory, Du Bois' (1994) concept of the double consciousness, and finally, social psychological research positing the role of emotions in officer attitudes and behaviors, we can determine if the policy prescriptions set forth by Campaign Zero can alleviate racist police violence against African-American men.

## CHAPTER V

### THEORY, CONCEPTS, AND RESEARCH FOR EVALUATING CAMPAIGN ZERO

To evaluate whether Campaign Zero's ten institutional platform items can work to alleviate racist police brutality, it is helpful to start with a framework. Critical Race Theory (CRT) will be this principal guiding framework. Theoretical frameworks are useful to help make sense of past, present, and potentially future trends. Next and related to CRT, is Du Bois' (1994) concept of the double consciousness. Du Bois' concept will be utilized to discuss the predicament faced by African-American men in the US. Finally, social psychological research exploring the role of emotions and bias on attitudes and behavior will be discussed. Importantly, the impact emotions and bias have on shooting biases will be articulated.

#### **Talking Crit**

Social theories are useful for conceptualizing complex topics because they consist of "some organized arguments about how various elements of social life are related to one another" (Rohall, Milkie & Lucas, 2014, p. 56). Theories approach topics with a particular set of assumptions, suspected relationships between people, entities, and the social world around us, and can help predict how people will react to situations given their position within a theoretical concept (Rohall et al., 2014). In this way, theory can help us understand the world by thematizing profound amounts of information into more manageable categories as a way toward understanding.

Critical Race Theory (CRT), deriving from Conflict Theory, Marxism, Critical Theory, and Critical Legal Studies (CLS), all stand in opposition to the traditional macrosociological perspective of Structural Functionalism often attributed to Emile Durkheim (Rohall et al., 2014). Structural Functionalism takes a harmonious approach,

asserting that people in society are like parts of a body where the arm, big toe, and heart are all necessary for the functioning of the whole, albeit in differing levels of status and role. On the contrary, Social Conflict perspectives, or Conflict Theories, maintain that inequalities in society, and constant competition over limited resources, are fundamental to understanding individuals and groups. Each of the two contrasting macrosociological perspectives can be applied to, and have an impact on, microsociological interactions (between individuals) and analyses (Rohall et al., 2014).

Critical Theories are part of the Social Conflict or Conflict Theory perspectives and are born of interpretivist (rather than objectivist) traditions that depart from the concept of objective reality and objective knowledge. These theories came out of the Frankfurt school and argue, “the perceptions and interpretations of what we perceive are filtered through a web of values, expectations, and vocabularies that influence our understanding.” Further, “[c]ritical theorists charge that knowledge production is grounded in politics and interests” (Repko, 2012, pp. 118-119). Critical Theories seek to uncover the “cultural influences, texts, and meaningful relationships of a society with an intent to critically evaluate their consequences” (Anderson, 1996, p. 189). Critical theories argue that nothing is objective, and in order to find out where the subjective nature lies, one must pay attention to who has the power, how that power influences knowledge production, and what those with power are trying to get from producing subjective truths. They pose the rhetorical question, what is at stake, what are those with power trying to achieve, and how does it benefit them to create “knowledge” in this way?

Other social theories like Cultural Studies have a deep distrust of reason while Critical Theory “centers the place of reason as the basis for societal reform” (Anderson,

1996, p. 189). Critical Theory and Cultural Studies alike reject objectivist notions that science is separated from society and moral responsibility (Anderson, 1996). Both Critical Theories and Cultural Studies emphasize that it is “the responsibility of all varieties of scholarship to work for the elimination of oppression (including the oppression of scholarship itself), either through ideas of reform and emancipation on the utopian side or through disruption and the dissipation of power on the deconstructionist side” (Anderson, 1996, p. 189). Anderson (1996) articulates that reformists and emancipationists look toward solutions, whether local or global, while deconstructionists “stand on continual attack” (p. 189), because they see no solution, only the struggle. When evaluating police violence perpetrated onto African-American men, it may be that this analysis is first a critique of the current situation (on the deconstructionist side), then an attempt to locate solutions (on the emancipatory side).

Critical Legal Studies, (CLS) which preceded CRT and came into being near in time to the US Civil Rights Movement, sought to identify the influence of power, money, and socio-economic class (which are reflexive and coexisting) from the seemingly “objective” study of, and construction of, law in the US. CLS found that law:

is merely a collection of beliefs and prejudices that legitimize the injustices of society. The wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy. The basic idea of CLS is that the law is politics and it is not neutral or value free. (Legal Information Institute, Cornell University Law School, n.d., ¶1)

CLS argues that law is and always has been created and utilized more as a way to formally codify privilege and inequality than any other purpose. As in the interpretivist tradition overall, CLS argues that law is anything but objective and sprouts out of and maintains Conflict Perspective’s assertion of an intentionally unequal society.

From CLS comes Critical Race Theory with Derrick Bell and Kimberlé Crenshaw as perhaps pioneers of both. CRT argues that US laws and society have been entirely created in order to maintain and codify white privilege, power, and money at the cost of direct and indirect exploitation, abuse, and disadvantaging of people of color. CRT's critique of US society argues that the hidden forces of power, money, and class referred to in CLS, all revolve around the constructs and subsequent materiality of race (Mills, 2003). The three major tenets of Critical Race Theory are: (1) A critique of neutrality, (2) the belief that racism is still widespread, and (3) the privileging of experiential knowledge (Longazel, Parker & Sun, 2011).

What this means regarding policing and police brutality is that there is no such thing as race-neutral policing. Policing as an organization was founded as the earliest slave patrols, with the sole purpose to keep track of, and control the slave population (Burton, 2015; Chaney & Robertson, 2015; Du Bois, 1994), ultimately preventing their freedom. When acknowledging that racism is still widespread one must include within this evaluation that laws, implementation, policing, courts, criminal defense, and sentencing, are all locations where systemic and institutional racism rear its vile head explicitly, but more often, especially in an age of "colorblindness," this happens implicitly (Doane, 2003). Finally, the privileging of experiential knowledge means listening to, acknowledging, and valuing the experiences of people of color who articulate problematic interactions with police (Burton, 2015; Hayes, 2017; Weitzer & Brunson, 2009). This knowledge must be placed with high importance because it is a lived experience, and it is able to be testified to. Many deny this experiential knowledge, simply because *they* have not experienced it, which is to re-perpetrate past crimes and the lived realities of violence against the African-American

community. When US history operated in a way, as a political science professor described to Martinot (2014) regarding Mississippi in the late 1950's, "[u]pon the discovery of a black man's body that was riddled with bullets on the side of the road, the coroner would declare the cause of death to be 'heart failure'" (p. 62). This is what happens when experiential knowledge is not heeded; those in power write their own self-serving history.

Sociologists Rohall et al. (2014) argue that part of our identity formation includes a categorizing of people where we "draw sharp dividing lines between group membership categories and assign people [including ourselves] to relevant categories" (p. 144). Then we do what is called "self-enhancement," a self-serving narrative that encourages us to think we are better than those outside our group. This can be done when we "essentially delude ourselves into seeing our group as better than it really is. Another way is to focus specifically on differences that favor our own group while ignoring differences that do not" (p. 145). We also may accentuate similarities of those *within* a group and accentuate differences *between* groups. When we categorize people into groups and self-enhance our own group, we ultimately degrade the Other against whom our self must be favorably compared, perhaps with the goal of self-preservation and an alleviating of fear (of the Other). Racial classifications could easily be said to be some such categorizations, including the corresponding self-enhancement efforts that erroneously elevate the "us" above the "them."

As Edward Said (1979) theorized, from the beginning of significant contact between colonizing Europeans and the peoples of the "Orient" (anything east or south of Europe), European culture centered itself as the norm, as the "us," as the default or invisible category compared with the "them," or the Other. The Other was measured up to a European-created evaluative system, naturally leading them to come up short (Mills, 2007). This may be the

creation of white supremacy--belief that one group is superior based on nothing more than a self-serving construct.

The “Orientalists” claimed to “know” the Other but this “knowing” was not a knowing at all. It was a false paternalistic knowing that simply constructed the Other “from something into something else: he (the Orientalist) does this for himself, for the sake of his culture, in some cases for what he believes is the sake of the Oriental” (Said, 1979, p. 67). The Other was never asked about who they were, their cultural customs, etc. Rather, this knowledge jammed the unknown Other (the Oriental) into a category familiar to the Europeans, simply so they could make sense of, and ameliorate the threat of a new and unknown people that seemed formidable or strange. This “knowledge” was inaccurate, but language used to describe the Other never *intends* to be accurate, it is only meant to control and exert power over the Other (Said, 1979).

This is how “white” and “black” people were created, through an uncertainty of a “new” people, and a violent project of oppression. Baldwin (1998) wrote, “[n]o one was white before he/she came to America.” America “became white...because of the necessity of denying the Black presence, and justifying the Black subjugation” (p. 178). Likewise, “[w]e--who were not Black before we got here either, who were defined as Black by the slave trade...” (p. 180). Baldwin argued that being “white” is based on a genocidal lie and history, and is a moral choice which means “they (white people) cannot allow themselves to be tormented by the suspicion that all men are brothers” (p. 180).

After the West falsely ascribed identity to the Other as animalistic, heathen, impure, they could then derive their identity negatively and in contrast, positioning themselves in a favorable light (Morrison, 1993). This is whiteness; the creation of, and investment in a

category that stands in opposition to blackness. Baldwin, (1998) like Morrison (1993) writes, “[i]t is a terrible paradox, but those who believed that they could control and define Black people divested themselves of the power to control and define themselves” (p. 180). Deriving one’s (or one’s group) identity negatively, based entirely off a refraction of a false ascription in the first place, is a vapid and necrophilic lie.

Why would we create race? The old fear the West had of the Orient may simply have been due to the Orient being a powerful intellectual and military opponent. This adversary had to be categorized into familiar (although inaccurate) terms as a way of “controlling what seems to be a threat to some established view of things” (Said, 1979, p. 59). This response was “conservative and defensive” to what seemed a “radically new form of life” (p. 59). But the Orient was not entirely enigmatic; it was something that “vacillates between the West’s contempt for what is familiar and its shivers of delight in-or fear of-novelty” (p. 59). It was simultaneously boring and fascinating to the West. This concept can be used to understand the relationship of colonizers with the population violently torn from the African continent. Rather arbitrary differences such as skin color, hair type, and cultural customs were exemplified with fascination, while basic common humanity of love, survival and familial relationships, were perhaps held in contempt for their commonality, and therefore had to be overlooked.

This false “knowledge” of Africans (and later African-Americans) as inferior is at least subconsciously deliberate. When one group is ignorant of another, it is easier to create a set of false knowledge *upon* that group, and the difficult work of learning about the “new” culture is avoided. Being free of the constraining realization of a shared humanity, dehumanization of the Other is that much easier to perpetrate. Through characterizing the

Other as alien, as subhuman, as existing below the “us” in the man-made hierarchy of things, ill-treatment of those deemed less than is able to be justified more easily (Doane, 2003). This “justification” may be completely self-serving, done to alleviate the guilt of oppressors at the fate they force upon the oppressed (Thandeka, 2013). A vast project of amelioration of guilt is necessary given that the history of the US is one which derived all wealth exploitatively and exclusively from “red land and black labor” (Mills, 2003, p. 43).

Classifying the Other as less human than Europeans was convenient when the Other was treated in inhumane ways and served to “legitimize” and “justify” the inhumane treatment of people of color for centuries (Doane, 2003; Mills, 2003; Ross, 1997). Thus, the construction of race, and importantly one “race” being superior to another, serves a specific purpose. According to Mills (2003), race was created out of “politico-economic projects of obtaining a supply of cheap labor, expropriating land, and imposing particular superexploitative modes of production, for which ‘race’ then becomes the convenient superstructural rationale” (p. 38). Mills (2003) points out that it is much more than a Marxist alienation like from one’s work, since a person of an “inferior” race can never get out of their body, yet a worker can escape his work at some point in the day.

Such a proposition is important when considering the integral role the body played and still plays in the exploitation and degradation of the black Other. Importantly, the body served to further an integral goal as the tool through which exploitation was violently delivered, and may still to this day (Burton, 2015). Because the body has been so thoroughly inscribed, it is hard to escape such a marking of the flesh.

Central to the discussion of CRT and its utilization in evaluating present racist police brutality, is corporeality, or the primacy of the body. The African-American male body has

been the site of incredible violence and manipulation, upon which the state, by way of the police, has been allowed a monopoly of violence (Bernasconi, 2014; Fanon, 2007; Weitzer & Brunson, 2009). From the history of slavery where abuse was done directly and persistently onto the body (in a plethora of ways) in order to extract labor from this body, the body became marked as a sign of slavery. This body has been “derogated and stigmatized as grotesque, ugly, simian: mocked in blackface, minstrelsy, newspaper cartoons, advertising, animated films, memorabilia” (Mills, 2003, p. 46). The refractory lie sustains where white equals innocence, culture, and the mind, while black is reduced to the primitive existence of the body (Mekawi et al., 2015). Reduced to the body, black men are seen as a threat to white innocence and perhaps white bodies (Godfrey, 2004; Yancy, 2008).

The movement Black Lives Matter addresses this corporeality in their name. While stating “black *lives*,” one could interpret this, given the zeitgeist the movement arose out of where yet another murder of an unarmed black man went without conviction for his killer, that they are also saying, “black *bodies* matter.” For so long the situation has been the converse. So while as not to continue the reduction of African-American men to their bodies, Black Lives Matter is urgently trying to stop the literal and figurative bleeding by drawing attention to the destruction of black bodies.

