

# Law and Disorder: Police Violence and Racism in the United States

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Patrick Fallon/Reuters

**I**t seems that you cannot pick up a newspaper without reading a story about police violence against under-represented minority groups in the United States. In August 2014, Darren Williams, a white police officer, shot Michael Brown in Ferguson, Missouri. Brown, an African-American teenager, was unarmed, yet the accounts differ as to what happened. According to Williams, he attempted to stop Brown and speak with him, but the situation quickly spiraled out of control as Brown became aggressive and eventually reached for Williams's gun. Williams shot Brown and his body was in the streets for hours in plain view of bystanders as law enforce-

ment officials investigated the crime. Large-scale protests throughout Ferguson occurred as residents expressed their displeasure with what appeared to be another instance of racialized police violence. A grand jury decided not to indict the officer for killing Brown, only inciting the riots even more as protesters burned cars and looted stores. Photos of Ferguson looked like a war zone as police officers in their anti-riot gear rolled down the streets in tanks trying to quell the protests. The protests were so disruptive that airplanes seeking to land at the St. Louis airport were rerouted to other airports.<sup>1</sup>

Racialized police violence continued in November 2014 when police officers in Cleveland, Ohio, were called to respond to an African-American male who was waving a gun in a local park. The dispatcher failed to warn the officers that the

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bystander who reported the gun stated that it might not be a real gun. A video shows the police officers arriving on the scene and shooting 12 year-old Tamir Rice.<sup>2</sup> The officers ignored Tamir Rice as he was dying in the park, choosing instead to handcuff his sister and place her in the back of the police car. Rice was taken to the hospital and underwent surgery but doctors were unable to save his life. Rice's family has suffered a great deal from the loss of Tamir and is seeking justice by filing a federal civil rights and wrongful death lawsuit against the two police officers involved in the incident as well as the city of Cleveland.<sup>3</sup>

Seemingly unnecessary police violence continued in December 2014 when Eric Garner was choked to death by a New York City Police Department officer. Garner, an African-American male, had been warned before about selling illegal cigarettes on the street corner. The Caucasian officer, Daniel Pantaleo, put Garner in a choke-hold, and the overweight male with various health problems was unable to breathe and later died. A video was recorded of Garner telling the officer that he could not breathe. Even after repeated cries for help, the officer did not stop, resulting in Garner's death. Protests throughout New York City began as residents chanted slogans of "I can't breathe." Despite the excessive use of force and the overwhelming evidence against the officer, a grand jury decided not to indict Pantaleo.<sup>4</sup> Such events led to nationwide protests where participants held up signs reading, "I Can't Breathe." Some cities, such as Philadelphia, organized "die-ins," where protesters lied down pretending to be dead in support of Garner.<sup>5</sup>

In April 2015, 50-year old Walter Scott was stopped by Officer Michael T. Slager in Charleston, South Carolina. A video shows Scott attempting to flee the scene on foot unarmed and Slager firing at him repeatedly, killing the victim. It has been alleged that Scott fled the scene because he had warrants out for his arrest for child-support payments.<sup>6</sup> This horrific event led some to call for more accountability among law enforcement. The Rev. Al Sharpton, a civil rights activist, declared, "We are saying for the sake of this family in Charleston, that not only are we with you; we are saying that there

must be national legislation around cameras and police accountability."<sup>7</sup>

While much of the media attention has been focused on the racialized violence against African-Americans, less coverage has been given to police violence against Latinos. In March 2015, Antonio Zambrano Montes was shot by Washington State Police. This case represented one of three killings in a short timespan as Ernesto Javier Canepa Díaz was killed by the police in February 2015 in Santa Ana, California. Seven days earlier, a police officer in Grapevine, Texas shot Ruben García Villalpando.<sup>8</sup> Mexico's Minister of Foreign Affairs condemned the death of Díaz, and the Mexican government argued that the U.S. Department of Justice's Civil Rights Division should investigate the deaths of Zambrano Montes, Díaz, and García Villalpando as they did not appear to be isolated in nature.<sup>9</sup> Such incidents have resulted in outrage among Latino communities, revealing that it would be a grave mistake to assume that only African-Americans have become victims of police profiling and racial violence. A. B. Wilkinson declares, "The U.S. has long been a police state for Latinos, Native Americans, African-Americans, and other men of color. Police brutality is a reality today. The only debate needs to be on how best to change it. If we are going to push back against future growth of militaristic policing in the U.S. then we will all need to get behind this important struggle together."<sup>10</sup>

Two main elements are at play here: the militarization of the police and racist practices. Images from some of these protests, particularly the events in Ferguson, look like a war zone. The police are well armed and patrol the streets with tanks and a wide array of weapons at their disposal, from tear gas to guns that shoot rubber bullets. Differently put, the police forces look like robot cops that you would see in a Terminator movie, making it harder for citizens to distinguish between the military and the police. Mark Thompson argues, "Many Americans were surprised by the martial response, which had the St. Louis suburb looking more like Baghdad or Cairo. Some veterans of the wars in Afghanistan and Iraq noted that the cops appeared better armed and outfitted in middle America than the GIs had been in the war zones."<sup>11</sup> The police have received US\$4.3 billion since 1997 from the Pentagon,<sup>12</sup> and the events of September 11, 2001 have fundamentally changed the nature of the police, particularly in terms of their duties.<sup>13</sup>