An important aspect of the corporeality of the black male body is the casting of his body as less than fully human. This happens through casting him as primal, as out-of-control, or as overly sexualized. All of these objectify him; working to make him an object, not a subject. By reducing the black man to his body, he becomes merely a thing, a piece of property, and not a complete being with full humanity. This integral and persistent myth contains a self-promoting, self-fulfilling, and circular logic that Mills (2007) articulates as

“we rule the world because we are superior; we are superior because we rule the world” (p. 25). In order to reify false constructions of the superiority of “white” people and inferiority of “black” people, words like “savage” were created and utilized, not for the purpose of knowledge, but for the purpose of conquest (Mills, 2007, p. 26). The body described as “savage” did not evoke a cognitive dissonance at the hypocrisy of a nation proclaiming equality for all men (Mills, 2007, p. 27) while treating some men as animals. The “savage” did not deserve the rights of man, since he was merely a “savage.” Using words like “savage” helped people to see their own vile, reprehensible practices as less hypocritical. When brutalizing those “less human” than us (like those “savages”), “we can suppose some sense of justice in whatever suffering we are forced to see” (Ross, 1997, p. 265).

Through multiple mechanisms (language, law, social practices) the black male Other was inscribed with being located on “a lower ontological and moral rung” (Yancy, 2008, p. 26) and was affixed attributes of “other, marginal, ersatz, strange, native, inferior, uncivilized and ugly” (Yancy, 2008, p. 3). Much of this reification came in the form of US law; the *Dred Scott* decision (1857) for example asserted “blacks were an inferior race with ‘no rights which the white man was bound to respect’” (Mills, 2003, p. 42; see also Baldwin, 1998).

Additionally the black male was cast as “criminal and dangerous by nature” (Burton, 2015, p. 8), he was depicted as not within his own control as a sex fiend, rapist, threat, and suspicious, without ever having done anything (Yancy, 2008). The black body became spectacularized, “in conjunction with the exploitation of African labor” (Leonardo, 2009, p. 122), to the point of being an “unquenchable Black penis, a walking, talking, hard-on” (Yancy, 2008, p. 16).

These myths of black inferiority, of primitiveness, of sexualized, and out-of-control, confiscates and falsely reappropriates the black male body which had been inscribed, marked, and reduced to an object (Yancy, 2008). In discussing Fromm's work, Freire (2015) writes of the process of treating humans as objects as producing necrophily, a love of that which does not grow, of that which is mechanical, that which can be controlled or possessed. In essence, this suffocating kills life, and falls in love with doing so. African-Americans then have to deal with a world that "is organized in ways that systemically and systematically vitiate[s] their dignity and literally reduce[s] them to a state of nonbeing" (Yancy, 2008, p. 7). This is what Black Lives Matter responds to in a straightforward way.

This forced characterization of non-being is intrinsically related to the destruction of black lives, bodies, and histories. When people respond to "Black Lives Matter" with forms of deflection like "blue lives matter" and "all lives matter," they are denying the being-hood (by denying the importance) of black people disproportionately killed by police. Seemingly if black lives *were* acknowledged with full humanity, the obvious response to "black lives matter," would unequivocally be "yes they do." Anything short of this response indicates a disdain for black life, quite possibly related to the old and embedded narrative of the less than full humanity of African-Americans.

The myth of the black male body as inferior includes significant deflection of attributes of the oppressor. Those traits the oppressor feared in themselves such as "wildness, brutishness, cruelty, laziness, and heathenism" (Feagin, 1997, p. 349) were readily affixed to the black Other, with "duties of exorcism and reification and mirroring" (Morrison, 1993, p. 39). This cast away from the self and onto another, inner burdens, and projected the "not-me" onto this Other (Morrison, 1993). As Morrison notes, an always casting out and away from

the self is the cornerstone of the power possessed by whites in the US. Ironically then, the myth of black inferiority, the black criminal, the black rapist (Yancy, 2008), were based on white self-oriented feelings of flaw, inadequacy, and moral lapses, including the systematic rape and kidnapping of generations Africans and African-Americans.

Casting black men as inferior may have served to “justify” state-sponsored disciplining of the black body. By believing the black body is outside of its own control, that it is animal-like (Fanon, 2007) or subhuman, external control over it by the state can be seen as “justified” because the state knows what is best for the Other. The white power structure may have actually believed the black male Other could not be trusted to keep *himself* under control, allowing for the state to jump in and take on that paternalistic disciplinary task that is continued today (Leonardo & Hunter, 2009).

In addition to deflecting the traits of primitiveness, being out-of-control, and sexually fiendish from the white male onto the black male, perpetuating the myth of racial inferiority also served to discourage white women from having sex with African-American men during and post-slavery. Because the free status of children during slavery was determined through the mother’s lineage (diverging from English tradition where lineage was traced through the father) (Wright Jr., 1997), to maintain white supremacy it was important there not be free people that were “mixed-race” or “colored” (Swartz, 2014). Having free people of color would make regulating slavery, and cracking down on slave-escape, more difficult when skin color was an indicator of one’s free status (Mills, 2003; Wright Jr., 1997). White men who raped, or took black women as mistresses during slavery however, were rewarded for doing so. Since a man’s mixed-race progeny then became his property because of the mother’s

slave status, having children from these unions increased a man's material wealth (Swartz, 2014; Wright Jr., 1997).

Later as backlash to the abolition of slavery and to Civil Rights gains, the myth of black inferiority remained a way to convince women not to "race-mix" to maintain the "purity" of the white race put in danger by "race-mixing" (Swartz, 2014). As Godfrey (2004) writes, in the 1950's after orders to desegregate, there remained, an "old fear on the part of white males: that white girls or women would *willfully* [emphasis added] choose to invite black males into their bedrooms, potentially removing the sign... 'White Males Only'" (p. 207).

By casting African-American men as inferior, by default white men maintained superiority. By casting African-American men as primitive, by default white men remained cultured. By casting African-American men as criminal or rapist, the white man by default was seen as law-abiding and as a protector of women. While we no longer speak in these overt terms, the myth has sustained, just utilizing different words. Instead of calling African-American men "savage," they have been re-labeled as "criminal" which perpetuates the old myth of inferiority and diminishes outrage at their mistreatment and death. If those destroyed were less than human, we should not be so upset about their murder. Seemingly, this is the purpose for narratives depicting the black men killed by police, as criminals (Bernasconi, 2014; MacKenzie, 2014).

Opposite to the myth of inferiority, but perhaps with equal mythological strength is what Burton (2015) citing others calls a "'superhumanization bias' --the attribution of supernatural, extrasensory, and or magical capacities to phenotypically black people" (p. 42). Such a myth continues to circulate, especially after unarmed African-American men are

killed by police. It is a way to victim-blame, or blame shift, and therefore “excuse” violence against the black male body for some presumed superpower he may exert over the helpless white victim. The white person is still cast as innocent, but more so as “victim” in a new crime-oriented trope popularized post-Nixon (Simon, 2007). This trope works to obfuscate “race,” and instead recasts it as “crime” in a more sophisticated manifestation of racism (Bonilla-Silva & Embrick 2006; Smith, 2012). Burton (2015) discusses this bias in action at the Grand Jury testimony of Darren Wilson as to why he shot unarmed African-American teenager Michael Brown in Ferguson, MO. Burton writes, “Wilson narrated his fear for his life in language that imbued Brown with the capacity to expand his body mass and run through bullets.... In Wilson’s account, Brown was not unarmed. His body was a lethal object” (Burton, 2015, p. 42). Yancy (2008) also speaks about this superhumanization bias when he describes the trial proceedings that acquitted officers who beat a prone Rodney King. He articulates the attributes given to King’s body as phantasmagoria that emanate danger and produce fear for those who see the black body. As Butler, being cited in Yancy (2008) points out:

The actual blows against Rodney King are understood to be fair recompense, indeed defenses against, the dangers that are “seen” to emanate from his body. Here “seeing” and attributing are indissoluble. Attributing violence to the object of violence is part of the very mechanism that recapitulates violence, and that makes the jury’s “seeing” into a complicity with that police violence. (p. 18)

Attributing criminal or superhuman characteristics to the dead person serves to criminalize that person’s very existence, and therefore “legitimize” brutality against them. As previously mentioned, the findings by Goff et al. (2014) where African-American youth were seen as older and more culpable than their white and Latino counterparts casts the Other as superhuman and as a result, may “legitimate violence against them [the “enemy”] even

preemptively” (Bernasconi, 2014, p. 151). When one of these “older-seeming” or “must be guilty of something” narratives circulates, they are seen as an Other. As Bernasconi (2014) points out, there is a “tendency to count only the dead on one’s own side” (p. 150) meaning that the death or abuse of these “super-humans” goes unnoticed and unaccounted for.

Simultaneous yet contradictory notions that the black male Other is both subhuman and superhuman both reduce the black man to his body. Both myths stem from a need to justify slavery which contradicted notions of humanity and equality. The black body as subhuman was used to avoid granting this inferior being the rights of man, while superhumanity was used as a justification to harness labor. Each myth persists alongside narratives that allow for and excuse violent control over the body at the hands of the state or its agents. The related myths assert state control over certain bodies is justified, either under the premise that the black male Other cannot control themselves for their inferior impulses and primitiveness, or their superhuman strength that needs to be reined in by policing that protects the “innocence” (or vulnerability) of whiteness (Burton, 2015).

A false “knowing” of the Other without their consultation and a placing of them subordinate to the default category, gains its own truth as a result. Though made up, these “truths” about the Other *became* through ascription (Said, 1979). This self-fulfilling prophecy is largely based on the material exploitation and deprivation that results from arbitrarily constructed classifications of “race.”

Critical Race Theorists assert that *the* most fundamental aspect to shaping political, economic, and social contours of the United States is race. While race does not bear any scientific legitimacy (Burton, 2015; Doane, 2003; Yancy, 2008) its creation has served to legitimize social inequality by grounding it in pseudoscientific “innate” distinctions (Doane,

2003, p. 9). Race was constructed along “historically contingent categories of human difference” (Burton, 2015, p. 40), but “...*once created*-race acquires a power, autonomy, and ‘materiality’ of its own...” (Mills, 2003, p. 38 emphasis in original). Doane (2003) poignantly articulates it is not sufficient to say that race is *merely* socially constructed, rather, race:

characterizes social relationships between groups having unequal levels of power...race is an “ideology”--a belief system and social discourse that is grounded in and explains social practices...[it] maintains intergroup boundaries and widens the social distance between groups. (p. 9)

Like the conclusions drawn by CLS scholars, CRT similarly concludes that the construct of “race” was developed to serve a substantially important purpose:

[t]o legitimize dispossession, enslavement, and marginalization and to neutralize opposition to elites by creating a basis for forging cross-alliances within the dominant group...racial ideologies provided the underpinnings for debt peonage and caste, as well as discrimination, superexploitation, and exclusion. (Doane, 2003, p. 9)

While the construction of race was done with material interests of cheap or unpaid labor in mind, the construct expanded to social, legal, and economic realms where policies concretized race, both legally and materially:

[Race] is achieved by making abstract beliefs concrete through a system of discriminatory laws that create and maintain material differences based on a premise of racial domination and subordination. Once these laws have created and perpetuated a “lived reality of material inequality,” this reality then becomes a proof text for the belief that the “races” are indeed unequal. This self-fulfilling, legal, discriminatory process creates what it legislates: “whites.” (Thandeka, 2013, pp. 84-85)

In an oddly perpetual yet illogical cycle, invented racial constructions are reified by the law, which creates inequitable conditions, and this is used to argue that there are differences between “racial” groups.

Even when we recognize that such constructs are harmful, and the expression of overt racism is seen as uncouth, the structure is still substantially racist. Simply, because we have now made overt discrimination illegal, Mills (2003) poignantly writes that:

The simple sociological and political truth...[is] that power relations can survive the formal dismantling of their more overt supports...the merely formal rejection of white supremacist principles will not suffice to transform the United States into a genuinely racially egalitarian society, since the actual social values and enduring politico-economic structures will continue to reflect the history of white domination. (pp. 36-37)

As Mills (2003) articulates, structures in the US maintain their white supremacist values long after these values have been verbally repudiated. Confounding the structural racism within policing is that (as previously mentioned) policing itself began as slave patrols. Because of this Burton (2015) asserts “policing in the United States is always already *racialized* policing” (p. 39 emphasis in original). Even if US policing foundations were not intertwined with the brutal oppression of a subjugated people for the benefit of the oppressor (Freire, 2015), police reflect the totality of the United States (Coates, 2015). They embody all of the (white) “self-generated fears” (Coates, 2015, p. 79) of Americans.

The third tenet of CRT and one of its preeminent strengths is the valuing of experiential knowledge. This is an appreciation for the communal “we-knowers” that Yancy (2008, p. 8) describes as forming an epistemological community based on shared “‘we-experiences’ whose warrantability is determinable through intersubjectively shared experiences” (p. 7). The shared experiences of African-Americans in the US become a “commonsense knowledge among Black people” that is more “‘like the legs of a chair, not the links of a chain’” (p. 7). Such knowledge props up a common truth and supports it well, lending to “the presupposition... that people of color have valuable stories to tell about day-to-day discrimination that may otherwise be overlooked in a color-blind society” (Longazel

et al., 2011, p. 204). The valuing of experiential knowledge is an obvious precursor to the BLM movement, in that collective “we-knowers” (Yancy, 2008) come together to say that they, their families and friends, are treated in a way that warrants the obvious statement “Black Lives Matter” to be uttered because, in their collective experience, they have been shown that in fact black life does *not* matter in this country. Valuing this knowledge and lived experience is integral for moving forward with any change, whether institutional or societal. Since the first step is admitting there is a problem, one need only to ask those, and listen to those stating emphatically “there is a problem.”

Not unique to CRT, Mills (2003) articulates that “[c]urrent work on white supremacy in critical race theory and critical white studies can thus be seen as a belated catching-up with the insights of black lay thought...and proper intellectual credit needs to be given to the black pioneers of this conceptual framework” (pp. 41-42). As Mills (2003) points out, those “oppositional African-American” thinkers have always known that race is central, “political, and primarily a system of oppression” (p. 41).

Within CRT as well, is the concept of whiteness. Whiteness is, as Doane (2003) writes, a socially constructed, hidden and invisible (to white people) racial identity. It includes normalizing the Anglo experience at the cost of Othering the experience of everyone else. It includes white privilege, the “unearned benefits that flow to whites in the American racial order” (p. 7). There is a certain performativity to whiteness that requires constant upkeep and a negotiating of boundaries. This performance, upkeep, and negotiation come at a constant cost to people of color. Thandeka (2013) argues that there is a cost to “white” people as well, and this is a deep cost, one that is a slow death or annihilation of a part of the

self. The part of the self that is killed or annihilated is where shared humanity is located. This death happens at the hands of society, culture, and caregivers invested in white supremacy.

Utilizing CRT that values the experiences people of color have with police, the hope is that the “twin afflictions of blindness and aphasia” induced by whiteness (Burton, 2015, p. 45) can be overcome. Jordan Carlos of *The Nightly Show with Larry Wilmore* articulated this ignorance and blindness (Burton, 2015; Mills, 2007) with what he called the “empathy canyon” many white people have for African-Americans routinely killed by police. Carlos says sarcastically, “What’s going on, it’s like a million isolated incidences?!” (Wilmore, Albanese & Stewart, 2016). These afflictions cause those invested in whiteness to avoid seeing, and avoid naming (Mills, 2007) obvious patterns that police brutality disproportionately affects people of color beyond any explanation by local crime rates (Ross, 2015).

By turning the psychological stress of perpetuating white supremacy and therefore inhumanity, into a physical disability, it may be easier to grapple with. Gonsalves (2008) points out that the “experience of a physical affliction deflects attention from the source of the trauma to the symptoms associated with immediate physical incapacity” (p. 5). Spending more energy on denying trends of disproportionate police brutality by deflecting with “black-on-black crime” or changing the subject to police having a dangerous job, or noting how many police are killed in the line of duty, all serve to obfuscate the reality of disproportionate police brutality. This may seem counter-productive, but deflecting and changing the topic assist in avoiding the trauma of realizing that part of one’s self has been destroyed. This is understandably frightening, but in the long-run admitting this is the first step toward positive change.

Ignoring obvious trends and deflecting from the topic of disproportionate police brutality also demonstrate what Bonilla-Silva and Embrick (2006) categorize as “frames” of colorblind racism. These frames include abstract liberalism, naturalization (of segregation and prejudice), cultural racism as well as the minimization of racism. All of these frames are:

set paths for interpreting information and operate as cul-de-sacs because they explain racial phenomena in a predictable manner...Frames are not false consciousness as they provide the intellectual and moral road map whites use to navigate the always-rocky road of domination and derail nonwhites from their track to freedom and equality. (p. 23)

By dismissing experiential knowledge and what data is compiled that shows disproportionate police brutality (Ross, 2015), these frames also help people avoid the implications that come from the realization that police kill African-Americans at much higher rates than whites.

Buying into whiteness is to buy into the original myth of “race,” which CRT points out was constructed simply to justify unequal social ordering and exploitation.

Acknowledging the creation of “race” and the corresponding and constructed “whiteness” is helpful to critiquing society and institutions within it, like policing. Rather than focusing on people of color as problematic, we can evaluate how performing whiteness may be what is causing physical harm to people of color, as well as psychological harm to “white” people.

Next we move to Du Bois (1994) and his concept of the double consciousness, another tool that helps make sense of the disproportionate police brutality upon African-American men.

### **Du Bois and Fear**

In the early 20<sup>th</sup> century Du Bois (1994) wrote of a phenomenon he called the “double consciousness.” This constructed reality first takes the previously mentioned attributes of criminal, rapist dangerous, less than fully human, primal, out-of-control, or overly sexualized (Burton, 2015; Mills, 2003; Yancy, 2008) “known” to be possessed by African-American

men, and ascribes these attributes to these men, albeit erroneously. Second and as a result, African-American men have to consider not only their actual and experienced consciousness, but also those false ascriptions put onto them by others. This causes the need for a second consciousness that includes an awareness of how others perceive you. One cannot simply have a consciousness of “who am I?” but must also simultaneously consider “who do people *think* I am.” If both of these are not simultaneously grappled with, one’s very safety could be at risk. The quintessential deadly example is the person reaching for his wallet, perhaps when asked to show identification, and the officer shooting him, later explaining they thought he was reaching for his waistband or gun (Berman, 2017; Correll, Hudson, Guillermo, & Ma, 2014; Martinot, 2014). In this scenario, the person reaching for his wallet is forced to also consider that the officer assumes he is reaching for a gun due to the false ascription of this man as a criminal.

Existence under the double consciousness is cumbersome and robs people of color, generalized as possessing these attributes, of the individuality and assessment on an individual basis that white people enjoy (Ross, 1997). Even though the ascription of “criminality” is false, given that disparities in rates of violence across ethnicities can be explained by non-ethnicity-based factors like socioeconomic status and significantly by parental marital status (Sampson, Morenoff & Raudenbush, 2005), it is assumed to be true.

Further, as previously mentioned, to attribute criminality to African-Americans is to confuse the effects of racism and racist policies which have created poverty, for the cause of such poverty (Leonardo & Hunter, 2009). As Anderson (1994) points out, the “Code of the Streets” which revolves around issues of respect, is in fact a “cultural adaptation to a profound lack of faith in the police and the judicial system” (¶5). The problem of

interpersonal violence (and perhaps perceived “criminality”) that plague the inner city “springs from the circumstances of life among the ghetto poor--the lack of jobs that pay a living wage, the stigma of race, the fallout from rampant drug use and drug trafficking, and the resulting alienation and lack of hope for the future” (¶1). Even if some are “criminal” as a result of their condition, this should not be extrapolated to all African-Americans, but frequently is. As Chaney and Robertson (2013) point out, white people are not in a position to make this judgment because “most urban areas are moderately to highly segregated residentially which would preclude the frequent and significant interaction needed to make such scathing indictments” (p. 484).

That African-Americans are still forced to exist under the double consciousness Du Bois (1994) identified over a century ago, is problematic, and yet has remained imperative to survival. Unfortunately the situation is one where African-American men have to always consider, in addition to people’s everyday consideration of who they are, who other people *think* they are. Regardless of the erroneousness of ascriptions of primal, out-of-control, criminal, or overly sexualized, these have to be taken into consideration especially when African-American men are interacting with police. Not considering this double consciousness could mean a difference between life and death. When an officer asks for identification, this almost requires the man living with a double consciousness to say, “Officer, I can show you my identification, but by reaching for it I worry you are going to assume I am reaching for a gun, which I am not.” Such a deliberate and thought-out process puts the onus on people of color to do twice as much work as a person given the privilege of individuality.

### **Racism, Fear, and the Effects in Social Psychology Research**

As discussed, the wisdom of CRT offers insight into how the centering of whiteness comes at the material and human cost for people of color. We explored CRT's assertion that unfavorable traits were affixed to the Other as a way to "justify" the inhumane treatment of the Other, as well as to deflect these traits away from the dominant group. Next was the discussion of Du Bois' (1994) concept of the double consciousness which informs us of the added chore for African-American men who have to simultaneously consider their own consciousness as well as how other people perceive them, simply in order to survive. The next and final strand of the framework guiding an analysis of Campaign Zero's platform is to explore how the manufactured fear of African-American men manifests itself in intergroup interactions. Police presumably exhibit similar patterns as the lay-people studied in social psychological research, helping to make sense of interactions between police and African-American men.

Importantly, as Stickers (2014) points out, conceiving of racism as requiring *intent* to harm people of color is problematic for a number of reasons. The first reason is that it sets the bar of racism so high, that "only the most militantly racist persons would clear it" (p. 5) because people vehemently deny *intending* to harm people of color. Second, it leaves the decision of what classifies as "racist" up to white people to determine. Finally, this conception of racism is problematic because it assumes that racism "lies in the interior of white folks rather than in the conditions of life of non-whites..." (p. 5). As Stickers (2014) argues, changing the attitudes of white people is not where the solution lies, but in the "improvement of the concrete living conditions of disadvantaged minorities..." (p. 5). One

prescient example where living conditions need improvement is in the disproportionate police brutality against African-American men.

The implicit aversion to African-Americans including discomfort, anxiety, and fear is related to the long history of vilifying the black male for purposes of exploitation and deflection. Harkening back to CRT, Burton (2015) reminds us that the racial myth we have been convinced to buy into includes a dialectic where “white virtue requires black threat” (p. 42). In order for white people to remain virtuous, the black male must be threatening and dangerous. This perceived dangerousness includes, and is sustained by media representations of African-American men as “studs, super detectives, or imitation White men and (this) has a general negative effect on how these men are regarded by others” (Chaney & Robertson, 2013, p. 483). The negative view of African-American men is manifested in the most prevalent stereotype, of especially young African-American men as dangerous (Correll et al., 2014).

Without ever doing anything, the black body (Yancy, 2008) is seen as a potential physical threat, a “lethal weapon” (Burton, 2015, p. 42) against which even “preventive” violence against this body is somehow “justified” (Burton, 2015; Chaney & Robertson, 2013). This can be described as “Negrophobia,” the irrational fear of African-Americans and of being victimized by African-Americans, absent *any* indication of reasonable threat (Chaney & Robertson, 2013). This phobia, not the fault of those on the receiving end, manifests physically when “exceptions” for unconstitutional uses of force by police are made (and publicly accepted) “on the slightest of pretense” (Chaney & Robertson, 2013, p. 482). This phobia may explain why the general public erroneously believes African-Americans are disproportionately more likely to engage in criminal behavior, and are more deserving of

harsh punishment by the criminal justice system (Alexander, 2012; Chaney & Robertson, 2013) and by police officers (Burton, 2015; Chaney & Robertson, 2013).

In this way, manufactured fear morphs into the physical when it is used as justification for preemptive and excessive use of force by police. Police, like all people have biases. As Coates (2015) points out, “the problem with the police is not that they are fascist pigs but that our country is ruled by majoritarian pigs” (p. 79). Not only are many people in the US erroneously fearful of African-American men, but police, like most people, are too.

At this time in US history, most people agree it is unacceptable to display outright forms of prejudice. Pearson, Dovidio and Gaertner (2009) articulate the concept of “aversive racism” where white people may have an “aversive” reaction to black people which is not “open antipathy, but rather consist[s] of more avoidant reactions of discomfort, anxiety and fear. That is they find Blacks ‘aversive,’ while at the same time find any suggestion that they might be prejudiced ‘aversive’ as well” (p. 317). Aversive racists endorse, and aspire to have *conscious* attitudes that are egalitarian. They will act in non-discriminatory ways when the situation and norms are clear and discriminatory behavior would be obvious. When guidelines and norms are not clear for what discriminatory behavior would be, or when discriminatory behavior can be explained by some factor other than race, aversive racists will act in discriminatory ways that may harm people of color, “but in ways that allow Whites to maintain a non-prejudiced self-image and insulate them from recognizing that their behavior is not colorblind” (p. 318). In a recent example of aversive racism, Officer Jeronimo Yanez, acquitted for fatally shooting Philando Castile in Minneapolis, MN, tries to justify the murder by some factor other than race:

...[I]f he has the, the guts and the audacity to smoke marijuana in front of the five year old girl and risk her lungs and risk her life by giving her secondhand smoke and

the front seat passenger doing the same thing then what, what care does he give about me. And I let off the rounds and then after the rounds were off, the little girls was screaming. (Berman, 2017, ¶27)

Yanez in this example conflated adults smoking marijuana near their child with a professed belief that Castile would reach for (and use on the officer) the gun he had alerted officers he legally possessed. Both Castile and the passenger said he was not reaching for it, and the gun was ultimately found in Castile's pocket after being fatally shot multiple times by the officer. Consistent with aversive racism, the officer articulated the reason he thought Castile was criminal, dangerous, and out-of-control was not due to Castile's ethnicity, but due to Castile having the "guts" to smoke marijuana near his child. To avoid appearing racist, Yanez' explanation had to hinge on anything but race (Bonilla-Silva & Embrick, 2006).

Evidence of aversive racism can also be seen in research that shows most white people self-report being non-prejudiced. However, when measures of implicit racial bias are tested rather than self-reported, "a similar percentage (as had reported being non-prejudiced) of Whites typically show evidence of racial biases...largely disassociated from their explicit views" (Pearson et al., 2009, p. 317). Not only are many white Americans "aversive racists," (which tends to be more associated with those who are politically liberal) who acknowledge "prejudice is harmful, but they do not recognize that *they* are prejudiced" (p. 325).

From a social psychological interactionist perspective, racism and intergroup prejudice can be self-fulfilling. Interactionist perspectives dictate that prior to any interaction taking place, the expectation for the interaction will influence how the interaction actually unfolds. The fear of African-Americans long implanted in white people may be central to impacting outcomes of intergroup interactions. Researchers have found that having fear of interactions with people of "outgroups" was related to disliking that "outgroup." Fear of

interacting with African-Americans then may cause white people to dislike African-Americans. Additionally, and perhaps subconsciously impactful for intergroup interactions, is that white people who felt “Blacks posed a threat to their power and wealth disliked them” (Stephan et al., 2002, p. 1250). Conversely, when ethnic minorities expect to be the target of prejudice, they experienced more negative “affect” in the interaction (Pearson et al., 2009, p. 323). These sentiments of fear, perceived threat, and expectations for how interactions will transpire, all influence the outcome of these interactions in self-fulfilling ways.

Interactionist perspectives argue that not only do perceptions prior to an interaction dictate how the interaction will go, but also that meaning is heavily derived from the interaction itself. Subtle and subconscious non-verbal displays of bias, for example, can affect the outcome of interactions. An aversive racist for example, may display non-verbal cues of discomfort in increased rates of blinking, and display signs of aversion through decreased eye-contact. After the interaction they may self-report having had positive interactions with African-Americans, but the non-verbal cues seem to be picked up by African-Americans who evaluate the same interactions more negatively (Pearson et al., 2009, p. 322). Interactionists also emphasize the importance of the meaning derived from the interaction once it is complete. Stephan et al. (2002) found that negative intergroup contact “was directly related to negative racial attitudes” (Stephan et al., 2002, p. 1250). This interactionist cycle then self-fulfills when people nervous or fearful of interaction with outgroups then display implicit bias during the interaction, this bias is detected, and this causes a negative evaluation of the interaction. This negative group contact then predicts negative racial attitudes in a complete interactionist circle.

Emotions may be subjective, but primary emotions of fear, anger, disgust, happiness, and sadness are the result of evolutionary processes and may occur as mechanisms that keep us alive (Rohall et al., 2014). Seizing upon fear to get people to think and act in certain ways is effective, as fear seems to have a strong impact not only on people's attitudes, but also on their behavior. Mekawi et al. (2015) point out, "fear of an out-group... is related to negative attitudes toward that group and increased support for policies that negatively affect that group" (p. 323). Fear of an "outgroup" can cause tangible results through policies that harm others, but it can also affect behaviors in that "fear is related to behavioral avoidance of out-group members and in some situations...aggression toward out-group members" (p. 323). Mekawi et al. also articulate that dehumanization of an Other (as discussed related to CRT) has been shown to correlate with people's willingness to harm "out-groups," or unwillingness to help "out-groups," which also may be related to in-group favoritism (Mekawi et al., 2015).

Social psychological researchers have tested the influence of white fear (fear held by Caucasian participants), as well as dehumanization bias and the potentially mediating effect of empathy on participants' decisions to shoot white, compared with African-American subjects in first-person-shooter-tasks (FPST) (Correll et al., 2014; Mekawi et al., 2015). These experiments show that feelings and perceptions of "high white fear" (whether rationally-based or not) decrease the threshold at which participants were willing to shoot African-American, versus white targets. Feelings or emotionality (Matias & Allen, 2013) in this way affect not only attitudes with potentially tangible results, but can also directly impact behavior such as causing people to more quickly shoot those they fear (Correll et al., 2014). In sum, not only does the "racial animus" whites hold against African-Americans

cause them to excuse police brutality against African Americans (Chaney & Robertson, 2013), but it may indeed *cause* at least some instances of police brutality.

Research into people's reactions to the 9/11 attack also help us make sense of the effect emotions have on attitudes and behavior. Skitka, Bauman, Aramovich, and Morgan's (2006) research on the support for an expanded war (associated with anger) or willingness to condone broad deportations (associated with fear) in response to the attack, showed "anger would be associated with more confrontational policy preferences and fear would be associated with more defensive and prevention-oriented policies following the 9/11 attacks" (Skitka et al., 2006, p. 381). These findings can be used to understand how anger and fear each may influence police to be violent with, and shoot African-American men at disproportionately high rates. African-American men shot by the police may be the reaction of police who are fearful and try to eliminate the perceived threat of the African-American male. Excessive use-of-force by police may be the anger-induced response by an officer that "wants a fight," or the fear-induced response that wants "them" to go away to ameliorate threat (Skitka et al., 2006).

Skitka et al. (2006) also articulate that those on the political right have lower tolerance for experiencing negative affect (or negative emotions), as well as those with "Right Wing Authoritarian" (RWA) tendencies "responded with higher levels of both anger and fear" (p. 381). Those high in RWA also tended to use redundant strategies both offensive and defensive "to alleviate their distress" in what is called an overkill response to a threat to a sense of moral order (p. 381). This overkill response is to both "punish norm violators and to bolster the moral perimeter against future threat" (p. 381). If police are generally politically conservative, this may indicate lower tolerance for negative affect when dealing with the

populace. As discussed previously, if police tend to be authoritarian, either as a self-selecting factor or as a result of socialization into policing, they may more readily respond to negative affect such as fear or anger (Skitka et al., 2006). Higher levels of fear of African-American men may reduce the threshold at which police shoot these men they are fearful of (Mekawi et al., 2015). Also, given police tendency for authoritarianism, “overkill” responses by police may explain why officers who say they felt fearful of an African-American man shoot their victim excessively in a demonstration of an “overkill” response that is both offensive and defensive (Berman, 2017; Skitka et al., 2006). Separately, it is conceivable that the overkill response of officers is in reaction to confusion that they are being fired back at reciprocally, when it is the sound of their own gunfire they are reacting to.

## **Conclusion**

Theoretical frameworks like CRT help us understand how and why African-American men have been affixed unfavorable attributes of inferiority, primitiveness, criminality, and being out-of-control. This was done to justify and alleviate guilt for the enslavement of a people who, if described as fully human on equal grounds to white people, would run counter to US stated ideals of equality. Affixing these attributes may have also serves to deflect these traits away from white people as well. These false ascriptions then self-fulfil as a result of discriminatory law, policy and material conditions, and this creates “race.” The myth of the black man then survives its initial intent. Du Bois’ (1994) concept of the double consciousness helps us make sense of the oppressiveness of having to live simultaneously in two realities; one’s own reality, and the reality of what people assume you to be. Finally, by utilizing social psychological research, the manifestation of fear and anger can be detected in

the support for discriminatory policies, willingness to harm the Other, as well in the effect these emotions have on police actions such as shooting citizens.

Contemplating these frameworks helps make assessments regarding the effectiveness of the Campaign Zero platform. Can the platform work to chip away at the firmly entrenched yet erroneous myth of the African-American male? The Campaign offers reasonable institutional change, but is unlikely able to completely topple this longstanding and invested-in myth. If identity for white people has been derived negatively (Morrison, 1993) and in contrast to the African-American male portrayed as dangerous and threatening, where then does that leave the identity of white people if this myth is discovered for what it is? Perhaps the answer to that question is the reason the Campaign cannot, on its own do enough to topple racist police brutality.

Having articulated the CRT framework, the concept of the double consciousness, and social psychological research on emotions and the impact emotions have on both attitudes and behavior, we now turn to a critique of the Campaign Zero platform and its ability to stop police violence on black men. Some of the strengths and weaknesses of the platform will be explored, as well as a look at the totality of the platform in conjunction with fear and other societally-induced challenges. Finally will be a discussion of the promise offered from the Black Lives Matter movement.

## CHAPTER VI

### **“DON’T HATE THE PLAYER, HATE THE GAME”: CAN CAMPAIGN ZERO PROVOKE THE NECESSARY CHANGE?**

In preceding chapters the Campaign Zero platform was described. Next, some relevant theoretical frameworks, concepts, and social psychological research were discussed. Now the task is to take the tools of theory, concepts, and research and apply these to the Campaign Zero platform to evaluate its ability to quell racist police brutality. First, a critique of platform items will be discussed in turn. Second will be a discussion of the platform in its totality. Next will be a discussion of fear, prevalence of guns, and inadequate mental health care as socially constructed problems that contribute to racist police brutality. Finally, will be a look beyond the institutional reforms of the platform to the broader movement of Black Lives Matter. The movement, more than the platform may offer hope for the necessary societal change the platform cannot accomplish on its own.

Campaign Zero sets forth policy prescriptions targeted at the institutional level of policing in platform items ranging from: Interventions (end “Broken Windows” policing, end For-Profit policing), to Interactions (limit use-of-force, training, demilitarization of police, and community representation on police forces), and to Accountability (body cameras/film the police, community oversight of police, independently investigate and prosecute police, and fair police union contracts). These items are useful points of departure toward reform. Utilizing CRT however, it seems a broader approach addressing racism and the associated deep-seated, manufactured fear of the Other on the societal level is also necessary. Each platform item offers some utility and will now be critiqued in turn for its strengths and weaknesses.

## **Interventions**

Intervention items that advocate an end to “Broken Windows” and For-Profit policing offer guidance that could help alleviate police violence. These broad policy prescriptions advocate a substantial policy shift away from “order maintenance policing” (Burton, 2015; Thompson, 2015) to a model such as the previously mentioned community policing. Because policies like “order maintenance policing” are inherently racist, at least in implementation, they have only further alienated minority communities seen not as citizens, but as mere objects from which to extract money (Alexander, 2012; Burton, 2015; Hayes, 2017; US Department of Justice, 2015). Problematically, in order maintenance policing, “the police serve as a selection mechanism that separates those whose humanity will be discounted and disrespected (the profiled) from those who will be respected” (Martinot, 2014, p. 69). This type of two-tiered policing, where some are policed in a democratic way while others are treated to an autocratic system of control (Hayes, 2017; Martinot, 2014; Weitzer and Brunson, 2009; Zalman, 2000), leads to a loss of legitimacy for police. Of more immediate concern, this type of policing increases the amount of contact between police and those living under autocratic conditions (Hayes, 2017). This increased contact and targeting by police leads to the death of citizens at the hands of police (Thompson, 2015).

Eradicating “Broken Windows” and For-Profit policing would help alleviate disproportionate police brutality by reducing contact between police and communities of color, but it would first require recognition that these policing approaches are ineffective. Could reform be instituted prior to such recognition? Implementing and actualizing these policy changes is commendable but because this is a broad policy change, implementation would take time in which the murders of African-Americans continue to persist. These policy

prescriptions are ideal, but are unlikely to precede recognition that present policies are implemented inequitably. Given the financial windfall to departments and municipalities as a result of these policies, attachment to policing in these ways is also likely a difficult habit to break.

### **Interactions**

The use-of-force platform item is an obvious place to begin in order to alleviate police brutality. This platform item offers up minimal effect without outside oversight, as it keeps firmly in place police discretion which is often fatal when police decide African-American men are dangerous, armed, or reaching for arms in their legal possession (Berman, 2017; Correll et al., 2014; Hayes, 2017; Martinot, 2014). This item encourages improved standards, policies, and better reporting of police use-of-force, as well as to proactively hold officers accountable for excessive use of force (Campaign Zero, 2016). These precautions are useful, especially improved reporting that could expose the reality of disparate policing. Unfortunately however, determining compliance with improved standards and policies is only considered after an incident of civilian death or injury has already occurred. This offers remedies to family members only after having lost a loved one.

This platform item relies upon police being filmed in order for it to be effectuated properly. Pursuing violations of standards and policies for excessive use-of-force requires video footage, since without non-police witnesses officers are likely to say they felt imminently threatened as a route to exculpation (Hayes, 2017). Filming the police is also necessary for exposing police who are not using the least amount of force possible, not trying de-escalation methods first, as well as to expose poor police behavior the Campaign argues should be criminalized. Filming the police complements use-of-force requirements that

officers intervene when other officers are being abusive, as this is also unlikely to be exposed without video footage. Again the policies prohibiting police from engaging in vehicle chases with people who are not “immediately threatening,” prohibit police from shooting at vehicles, and prohibit police from moving in front of vehicles, may also only be exposed through filming the police. In short, without the police being filmed, strengthened use-of-force policies are unlikely enforceable.

The platform’s call to improved and more holistic training of police is ideal and also overlaps with other platform items encouraging more awareness of mental health issues that may make people present in “criminal” ways when actually exhibiting mental health symptoms. Training on de-escalation is also highly desirable for police who seem to resort to shooting people when de-escalation should suffice. Within the training platform is encouragement for training that focuses on strategies that do not include guns, such as crisis intervention, mediation, conflict resolution, and de-escalation, all of which are ideal topics in which police should be well-trained.

This Interaction platform item includes the training away of, and testing for, racial bias. The first step for dealing with racial bias is admitting that it is present. Research shows that when people avoid acknowledging they have bias it might actually cause these biases to be exacerbated in “rebound effects” (Pearson et al., 2009, p. 326). Campaign Zero’s advocating for a training away of bias is useful but has limited impact. Some bias that is “trained away” through counter-stereotypic training may return when the person experiences fatigue, fear, “arousal,” and “cognitive load,” meaning having to accomplish more than one task at a time (Correll et al., 2014). Experiments show when people are in “high load” cognitive conditions, even if bias has been “trained away” through counter-stereotypic

training making them “experts,” this group actually showed more racial bias than those who had not received counter-stereotypic training (“novices”). The “experts” in this experiment showed statistically significant bias to shoot African-American versus white targets (Correll et al., 2014, p. 209). Most police shootings occur at night when police report the highest levels of fatigue, undermining the effect of counter-stereotypic training. Any incident involving a police shooting is also likely accompanied by the “arousal” and “cognitive load” which also causes “trained away” bias to reappear (Correll et al., 2014). As Correll et al. (2014) point out; stereotypes are a “dominant” or “prepotent” response. These responses can be controlled or inhibited, but in stressful situations these responses creep back in. This reappearance of shooting bias may be due to the persistence and depth at which stereotypes are held within the psyche.

Acknowledging bias is important in police training because for people that have had limited intergroup contact, “the quality of contact did predict their level of implicit bias...” (Pearson et al., 2009, p. 330). This means that for people who have not had much contact with ethnicities other than their own, any subsequent negative interaction with someone of another ethnicity may cause them to engender significant levels of implicit bias. For police who have not had “outgroup” contact prior to becoming officers, the negative contacts occurring as a result of being an officer will likely increase the officer’s bias, and therefore impact the way he polices.

Campaign Zero may have missed an important aspect by leaving out recommendations for more college-educated officers. Bruns’ (2010) research found it difficult to ascertain what educational requirements US police departments had, and found it difficult to obtain data on officer educational attainment in the US. Bruns found that four of

100 of the largest US cities' law enforcement agencies required a four-year college degree and of the 100 largest police departments, only three of these required a four-year degree. Approximately 32% to 33% required more than a high school diploma or GED (not including officer training programs). Of this 32% to 33% however, the requirement was at times, for as few as 12 college credits. Of the departments that did require a four-year degree, most departments were willing to waive this requirement with some stipulations. Of the near 18,000 law enforcement agencies in the US, 37 require a four-year degree and would not waive this requirement (Bruns, 2010).

Research indicates officers with some college education, or those having completed college, utilize use-of-force significantly less frequently than do non-college-exposed colleagues (Rydberg & Terrill, 2010). Rydberg and Terrill attempted to address the impact of higher education for officers on searches, arrests, and use-of-force. They found a significant relationship between education and use-of-force, with higher levels of education related to lower incidences of uses-of-force. It is unclear why college educated officers less frequently utilize use-of-force, but Rydberg and Terrill (2010) hypothesized it had to do with benefits of higher education including the opportunity to learn about US history, learn about the democratic processes, build appreciation for constitutional rights and the values of these rights, as well as about democratic governance (Rydberg & Terrill, p. 112).

Other salient effects of college education are "improved critical thinking, reflective judgment, and communication skills," as well as improved discretion (Rydberg & Terrill, 2010, p. 113). Similar to Bruns' (2010) research, Rydberg and Terrill's (2010) data showed only 9% of police agencies required a two-year degree, and a meager 1% required a 4-year degree as of 2003. Curiously, police agencies have historically fought the requirement of a

college education, and for questionable reasons like: difficulty with background checks due to transience associated with college attendance (for applicants), and a claim that college requirements would disadvantage women and minorities making police less representative of the community (Rydberg & Terrill 2010). It is difficult to know if there has been progress in the area of officer educational attainment, as there is little recent research on the topic. Most discussions reference Rydberg and Terrill's (2010) data, which is now dated.

Campaign Zero's Interaction item calling for demilitarization of police is tame and permissive. While it restricts jurisdictions from purchasing military equipment with federal grant money, it does not disallow departments from purchasing militarized equipment with their own money so long as the department has not shown a "pattern of practice" of discriminatory policing. This item does curtail the flow of military weaponry to police departments, and attempts to place restrictions on the use of military equipment already in the possession of local police departments. This platform item still leaves open the opportunity for police to justify using SWAT teams for what they consider "emergency situations" and "immanent threats" which, given racial bias of police and most Americans (Pearson et al., 2009) is inevitably exercised disproportionately against marginalized communities.

This platform item seems commonsense and uncontroversial. It does not however get at the immediate problem of police brutality; it only speaks to the police reaction to citizen outcry that occurs in *response to* disproportionate police brutality and lack of consequences for offending officers (Chaney & Robertson, 2015; Coates, 2015; Hayes, 2017; MacKenzie, 2014; Martinot, 2014; Weitzer & Brunson, 2009). This platform item simply asks police responding to protests *of police violence* (among other protests) not to treat those exercising

their constitutional right to free speech and assembly, as enemies. Given that police approaches are *already* seen to be unresponsive, dramatic, violent, and extreme (Weitzer & Brunson, 2009) this request by Campaign Zero is mild. Militarized police seemingly have a chilling effect on First Amendment rights in addition to deepening the chasm in the differential way white communities and communities of color are policed (Alexander, 2012; Fine & Ruglis, 2009; Hales, 2014; Hayes, 2017; MacKenzie, 2014; Zalman, 2000). Hales (2014) writes that there are multiple nations within one country, “a dominant white nation, which owes its privilege to the doctrine of white supremacy and the manner in which US wealth was originally accumulated, and many oppressed nations” (¶13).

When militarized police arrive in communities of color (protesting police brutality), armed for war, the message they send is that they do not trust “these” people. This display almost proves CRT’s premise that white supremacy presumes people of color to be outside of their own control. Responding to those protesting violent conditions as though they are enemy combatants begs the question as to why the governmental response to peaceful protest is repressive and militaristic, rather than responsive to the public who funds their agencies in the first place. Problematically, communities of color are already policed in ways that mirror US military strategy abroad. As MacKenzie (2014) articulates the similarities:

[T]he comparison A) highlights the systemic nature of racist, militarized, and patriarchal violence across multiple institutions, including the police and the military; B) addresses the sanctioned killing of non-white men and women as a consistent feature of the national narrative; C) indicates the desperate need to both demonise a racialised other and to measure individual and national masculinity in terms of the control and suppression of this demonised other. (¶1)

Further, patrolling streets with military equipment sends a clear message of “comply or die” to the citizenry which further distances police from communities of color. This inevitably influences the populace to not trust the police, nor seek their assistance, and in essence

delegitimizes police and the government they represent (Bernasconi, 2014; Micucci & Gomme, 2005).

Demilitarization of the police is absolutely necessary in a democracy that purports to be responsive to, and representative of, the citizenry. When there is an outcry for accountable policing and responsive policy, and the police respond with militarized gear designed to handle an “enemy” (MacKenzie, 2014), this is indicative of a larger problem which merely influences institutions like policing. The problem being protested in the first place is that police cannot be trusted with their guns, so a response where they are more fully armed is categorically deaf and blind.

The final Interactions item of better community representation on police forces (in the way of gender, ethnicity, and religion) is also a reputable institutional reform, but itself cannot do much to alleviate police bias. While female police officers are shown to use force less frequently than their male counterparts (Brandl & Strohine, 2012), scholars and activists have long observed that getting police of minority ethnicity on the force does not go far enough. As previously mentioned, research has shown inconsistent findings on the relationship between officer ethnicity and the use of force, with some studies showing officers of color use more force, or use more force against people of their *own* ethnicity, or that there is no relationship between officer ethnicity and use-of-force (Brandl & Strohine, 2012).

Because US society was founded on the tacit, if not explicit approval of slavery, and the institution of policing began as the earliest slave patrols (Burton, 2015), even when officers of minority ethnicity are on the force, the institution is still racist. As Baldwin (1967) wrote many years ago, “we feared black cops even more than white cops, because the black

cop had to work so much harder--on *your* head--to prove to himself and his colleagues that he was not like all the other n\*\*\*\*\*s” (p. 4 emphasis in original). While it is commendable for Campaign Zero to recommend police forces look more like the communities they police, these newer recruits may easily become indoctrinated into the racist culture of policing.

Relatedly, and perhaps counter to Campaign Zero suggestions, is the prospect that white ethnics, or “honorary white” (Bonilla-Silva, 2003) police officers who can either “pass” for white, or essentially are not dark-skinned, may be more frequently responsible for killing African-American men than white officers. Such a proposition would require further research to verify its accuracy. Theoretically, if Thandeka (2013) and Baldwin’s (1967) conceptions are correct, these individuals may be trying harder to prove their whiteness by way of investment in the myth of the African-American man as criminal and dangerous. Brodtkin (2002) too points out that Jews in the US only became white through buying into, or at least benefitting from, the oppression of African-Americans. The Thandekan (2013) perspective on why white ethnics may be more aggressive than white officers could be the result of a more recent destruction of the part of the self that contains shared humanity with people of color, in order to gain the approbation of white supremacist society. The buy-in for them that required this destruction of self has just happened, or is still in progress, and it may seem more vulnerable to challenges making these officers more fearful and zealous as a way to protect this vulnerability.

### **Accountability**

After an instance of police brutality has already occurred, it is obviously too late to prevent it from happening; however, aftermath of these incidences, and how they are handled may help prevent future instances. These situations include platform items within

Accountability. Accountability platform items are the most useful toward reform for two reasons. First, the call to film the police in both police body cameras and sousveillance (Brucato, 2015) might be able to send the necessary wake-up call to those who resist knowing (Mills, 2007) of racist policing and police violence. Second, Accountability items finally shift the supervision of police away from police and, therefore, might finally place a check on police who have been able to act with impunity (Chaney & Robertson, 2015; Martinot, 2014).

The benefit of both police worn body cameras (and police dash cams) and publicly taken sousveillance of police is the hope that this footage has the ability to chip away at what Mills (2007) calls the “willful ignorance” associated with white supremacy. Mills’ (2007) premise is that white group interests are at the center of generating and sustaining a willful ignorance that seeks to evade certain inconvenient knowledge; in this case, the knowledge evaded is the reality of a two-tiered and violent system of policing for those on the bottom tier (Martinot, 2014; Weitzer and Brunson, 2009). The necessary wake-up call may already be happening when citizen videos of errant policing are released that would have in the past gone unknown. Citizen complaints would have been explained away by officers. Because of the vastly different experiences white people and people of color have with the police (Weitzer & Brunson, 2009; Zalman, 2000), it may indeed be correct that the first step toward change is admitting there is a problem. Filming the police may be the catalyst toward this admission.

Filming the police complements other platform items as well. It can be utilized to determine if improved standards and policies are being followed, for example. Filmed footage can also confirm if officers are using the least amount of force necessary, and can be

relied upon as more accurate than police accounts, written after the fact to justify potentially questionable arrests and uses-of-force (Micucci & Gomme, 2005; Zalman, 2000). Filming the police may also offer vindication for officers falsely accused of misconduct, making this platform item agreeable to police as well. Campaign Zero in this platform item offers the ability for police to regain legitimacy by putting their behavior out in the open for the public to judge. If there is nothing to hide, there should be no debate as to the necessity of this platform item (other than how, where, and how long to store the vast amounts of footage captured).

Community oversight of the police in the form of both a Civilian Complaints Office and a Police Commission are important aspects of the Campaign Zero platform. As previously argued, the significance of the Accountability items comes in the exposure of dualistic policing (Zalman, 2000) to the public, and the moving of police oversight to an entity outside the police. This platform item, in conjunction with the need to independently investigate and prosecute police bears the ability to both check police behavior and bring it to the public for scrutiny and feedback.

There are critiques to be made of this platform item, though it is unequivocally one of the most important platform items. The first contention is with the suggestion that the Civilian Complaints Office be *immediately* notified of, and required to send, investigators to the scene of a police shooting or in-custody death. The potential for police tampering and story-collaboration is still present before investigators arrive, even if investigators are on the police scanner. The complementary presence of police body cameras again could combat this potential weakness. Second, the Civilian Complaints Office seeks to be allowed to interrogate officers less than 48 hours post-incident when deadly force is used. It is unlikely

police trained in Miranda warnings would consent to such interviews given the detrimental effect interviews have for defendants. Third, the recommendation that the Civilian Complaints Office be able to make disciplinary and policy recommendations to the Police Chief, and compel the Police Chief to explain why they have not followed a recommendation, leaves open the space for well-crafted responses, perhaps at the cost of effectuated police accountability. Finally, a weakness of this platform item is that while having the ability to pressure compliance from the Police Chief (via the Police Commission and Civilian Complaints Office), this does not necessarily mean the entire department is also compliant, even if the Chief *is* compliant.

One potential drawback of community oversight of police is that it would amplify the already stringent blue code of silence. Micucci and Gomme (2005) argue the blue code of silence is the result of a “fear of loss of autonomy and authority as external groups try to limit police discretion and decision making” (p. 490). Given that such “external groups” include the general public, police supervisors, managers, and internal affairs investigators, if police fear more loss of autonomy and authority, this may just strengthen the blue code of silence. This may be another area where filming the police could fill in as a complement to community oversight.

Arguably, the most important platform item (next to filming the police), is the need to independently investigate and prosecute police. Until now police have been exempt from an outside check on their power that other agencies are subjected. An example can be found in Sergeant Michael Bongiovanni, caught on film (taken by civilians) punching a man in the head as the man got out of his vehicle during a traffic stop. Sergeant Bongiovanni had 67 use-of-force incident reports, 12 citizen complaints for misconduct, and four administrative

conduct investigations over his 20 year policing career. He was sanctioned once, and had made it to the rank of Sergeant. At least a few of the complaints involving Bongiovanni included him using racial epithets and punching suspects in the head and threatening to shoot them, with witnesses corroborating these accounts (Friedersdorf, 2017). This man was sanctioned for his behavior one time. It is hard to imagine any agency other than the police where this man would have been exonerated near 80 times. It is harder still to imagine that had his behavior been overseen by an outside agency, he would have climbed to the rank of Sergeant.

By moving oversight of the police to the office of a Special Prosecutor, perhaps more officers would be charged for abusive behavior. This may work as a deterrent effect for officers fearing appearance in front of a Special Prosecutor more than they would in front of their friend/supervisor. Again, if there is nothing to hide, such a proposition would not be opposed. If there is nothing to hide, independent oversight with the potential for investigation and prosecution is not something that should alarm police or their advocates.

This platform item for all its usefulness brings about a dilemma. While violent police behavior is wholly inappropriate, it is unclear if criminalizing and punishing any behavior, including police behavior, is necessarily the answer. Part of my motivation in writing this thesis is my inherent discomfort with punishment. Part of this thesis is a resistance to police as punishment. As Nietzsche (1982) famously wrote, “[m]istrust all in whom the impulse to punish is powerful” (p. 212). While punishing police actions in state-level criminal cases may not be the answer, criminalizing police abuses of power at the city level in civil lawsuits against departments, or at the federal level in Civil Rights lawsuits, may offer non-punitive relief that could motivate change (O. Swartz, personal communication, July 5, 2017). Data on

how much cities pay out in lawsuits is not highly publicized but is increasingly collected and disseminated (Balko, 2014). Perhaps this information, if widely available, could provoke the necessary reform when citizens pressure their cities to change after learning of the vast amounts of money paid by cities to the families of police brutality victims.

The final Accountability item of fair police union contracts seeks to reserve the right to try police officers who treat the citizenry badly, in the courts. Because of provisions in police union contracts, what would seemingly be criminal prosecutions of officers are instead handled privately, in arbitration. In an odd protection, police avoid being tried publicly where such behavior would first be exposed to the public, and second the public could have the ability to pressure the institution to change. By privatizing a public issue, police are insulated from the sometimes productive public ire and the resulting reform, simply because the public is left unaware of police misconduct.

### **Societally Induced: Fear, Guns, and the Mentally Ill**

Having critiqued each platform item in turn, we now move to a discussion of the totality of the platform. Also, we will discuss how fear related to CRT tenets exists and manifests on multiple levels related to policing. Additionally, other societally-induced issues like an abundance of guns in the US, and pervasive mental illness will be addressed. That these issues exist on the societal level and are in fact created by US society indicates the necessity of a societal, rather than institutional-level remedy for racist and violent policing.

Each platform item critiqued offers hope for police reform. Implemented cohesively, these platform items complement one another and offer a positive and synergistic potential. However, these platform items are all based at the institutional level of reform that cannot get

at the heart of the societal issue of racist police brutality. Many factors converge making the problem of racist and violent policing complex.

Campaign Zero makes notable recommendations that should unequivocally be adopted. One strength of the platform (and really the movement of BLM as well) comes from the conservativeness of its demands, making it theoretically uncontroversial. There is nothing radical about increased documentation and data collection that has thus far been absent (Chaney & Robertson, 2015; Ross, 2015). This data could illuminate problematic and appropriate policing trends alike that could inform future efforts and reforms. Objections to increased transparency from improved documentation make incredulous the public who wonders what there is to hide in an institution that is to serve the public.

Because of the blindness and aphasia induced by whiteness (Burton, 2015), seeing and naming the problem of discriminatory policing remains the first hurdle to overcome. The strength of the platform includes mechanisms to first and importantly, document, recognize, and name this problem. Some of the improved documentation is found in items of community oversight, independent investigation and prosecution of police, reporting requirements within use-of-force, filming the police, fair police union contracts, and training, as it has to do with awareness of implicit bias. The strongest and most impactful parts of the platform center on Accountability items that first display problematic policing to the public and second move police supervision away from the police themselves in an appropriate check on their power. This independent and community oversight of police could legitimize policing by making it consistent with community expectations, as well as make the police responsive to, and reflective of the public they are distinctly separate from at present.

### Manifestation of Fear on Multiple Levels

Consistent with the discussion of CRT, with Du Bois' concept of the double consciousness, and with social psychological research, is the fear officers have of African-American men. The persistent myth of the African-American man as someone to be irrationally feared is at the root of disproportionate police brutality against African-Americans (Chaney & Robertson, 2013; Correll et al., 2014; Mekawi, et al., 2016). This fear exists on multiple levels ranging from the individual officer, to colonial-style policing of the Other, to a fear held within white society overall that police simply represent (Coates, 2015). This myth and associated fear are rooted in oppression and racism the US was founded upon that the police actively maintain (Burton, 2015; Chaney & Robertson, 2015; Newton, 1995). As previously discussed, this fear was manufactured, but it nevertheless has tangible manifestations related to policing. As Bernasconi (2014) points out, "If the racialized other who are demonized by white supremacy has been constructed as a threat, it is because of the knowledge of the violence performed on their ancestors and into the results of which they were born" (pp. 151-152). Bernasconi theorizes that white fear of the black man is both socially constructed, and may be a cover-up for white guilt.

On the individual level as previously discussed, fear by officers (and laypeople) is demonstrated in their willingness to more quickly shoot black versus white subjects seen to embody danger (Correll et al., 2014). This is likely related to a number of factors and certainly relates to the myth of the African-American man as threatening, dangerous, and outside of his own control.

Straddling both the institutional and societal level is the issue of two-tiered policing, which has been addressed. Here I argue that colonial-style policing is but white societal fear,

manifested on the institutional level; police are taught to fear and enemize those they are policing. Hayes (2017) argues like Zalman (2000) that the US is simultaneously policed in opposite ways. The Nation is how white people are policed, while the Colony is how African-Americans are policed. Hayes writes “In the Nation, there is law; in the Colony, there is only a concern with order. In the Nation, you have rights; in the Colony, you have commands. In the Nation, you are innocent until proven guilty; in the Colony, you are born guilty” (pp. 37-38). This notion fits perfectly with the dialectic within CRT defining black as everything unruly and guilty, while white is the opposite. Officers Hayes interviewed felt they were operating in “a war zone, besieged and surrounded, operating in enemy territory, one wrong move away from sudden death” (p. 83). Hayes asserts that “the fear of the occupying soldier, is the entire problem” (p. 83). Like soldiers at war, police operate as though they are colonizing enforcers keeping order in a colony. This is exemplified by a sign Hayes notes from a DOJ investigation into the Cleveland Police Department before Tamir Rice (age 12) was killed by a Cleveland police officer in 2014. A sign in the Department vehicle bay labeled it a “forward operating base,” a military expression for an outpost supporting operations in a war zone (p. 83). This sign captures the sentiment of officers embracing a combatant mentality against citizens. If police did not already feel they were policing an enemy, the culture of policing captured by the sign molds them in this direction.

The fear held by police of the Other resembles an historic American fear where slave owners were fearful of their slaves as a result of the subjugation of the slaves, but also because slave masters were outnumbered and faced potential revolt and insurrection (Hayes, 2017). The similarity of soldiers fighting wars abroad and police operating at home shares the sentiment of being “outnumbered and afraid in a land not your own, and to attempt to

bring it under your control--this is the great recurring theme of the American project, and it is shot through at every moment by fear and violence and subjugation” (pp. 83-84). In short, officers are afraid. In another self-fulfilling (societally-created) cycle, white fear becomes colonial policing. Colonial police are afraid of the “enemy,” they then exert oppressive violence on the “enemy,” this violence exerted makes officers fearful of reprisal, this fear causes them to police like colonizers. In this way as well as others, the fear held by police is societally-induced and reflexive.

White fear pervades levels from individual, to institutional, to societal. Hayes (2017) argues that the entirety of the criminal justice system is built on white fear. The Campaign Zero platform does not, and may not have the capacity to, directly address white fear. Limited relief may be found in platform items advocating for less use-of-force, better community representation on police forces, and better training of officers (perhaps training for officers that African-Americans are not to be feared). However the issue of fear is pervasive and detrimental. What is striking about the fear at the core of racist police brutality (in addition to other problems with US policing), is that it is a creation of US society. We have created the problem we seek to resolve. This suggests that a solution for this fear must be societal rather than, or in conjunction with, institutional.

### Guns Aplenty

The fear previously discussed is created and perpetuated by society, yet embodied at the institutional and individual level as well. Perhaps another manifestation of white fear converted into policy (Hayes, 2017) like colonial policing, is the vast amount of available guns in the US. Wide availability of arms causes police officers to be fearful Hayes (2017) found in interviews with former police officers. Officers were concerned that any interaction

they entered, a gun may be present. Hayes wrote, “[h]ow darkly magical is the presence of the gun!” (p. 102). In this way the fear officers had of the prevalence of guns is one induced by our own policies. As the fear by officers of an armed populace merges with the bias of officers, police erroneously expect black men to be armed. Again a self-fulfilling cycle, white fear implemented into policy means a vast amount of guns to “protect” against those who cannot control themselves. Police know there are a plethora of guns in the US, and presume African-American men will be armed, thereby causing black men to be shot on an erroneous assumption.

### Bullets Are Not Treatment for the Mentally Ill

Not unrelated to the issue of a widely armed populace, is mental illness. While data is scant on the amount of people killed by police every year, some estimations show police homicides of civilians comprise three percent of all US homicides. In 2013 the number of homicides was 14,196. That indicates nearly 500 people were killed by police that year in what is likely a gross underestimation (Madar, 2014). Other research indicates that of those killed by the police, one fourth were experiencing mental illness (Hayes, 2017). Given the underestimation of Madar’s numbers, this indicates that over a hundred people (in a low estimation) in 2013 were killed by police while experiencing mental illness or related symptoms. As Hayes points out, police are not equipped to deal with mentally ill people in crisis. This is a deep and systemic issue: in the US, the “treatment” we offer sick people is often to punish them, and when we dispatch the punitive force of the police, sometimes the punitive reaction to the mentally ill includes a bullet.

As the platform item advocating an end to “Broken Windows” policing proposes, mental illness is an issue that should not often involve police. Police are the wrong tool for

the job, as they are not educated in social work and do not have medical or mental health training. Mental illness, like white fear and an abundance of guns, is societally-induced in some ways. A lack of health and mental health coverage may be a factor, as well as mental illness disproportionately affects people of color because of the intersection between ethnicity and poverty (as a result of US policies and practices). Research shows the “prevalence of mental health disorders is inversely related to economic status: as levels of education and income go up, the prevalence of disorders goes down” (Rohall et al., 2014, p. 233). Higher rates of mental illness in poor communities may also be a result of chronic strain. Chronic strain can take the form of discrimination, as well as “ambient hazards” like “exposure to crime, poor living conditions, and lack of services” (Rohall et al., 2014, p. 235). In this way, we have societally induced high rates of mental illness in communities of color. There may be disastrous results when police are dispatched to deal with mentally ill African-American men, who are mistaken for being dangerous rather than ill. In one example, a young veteran suffering from PTSD and Bi-Polar disorder was shot dead for exhibiting symptoms mistaken by the police officer as those of a drug user impermeable to his Taser (Hayes, 2017). “Broken Windows” policing that attends to mental illness as though it were a crime, in conjunction with police already fearful of African-American men, may be one factor leading to African-American men dying at the hands of police.

White fear held at the societal level and manifested in policies like colonial policing, an abundance of guns, and the resultant high levels of mental illness for African-American men are all induced by society. Campaign Zero offers thorough prescriptions for institutional reform of the police. It does not have the ability on its own to enact the broad and necessary societal shift ending the conflation of African-American men with criminality and

dangerousness that infiltrates every level of US society and policy. Discriminatory policing is but a symptom of that larger societal problem of anti-black bias and erroneous fear, and this requires a societal response or solution. However, reforming institutions may be one entry point to reform. Perhaps by first reforming institutions like policing, people's attitudes will follow (O. Swartz, personal communication, July 6, 2017).

### **Conclusion**

The target of this analysis has been the Campaign itself, but one cannot divorce Campaign Zero from the movement that created it. The platform is commonsense, conservative, and nonthreatening, and should be adopted in order to enact institutional reform of police. It cannot address the broader societal shift necessary to stop the deaths of African-American men at the hands of police. This can only be accomplished through unequivocal recognition of the full humanity of African-Americans. This requires elimination of the erroneous fear of the black male Other.

The simplicity of the name and purpose of Black Lives Matter offers hope for addressing the necessary societal change Campaign Zero cannot attain. It seeks to address the obvious, the full humanity of black life. The movement has been called for by more than one scholar as well. It responds directly to Alexander's (2012) call for a mobilization that must "confront squarely the critical role of race in the basic structure of our society..." (pp. 18-19). Alexander (2012) asks also that the new movement be a revolution, not just reform, and that it approach the cause "with an ethic of genuine care, compassion and concern for every human being" (p. 18). She encouraged that this movement should challenge the basic structure of society, and at its core harkening an old concept that has yet gone unquenched, that at their core is the "humanity and dignity of all persons" (p. 259). hooks (2003) also

prophesized that the way forward was one of unity, where “we are all one, that the goal of ending racial domination...was also a vision of diverse people living together in peace” (pp. 52-53). This vision by hooks (2003) can be seen in the many accomplices and allies who fight separate battles alongside Black Lives Matter.

hooks (2003) critiqued organizations like the Black Panther Party for their top-down approach and inherent contradictions when demanding an end to particular forms of oppression, they maintained others, like sexism. hooks (2003) argued that these organizations were militant and patriarchal, and too mechanistic in their thinking. Significant strengths then of the Black Lives Matter movement are its grassroots organization-style which circulates the power of the people upward rather than imposing it downward. This too may keep the movement humble to the cause rather than vulnerable to the idiosyncrasies of one or a few leaders. BLM also makes concerted efforts to emphasize, support, and center feminism and gender non-conforming people, an improvement on past iterations of black liberation that relegated power to almost exclusively men. By centering the marginalized of the marginalized, BLM seeks to create space for those who have been voiceless even within their own struggle. Finally, the movement also responds to exigencies called for by scholars Bonilla-Silva and Embrick (2006) who articulated the need for “a new civil rights movement that demands equality of results now!” (p. 32).

The movement, far beyond the platform, offers a way toward the broad societal shift that centers race as the crux on which inequality is centered. In order for real societal change to happen, the myth of the black male as dangerous and criminal needs to be eradicated, as does the erroneous yet associated fear. Such a shift requires (1) halting the conflation of blackness with criminality, (2) an end to the criminalization of poverty (an end to confusing

the *effects* of racism through racist policies, laws, and unequal treatment for the *cause*) and (3) a shift away from the criminalization of drug use and mental health issues and instead a handling of these as public health issues. Campaign Zero can offer some relief in specific prescriptions for police dealing with symptoms of these issues, but cannot itself change a broken society.

The platform, while commendable, cannot implement the necessary societal shift. That is the significance of the Black Lives Matter movement. By boldly and unequivocally stating the obvious (yet with people resisting the obvious), there is no choice but to confront the role of race as central in systems of inequality and disproportionate violence. Working alongside allies in the struggle creates alliances that make results more likely. Most of all, the protest focus of the movement brings visibility to the cause of black humanity and may create its own support from its grassroots groundswell. When this attention is given, the movement has a clearly articulated platform focused on ending racist police brutality. In this way the movement and the platform work reciprocally and in concert, hopefully leading to what Freire (2015) called for, a “rebellion by the oppressed” (p. 56). Such a rebellion it is hoped “can initiate love...and is grounded in the desire to pursue the right to be human” (Freire, 2015, p. 56). If successful, such a rebellion can actually restore humanity to both the oppressor and the oppressed (Freire, 2015). So while proclaiming “Black Lives Matter” seems to be stating the obvious, proclamations of full humanity must be uttered in order to dismantle the stubborn myth of inferiority.

While Campaign Zero offers reasonable, research-based institutional reforms, it cannot alone end racist police brutality. This brutality is a result of societal creations of white supremacy that include a fear of African-American men. The Campaign is an admirable

starting point for reform and its adoption may effectuate institutional reform that society then follows. The Campaign leaves out some issues, but importantly many of the problems that incubate violent policing are societally induced and therefore must be addressed on the societal level. We must take a critical look at the history, policies, and laws of the US, as well as how our conduct comes back to haunt us. What the Campaign cannot do on a societal level, Black Lives Matter aims, and may have the ability to do. In the simplistic proclamation “Black Lives Matter” is the crux of the problem. Centuries of dehumanization of African-Americans labeled as, treated as, and were believed to be, less important and less human than white people (or those determined to be considered white). Those who feel threatened by the obvious statement “Black Lives Matter” only feel this way because “[c]onditioned by the experience of oppressing others, any situation other than their former seems to them like oppression” (Freire, 2015, p. 57).

Having evaluated the Campaign Zero platform by item, we then critiqued it in totality. We then moved to a discussion of how white fear pervades levels ranging from the individual, to institutional, to societal, and has manifested into policies that cultivate racist policing. We then moved to a discussion of the Black Lives Matter movement and the promise it offers for approaching the problem on the societal level. The grassroots aspect of the movement and the clear centering of race is its strength, as is it having been prophetically called-for by academics. Having concluded a critique of the platform, and having articulated the promise of the Black Lives Matter, we now move to the final section of this thesis.

## CHAPTER VII

### CONCLUSION

To evaluate the Campaign Zero platform, first the platform was described in detail in conjunction with research articulating its credibility. I then articulated relevant theoretical frameworks, concepts, and social psychological research into the impact of emotions on attitudes and behavior. Finally, utilizing these frameworks, concepts, and research, I performed a critique of the platform by item, and in its totality. I also discussed societally induced white fear as it manifests on multiple levels contributing to racist police brutality. Concluding that the platform contains reasonable prescriptions for institutional change, and that it is a valuable starting point, I argue that the Black Lives Matter movement offers up the complementary and necessary societal approach to addressing racist and violent policing. Having completed these tasks, I now turn to a conclusion of the topic of Campaign Zero's ability to quell racist police brutality.

As I noted in the introduction to this thesis, not only was my client beat by police to the point of hospitalization, but he was also framed for crack possession, essentially for being an "asshole." He did in fact experience the "extraction of the customary pound of flesh" (Micucci & Gomme, 2005, p. 490) police dole out for "contempt-of cop," a lack of deference to police authority. Apart from being physically beat for showing disrespect, the police were also able to manipulate their authority to frame my client for crack possession simply as retribution for his lack of deference. This was not an isolated incident. Another client had police dogs set on, and attack him, for running away, a client in mental health crisis was shot by police for bear-hugging his mother, and another mentally ill client came out of his cell, punched a deputy, and in response multiple deputies beat him in the face so badly that they

broke his rib, and he could not open his eye. When I went to the jail to photograph his injuries, his grimace of pain was severe when I merely lifted his jail-issued cotton shirt to see and photograph the bruises on his back from the broken rib.

Most police encounters are certainly not as violent as those I have described. In each instance mentioned (and I only received a case to defend if the client lived through the punishment/reaction of the police) however, the officers inappropriately acted, over-reacted, acted in inhumane ways, or violently injured my client in an act of retribution. All of these instances were avoidable. Would instituting the Campaign Zero platform have prevented all of them? Definitely not. But perhaps had the platform been implemented, my clients would have recourse for this poor policing. As it stands, for example, my client who was beat in the un-surveilled back room had no chance for recourse. It was his word against unnamed deputies unlikely to inculcate one another. My clients, as well as myself, see police in a forever tainted way. This is not just the emotion of antipathy--it is also a cognitive evaluation of police and the government they represent. This evaluation leads to my estimation of police and a government that are, at least in part, delegitimized.

My clients lived to tell of their injuries unlike countless others, but their stories are alarming. It is difficult to study the frequency of police brutality for a number of reasons. Citizen complaints are frequently ignored or “unsubstantiated” (Friedersdorf, 2017; Zalman, 2000), there is not an independent oversight of police (Ross, 2015; Zalman, 2000), data reported to the FBI is biased and only voluntarily reported (Chaney & Robertson, 2015), and studies of police use-of-force rely on the self-report by police officers. One such study cited by Micucci and Gomme (2005) showed that 15 percent of police respondents reported “officers in their departments sometimes, often, or always responded to *verbal* abuse with

*physical* force...only 32 percent indicated that officers in their departments *never* responded to *verbal* abuse with *physical* force” (p. 490 emphasis added). Problematically, disrespect for authority, including asking for an officer’s name or badge number, is one “violation” that may cause police to respond violently (Micucci & Gomme, 2005). In one instance, asking an officer for his name ended with a Sergeant responding, “Here is a card, you can report me you [dumb] mother fucker get your N\*\*\*\*r ass out of here” (as cited in Friedersdorf, 2017, ¶23).

Those charged with protecting and serving the public, as well as maintaining public safety, ought to uphold ideals deemed appropriate and palatable to the public. These situations are neither. In the circumstance of my framed client, I was the only one who knew of the abuse. By the time I learned of the incident, six months had elapsed. There were no body cameras, and there was purposefully no footage of his beating. It was my client’s word against the police. His crack possession case, in addition to his underlying case, tarnished his credibility. There was no way to substantiate his claim. In the circumstance where the officer denigrated a citizen with racial epithets, the only reason anyone became aware of the incident was because the same Sergeant was later caught on civilian video punching a (different) man in the head when he exited a car with his hands up at a traffic stop. After the video was released to the media, a reporter delved into this Sergeant’s long history of complaints, absent any resultant disciplinary action (Friedersdorf, 2017). In this way, sousveillance of the police is already causing more recognition of the disparity that plagues US policing. In previous times these instances would go forever unknown and unnamed. African-Americans are familiar with these experiences from first-hand knowledge, but this is new information to many white people.

As previously mentioned, mechanisms can be put into place to increase police accountability and oversight. These mechanisms however, like body cameras and dash cameras on police vehicles, can be gotten around. Much like my client brought into the “hole” where there were no cameras; people are killed in police vans (Rosenberg, 2016), or even in the middle of the street (Hayes, 2017). Even when police are brought to a Grand Jury, there is no indictment. Even when police are charged, they are not convicted. Even when there is video of civilian death, no one is punished. While punishment may not be the answer, it may be one of a few ways to deter police from acting badly if they fear the consequences of such behavior.

In both the example of my client and the man who asked for the Sergeant’s name, the officers felt disrespected and this caused them to abuse their authority as retribution for having felt a particular emotion. The role of emotions is important to note. While fear is the emotion most frequently present when officers erroneously think African-American men reaching for their wallet are actually reaching for their waistband or gun, in these other instances embarrassment (or “sensitivity to status”) was the emotion causing police to physically act-out in retributive and inappropriate ways. If police are responding to insults with physical force, where does that leave the perceived legitimacy of policing?

Policing should be a pragmatic exercise rationally undertaken. Emotions are inevitable, but some emotions should not be permitted to guide actions, such as embarrassment. When officers act on their emotions and treat the populace to retribution, this is an unfair burden on the public. Fear may be more difficult to address, but research shows there are ways to decrease even implicit bias, including the erroneous fear of black men (Mendoza, Gollwitzer, & Amodio, 2010). One simple way to reduce prejudice is through

intergroup contact (Pettigrew & Tropp, 2008) and an expanding of the “in-group” to include those in the “out-group” (Pearson et al., 2009).

Further, a deeper exploration of feelings needs to be undertaken. Why is it that police officers feel fearful of African-American men? Why is it that embarrassment causes an officer to act in retributive ways? What are the traits of a person who takes out their emotions on another in the form of physical violence? These questions require introspection on the individual and societal level that may revolve around CRT’s discussion of the myth of the African-American male as inferior, as superior, as a threat, as both criminal and dangerous. The answer to these posed questions may be the simple fear of emptiness of not knowing ones identity if identity has always been derived negatively and in contrast to a lie.

In the US, which asserts itself to be a democracy, disproportionate police brutality is a problem of legitimacy. Police that are seen as lawless can lead to a lack of respect for government and rule of law. As Micucci and Gomme (2005) point out:

Real or perceived police misconduct reduces the likelihood that citizens will report criminal activity, provide information to authorities, and testify in court. Furthermore, excessive force and the lying, report falsification, and the perjury to which it gives rise, spur juries to distrust police on the witness stand and encourage courts to overturn convictions upon appeal. (p. 488)

This problem threatens to erode police authority, criminal justice participation, and faith that the system works. When people do not have this faith, lawlessness could ensue, or people turn to alternate modes of justice.

A country that exerts brutality disproportionately onto its citizens has a whole other problem of legitimacy. Not only can the rule of law suffer, but when such practices run contrary to stated ideals of democracy, of equality, and of declarations of superior human rights records, the country seems a pinnacle not of democracy, but of hypocrisy. In an era

when the US fights wars abroad to “bring democracy,” it is curious that at home African-Americans can be killed by their government and not only is no one held accountable, but the dead person is vilified in the media and the officer goes free and has a go-fund me campaign for legal expenses (MacKenzie, 2014).

Those invested in whiteness have preferred to stay blind and ignorant to the racist nature of police brutality. Such recognition could shake white identity to its core, leaving many to feel lost and confused. Police, their unions, politicians, and portions of the country that remain willfully blind and ignorant (Mills, 2007) of racist police brutality are certain to not only fight against reform, but against awareness of the problem itself.

Data shows however, as cited in Rosenberg (2016), the delegitimizing effect has long since begun. Trust in the police is significantly lower for African-Americans than it is for white people. In one study, the level of trust in the police remained similar for white people who had, and had not, been stopped by police. Trust in the police was 25 points lower for African-Americans not stopped by the police than for white people, and it was 50 points lower for African-Americans who had been stopped by the police than it had been for white people. Reports indicated African-Americans were more likely to be roughed up by police than white people, half of the time this was physical force or the threat of a weapon being used. As Rosenberg (2016) and other procedural justice proponents point out, this could actually *create* rather than prevent crime.

Most Americans would agree that the aim is for public safety, which requires a legitimate police force. Police should be open to reforms that could help them (re)gain the trust of the public, who at present fear for their life at the hands of police, rather than feel protected by police. The specific prescriptions of Campaign Zero are reasonable and

supported by research in theory and application. Such platform items aim to reign in what has until now been a fluid evolution of early slave patrols that, from their inception, aimed to “curtail black mobility, punish minor affronts to white supremacy, and guard against the ever-present threat of black insurrection” (Burton, 2015, p. 42). Policing in the US that continues this violent treatment of African-Americans teeters on the brink of political and governmental delegitimization. Campaign Zero speaks to the need, and potential method, for curtailing police brutality.

Campaign Zero platforms items only work if implemented in concert; no one item is a catch-all, and all rely on the checks and balance of other platform items for comprehensive police reform. Ultimately, the Campaign is not asking for much, but a respect for constitutionally granted rights of equality and due process. It is not asking for retribution, just a stop to the abuse of black bodies by police. It is asking for officers who behave violently to be held accountable to the public for their actions. Any time a police officer shoots someone, a suspect of a crime or (another) innocent person, they are denying that person of the constitutionally guaranteed right to be tried in a court of law. This action not only makes people fearful of the police, but lets them know police do not follow the rules of law they are paid to uphold.

Campaign Zero is reasonable, common-sense, and non-threatening. However, alone it cannot stand up to the task of alleviating racist police brutality. In conjunction with the movement Black Lives Matter, it stands more of a chance. The Black Lives Matter movement offers hope toward the necessary societal change for ending not only racist police brutality, but perhaps a toppling of the centuries-old self-serving myth of white supremacy

and black inferiority. The protest arm of Black Lives Matter draws attention, and brings visibility to the cause.

## REFERENCES

- Alexander, M. (2012). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York, NY: The New Press.
- Anderson, E. (1994). The code of the streets. *Atlantic monthly*, 273(5), 81-94.
- Anderson, J. A. (1996). Scholarship in society. In *Communication theory: Epistemological foundations* (pp. 186-198). New York, NY: The Guilford Press.
- Ariel, B., Farrar, W. A., & Sutherland, A. (2014). The effect of police body-worn cameras on use of force and citizens' complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology* 31(3), 509-535.
- Baldwin, J. (1967, April 9). Negroes are anti-Semitic because they're anti-white. *New York Times Magazine*, 26.
- Baldwin, J. (1998). On being "white"... and other lies. In Roediger, D. (Ed.), *Black on white: Black writers on what it means to be white* (pp 177-180). New York, NY: Schocken Books.
- Balko, R. (2014, October, 1). US cities pay out millions to settle police lawsuits. *The Washington Post*. Retrieved from [www.washingtonpost.com/news/the-watch/wp/2014/10/01/u-s-cities-pay-out-millions-to-settle-police-lawsuits](http://www.washingtonpost.com/news/the-watch/wp/2014/10/01/u-s-cities-pay-out-millions-to-settle-police-lawsuits)
- Bell, D. (1989). *And we are not saved*. New York, NY: BasicBooks.
- Bell, D. (1992). *Faces at the bottom of the well*. New York, NY: BasicBooks.
- Berman, M. (2017, June 21). What the police officer who shot Philando Castile said about the shooting. *The Washington Post*. Retrieved from [https://www.washingtonpost.com/news/post-nation/wp/2017/06/21/what-the-police-officer-who-shot-philando-castile-said-about-the-shooting/?utm\\_term=.d624a96b7ad2](https://www.washingtonpost.com/news/post-nation/wp/2017/06/21/what-the-police-officer-who-shot-philando-castile-said-about-the-shooting/?utm_term=.d624a96b7ad2)
- Bernasconi, R. (2014). When police violence is more than violent policing. *The New Centennial Review*, 14(2), 145-152.
- Binder, A., & Scharf, P. (1980). The violent police-citizen encounter. *The Annals of the American Academy of Political and Social Science*, 452(1), 111-121.
- Black Lives Matter. (2016). Black Lives Matter. <http://blacklivesmatter.com>
- Bonilla-Silva, E. (2003). "New racism," color-blind racism, and the future of whiteness in America. In Doane, A. W., & Bonilla-Silva, E. (Eds.), *White out: The continuing significance of racism* (pp. 271-284). New York, NY: Routledge.

- Bonilla-Silva, E. & Embrick, D. (2006). Racism without racists: "Killing me softly" with colorblindness. In Rossatto, C., Allen, R. L., & Pruyn, M. (Eds.), *Reinventing critical pedagogy* (pp. 21-34). Lanham, MD: Rowman & Littlefield.
- Brandl, S. G., & Strosline, M. S. (2012). The role of officer attributes, job characteristics, and arrest activity in explaining police use-of-force. *Criminal Justice Policy Review* 24(5), 551–572.
- Brodkin, K. (2002). How Jews became white folks. In Rothenberg, P. S. (Ed.), *White privilege: Essential readings on the other side of racism* (pp. 35-48). New York, NY: Worth Publishers.
- Brucato, B. (2015). Policing made visible: Mobile technologies and the importance of point of view. *Surveillance & Society*, 13(3/4), 455.
- Bruns, D. (2010). Reflections from the one-percent of local police departments with mandatory four-year degree requirements for new hires: Are they diamonds in the rough? *Southwest Journal of Criminal Justice*, 7(1), 87-108.
- Burton, O. (2015). To protect and serve whiteness. *North American Dialogue*, 18(2), 38-50.
- Campaign Zero. (2016). Retrieved from [www.joincampaignzero.org](http://www.joincampaignzero.org)
- Chaney, C., & Robertson, R. V. (2013). Racism and police brutality in America. *Journal of African American Studies*, 17(4), 480-505.
- Chaney, C., & Robertson, R. V. (2015). Armed and dangerous? An examination of fatal shootings of unarmed Black people by police. *Journal of Pan African Studies*, 8(4), 45-78.
- Coates, T. (2015). *Between the world and me*. New York, NY: Spiegel & Grau.
- Coates, T. (2016, July 12). The near certainty of anti-police violence. *The Atlantic*. Retrieved from <http://www.theatlantic.com/politics/archive/2016/07/the-near-certainty-of-anti-police-violence/490541/>
- Doane, W. (2003). Rethinking whiteness studies. In Doane, A.W., & Bonilla-Silva, E. (Eds.), *White out: The continuing significance of racism* (pp. 3-18). New York, NY: Routledge.
- Du Bois, W. E. B. (1994). *The souls of black folk*. Mineola, NY: Dover Publications. (Original work published 1903)
- Fanon, F. (2007). *The wretched of the earth*. New York, NY: Grove/Atlantic.

- Feagin, J. R. (1997). Old poison in new bottles: The deep roots of modern nativism. In R. Delgado, R., & Stefancic, J. (Eds.), *Critical white studies: Looking behind the mirror* (pp. 348-353). Philadelphia, PA: Temple University Press.
- Fine, M., & Ruglis, J. (2009). Circuits and consequences of dispossession: The racialized realignment of the public sphere for US youth. *Transforming Anthropology*, 17(1), 20-33.
- Foner, P. S. (Ed). (2002). *The Black Panthers speak*. Boston, MA: Da Capo Press.
- Freire, P. (2015). *Pedagogy of the oppressed*. New York, NY: Bloomsbury Academic.
- Friedersdorf, C. (2017, April 18). A new exhibit in the case for the Black Lives Matter movement. *The Atlantic*. Retrieved from <https://www.theatlantic.com/politics/archive/2017/04/a-new-exhibit-in-the-case-for-black-lives-matter/523209/>
- Frumin, A. (2016, July 7). After Baton Rouge shooting, questions swirl around body cam failures. *NBC News*. Retrieved from <http://www.nbcnews.com/news/us-news/after-baton-rouge-shooting-questions-swirl-around-body-cam-failures-n605386>
- Funk, M. (2016, October 18). Should we see everything a cop sees? *The New York Times Magazine*. Retrieved from <https://www.nytimes.com/2016/10/23/magazine/police-body-cameras.html? r=0>
- Godfrey, P. (2004). "Sweet little (white) girls"? Sex and fantasy across the color line and the contestation of patriarchal white supremacy. *Equity & Excellence in Education*, 37(3), 204-218.
- Goff, P. A., Jackson, M. C., Di Leone, B. A. L., Culotta, C. M., & DiTomasso, N. A. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of Personality and Social Psychology*, 106(4), 526-545.
- Gonsalves, R., E. (2008). Hysterical blindness and the ideology of denial: Preservice teachers' resistance to multicultural education. In L. Bartolome (Ed.), *Ideologies in education: Unmasking the trap of teacher neutrality* (pp. 3-27). New York, NY: Peter Lang Publishing.
- Hales, L. (2014). The racist militarization of Ferguson, MO. *Workers World-Mundo Obrero*. Retrieved from <http://www.workers.org/2014/08/20/racist-militarization-ferguson-mo-2/#.WUDcZNY1vIU>
- Hammond, M. C. (1997). The Posse Comitatus Act: A principle in need of renewal. *Washington University Law Review* 75(2), 953-984.
- Harvey, D. (2013). *Rebel cities: From the right to the city to the urban revolution*. New York, NY: Verso Books.

- Hayes, C. (2017). *A colony in a nation*. New York, NY: W. W. Norton & Company.
- hooks, b. (2002). Representations of whiteness in the Black imagination. In Rothenberg, P. S. (Ed.), *White privilege: Essential readings on the other side of racism* (pp. 19-23). New York, NY: Worth Publishers.
- hooks, b. (2003). *Teaching community: A pedagogy of hope*. New York, NY: Routledge.
- Laughland, O., Swaine, J., McCarthy, C., and Lartey, J. (2015, October 5). Justice Department trials system to count killings by US law enforcement. *The Guardian*. Retrieved from <https://www.theguardian.com/us-news/2015/oct/05/justice-department-trials-system-count-killings-us-law-enforcement-the-counted>
- Legal Information Institute, Cornell University Law School. 2016. Critical legal theory Retrieved from [https://www.law.cornell.edu/wex/critical\\_legal\\_theory\\_10/16/16](https://www.law.cornell.edu/wex/critical_legal_theory_10/16/16).
- Leonardo, Z. & Hunter, M. (2009). Race, class, and imagining the urban. In Leonardo, Z. (Ed.), *Race, whiteness, and education*. (pp. 143-165). New York, NY: Routledge.
- Lersch, K. M., & Mieczkowski, T. (2005). Violent police behavior: Past, present, and future research directions. *Aggression and Violent Behavior, 10*(5), 552-568.
- Lipsitz, G. (2002). The possessive investment in whiteness. In Rothenberg, P.S. (Ed.), *White privilege: Essential readings on the other side of racism* (pp. 61-84). New York, NY: Worth Publishers.
- Longazel, J. G., Parker, L. S., & Sun, I. Y. (2011). Experiencing court, experiencing race perceived procedural injustice among court users. *Race and Justice, 1*(2), 202-227.
- Lustbader, S. (2014, December 8). Preventing another Eric Garner tragedy: 6 Simple reforms we can implement right now. *The Week*. Retrieved from <http://theweek.com/articles/441704/preventing-another-eric-garner-tragedy-6-simple-reforms-implement-right-now>
- MacKenzie, M. (2014, December 3). Not surprised is not good enough: What soldier atrocities in Iraq and Afghanistan can teach us about Ferguson. [Blogpost]. Retrieved from <http://www.whiteoliphant.com/duckofminerva/2014/12/not-surprised-is-not-good-enough-what-soldier-atrocities-in-iraq-and-afghanistan-can-teach-us-about-ferguson.html>
- Madar, C. (2014, November 25). Why it's impossible to indict a cop. *The Nation*. Retrieved from <https://www.thenation.com/article/why-its-impossible-indict-cop/>
- Martinot, S. (2014). On the epidemic of police killings. *Social Justice, 39*(4), 52-75.

- McGregor, A. (2016). Politics, police accountability, and public health: Civilian review in Newark, New Jersey. *Journal of Urban Health*, 93(1), 141-153.
- Meisner, J. (2015, November 28). Burger King manager told grand jury of gap in Laquan McDonald video. *Chicago Tribune*. Retrieved from <http://www.chicagotribune.com/news/ct-chicago-cop-shooting-laquan-mcdonald-met-20151127-story.html>
- Mendoza, S. A., Gollwitzer, P. M., & Amodio, D. M. (2010). Reducing the expression of implicit stereotypes: Reflexive control through implementation intentions. *Personality and Social Psychology Bulletin*, 36(4), 512-523.
- Micucci, A. J., & Gomme, I. M. (2005). American police and subcultural support for the use of excessive force. *Journal of Criminal Justice*, 33(5), 487-500.
- Mills, C. W. (2007). White ignorance. In Sullivan, S., & Tuana, N. (Eds.), *Race and epistemologies of ignorance* (pp 13-38). Albany, NY: State University of New York.
- Mills, C. W. (2003). White Supremacy as sociopolitical system: A philosophical perspective. In Doane, A. W., & Bonilla-Silva, E. (Eds.), *White Out: The continuing significance of racism* (pp. 35-48). New York, NY: Routledge.
- The Movement for Black Lives (2016). Retrieved from <https://policy.m4bl.org/platform/>
- Morrison, T. (1993). *Playing in the dark*. New York, NY: Vintage.
- NAACP (2017). Criminal justice fact sheet. Retrieved from <http://www.naacp.org/criminal-justice-fact-sheet/>
- Nietzsche, F. (1982). *The portable Nietzsche*. (Kaufmann, W., Trans.). New York: NY: Viking Penguin.
- Newkirk II, V. R. (2016, August 3). The permanence of Black Lives Matter. *The Atlantic*. Retrieved from <http://www.theatlantic.com/politics/archive/2016/08/movement-black-lives-platform/494309/>
- Newton, H. P. (1995). *To die for the people*. New York, NY: Writers and Readers. (Original work published 1972)
- Noah, T. (Executive Producer). (2016, November 30). *The Daily Show with Trevor Noah* [Television Broadcast]. New York, NY: NEP Studio 52.
- Pearson, A., Dovidio, J. F., & Gaertner, S. L. (2009). The nature of contemporary prejudice: Insights from aversive racism. *Social and Personality Psychology Compass* 3(3), 314-338.

- Pettigrew, T. F., & Tropp, L. R. (2008). How does intergroup contact reduce prejudice? Meta-analytic tests of three mediators. *European Journal of Social Psychology*, 38(6), 922-934.
- Repko, A. F. (2012). Introducing the disciplines. In *Interdisciplinary research: Process and theory 2<sup>nd</sup> edition* (pp. 93-141). Los Angeles, CA: Sage.
- Rohall, D. E., Milkie, M. A., & Lucas, J. W. (2014). *Social psychology: Sociological perspectives 3<sup>rd</sup> edition*. Upper Saddle River, NJ: Pearson Education.
- Rosenberg, T. (2016, August 2). Barriers to reforming police practices. *The New York Times*. Retrieved from [http://www.nytimes.com/2016/08/02/opinion/barriers-to-reforming-police-practices.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-left-region&region=opinion-c-col-left-region&WT.nav=opinion-c-col-left-region&\\_r=0](http://www.nytimes.com/2016/08/02/opinion/barriers-to-reforming-police-practices.html?action=click&pgtype=Homepage&clickSource=story-heading&module=opinion-c-col-left-region&region=opinion-c-col-left-region&WT.nav=opinion-c-col-left-region&_r=0)
- Ross, C. T. (2015). A multi-level Bayesian analysis of racial bias in police shootings at the county-level in the United States, 2011-2014. *PloS One* 10(11), 1-34.
- Ross, T. (1997). White innocence, black abstraction. In Delgado, R., & Stefancic, J. (Eds.), *Critical white studies: Looking behind the mirror* (pp. 263-266). Philadelphia, PA: Temple University Press.
- Rydberg, J. & Terrill, W. (2010). The effect of higher education on police behavior. *Police Quarterly* 13(1), 92-120.
- Said, E. (1979). *Orientalism*. 1978. New York, NY: Vintage Books.
- Sampson, R. J., Morenoff, J. D., & Raudenbush, S. (2005). Social anatomy of racial and ethnic disparities in violence. *American Journal of Public Health*, 95(2), 224-232.
- Seale, B. (1991). *Seize the time: The story of the black panther party and Huey P. Newton*. Baltimore, MD: Black Classic Press. (Original work published 1970)
- Simon, J. (2007). *Governing through crime: How the war on crime transformed American democracy and created a culture of fear*. New York, NY: Oxford University Press.
- Skitka, L. J., Bauman, C. W., Aramovich, N. P., & Morgan, G. S. (2006). Confrontational and preventative policy responses to terrorism: Anger wants a fight and fear wants "them" to go away. *Basic and Applied Social Psychology*, 28(4), 375-384.
- Smith, J. M. (2012). Maintaining racial inequality through crime control: Mass incarceration and residential segregation. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice* 15(4), 469-484.

- Stephan, W. G., Boniecki, K. A., Ybarra, O., Bettencourt, A., Ervin, K. S., Jackson, L. A., & Renfro, C. L. (2002). The role of threats in the racial attitudes of Blacks and Whites. *Personality and Social Psychology Bulletin*, 28(9), 1242-1254.
- Stickers, K. W. (2014) "But I'm Not Racist": Toward a Pragmatic Conception of Racism. *The Pluralist*, 9(3), 1-17.
- Swartz, O. (2014). Miscegenation. In Coleman, M. J., & Ganong, L. H. (Eds.), *The social history of the American family* (pp. 895-896). Los Angeles, CA: Sage.
- Swaine, J., Laughland, O., Lartey, J., & McCarthy, C. (2015). The counted: People killed by police in the US. *The Guardian*, 31.
- Tatum, B. D. (2003). *"Why are all the Black kids sitting together in the cafeteria?": And other conversations about race*. New York, NY: Basic Books.
- Thandeka. (2013). *Learning to be white: Money, race, and God in America*. New York, NY: Bloomsbury Academic.
- Thompson, J. P. (2015). Broken policing: The origins of the "Broken Windows" policy. *New Labor Forum* 24(2), 42-47.
- US Department of Justice Civil Rights Division. (2015). *Investigation of the Ferguson Police Department*. Washington D.C.
- Voorhees, J. (2014, December 2). Darren Wilson is not an outlier. *Slate*. Retrieved from [http://www.slate.com/articles/news\\_and\\_politics/politics/2014/12/darren\\_wilson\\_no\\_true\\_bill\\_why\\_cops\\_are\\_almost\\_never\\_indicted\\_for\\_shooting.html](http://www.slate.com/articles/news_and_politics/politics/2014/12/darren_wilson_no_true_bill_why_cops_are_almost_never_indicted_for_shooting.html)
- Weitzer, R., and Brunson, R. K. (2009). Strategic responses to the police among inner-city youth. *The Sociological Quarterly*, 50(2), 235-256.
- Wilmore, L., Albanese, R., & Stewart, J. (Executive Producers). (2016, July 7). *The nightly show with Larry Wilmore* [Television broadcast]. New York, NY: NEP Studio.
- Wilson, J. Q., & Kelling, G. L. (1982). Broken windows. *Atlantic monthly*, 249(3), 29-38.
- Wright Jr., L. (1997). Who's black, who's white, and who cares. In R. Delgado & J. Stefancic (Eds.), *Critical white studies: Looking behind the mirror* (pp. 164-169). Philadelphia, PA: Temple University Press.
- Yancy, G. (2008). *Black bodies, white gazes: The continuing significance of race*. Lanham, MD: Rowman & Littlefield Publishers.
- Zalman, M. (2000). Criminal justice and the future of civil liberties. *Criminal Justice Review* 25(2), 181-206.