The militarization of the police has been a highly critical practice, since the 1878 Posse Comitatus Act<sup>14</sup> makes it il-

legal for the military to patrol the streets of the United States. Citizens do not feel safer with military-style police officers with extensive weapons who have demonstrated a lack of judgment in the various aforementioned cases. The American Civil Liberties Union states, “Our neighborhoods are not warzones, and police officers should not be treating us like wartime enemies. Any yet [sic], every year, billions of dollars’ worth of military equipment flows from the federal government to state and local police departments. Departments use these wartime weapons in everyday policing, especially to fight the wasteful and failed drug war, which has unfairly targeted people of color.”<sup>15</sup>

Under-represented minorities, particularly Latinos and African-Americans, have reason to be concerned about the police. Under Mayor Michael Bloomberg, New York City implemented a program known as Stop-and-Frisk. The American Civil Liberties Union argues that it is a myth that this program is not discriminatory. African-Americans and Latinos have been unfairly targeted. From 2002 to 2011, an estimated 90 percent of the individuals stopped under this policy were Latinos and African Americans, yet approximately 88 percent of the people stopped were innocent.<sup>16</sup> These statistics demonstrate that police officers have clearly used racial profiling to select which individuals to stop, question, and frisk. Stopping people based on the color of their skin or what they look like is a clear violation of an individual’s civil liberties and should be treated as a form of discrimination. Worst of all, the Stop-and-Frisk policy has been proven not to reduce crime, leading critics to call into question the use of such policies if they did not help keep New Yorkers safer.<sup>17</sup>

Not surprisingly, the Latino community in the U.S. has very little confidence in the police. A 2013 report revealed that 45 percent of Latinos surveyed asserted that they are less likely to voluntarily provide law enforcement with information about crimes because of fears that the police will question them or individuals that they know about their immigration status in the United States.<sup>18</sup> In addition, 45 percent of the individuals polled indicated that they are less likely to report a crime to law enforcement for the same reason.<sup>19</sup> When asked to respond whether drug dealers and criminals have been relocating into their neighborhoods because they believe that we are scared to report them to the police since more law enforcement officers have become more active in immigration enforcement, 63 percent of undocumented Latino individuals agreed, 31 percent of indi-

viduals born in the U.S. concurred, and 49 percent of people born abroad agreed.<sup>20</sup> The vast majority (61 percent) of undocumented individuals in the survey revealed that they were afraid to leave their residences due to the increased involvement of local law enforcement in immigration enforcement activities compared to 22 percent of U.S.-born Latinos surveyed.<sup>21</sup>

In conclusion, the alarming number of instances of police violence, particularly against African-Americans and Latinos, has been astonishing. Police officers have shot and killed unarmed men who posed no threat to their safety. It is quite difficult for an officer to argue that a man running away is a danger to the officer’s security. It is important to remember that racialized violence has not just been against African-Americans; Latinos have suffered a great deal as well. More needs to be done to hold police forces accountable. Policies and procedures should be reviewed about the use of force and when it is appropriate.

Along with combatting police violence, more must be done to decrease the number of racial profiling instances. The U.S. has come a long way since the 1950s as a result of civil rights movements, yet the aforementioned statistics reveal that African-Americans and Latinos are often unfairly targeted and viewed as suspects. Law enforcement officials need probable cause to search someone and cannot stop any individual just based on his or her profile. The New York City case demonstrates that African-Americans and Latinos were unfairly targeted in the Stop-and-Frisk program. Worst of all, the stops were overwhelmingly unwarranted and based purely on race. People should not have to live in fear because of their appearance, and police departments must be better trained about racial sensitivity and what constitutes racial profiling. Simply asking people to stop and frisk them because they are African-American or Latino and look “suspicious” when these individuals are not committing any crime is a clear violation of the law. Such behavior is unacceptable, and it is quite troubling that in 2015, the United States still treats certain members of society as second-class citizens.

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Finally, the militarization of the police is also extremely troubling. Many citizens are alarmed at the need for the police to be so heavily armed, particularly after the countless instances of police killing unarmed individuals have led people to call into question the judgment of law enforcement. Lev Raphael argues that the police “weren’t just being given the weapons of an army by the Pentagon; they were being trained like armies, trained to think of citizens as the enemy. Which made them overreact.”<sup>22</sup> The goal of the police is to protect and serve the people by maintaining order on the

streets, not to instill fear in society. It is important to highlight the fact that the law in the U.S. separates the duties of the military and the police and clearly defines the role of the military, prohibiting the military from enforcing civil law. However, there does not appear to be any difference between the police forces and the military in terms of their weapons and logistical capabilities. The U.S. population is right to protest and demand that government officials and lawmakers implement major reforms to stop such horrific acts from continuing. ■■■

#### NOTES

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<sup>2</sup> “Tamir Rice: US Police Kill Boy, 12, Carrying Replica Gun,” BBC, November 24, 2014, accessed in April 2015.

<sup>3</sup> Lauren Gambino, “Tamir Rice Shooting: Cleveland Police Handcuffed Sister as 12-Year-old Lay Dying,” *The Guardian*, January 8, 2015, accessed in April 2015.

<sup>4</sup> Ray Sánchez and Shimon Prokupecz, “Protests After N.Y. Cop Not Indicted in Chokehold Death; Feds Reviewing Case,” CNN, December 4, 2014, accessed in April 2015.

<sup>5</sup> “‘I Can’t Breathe’ Protests Rally Nationwide for Fifth Day,” *Time*, December 7, 2014, accessed in April 2015.

<sup>6</sup> Andy Campbell, “Video Shows Officer Michael Slager Shooting Unarmed Black Man in the Back in South Carolina,” *Huffington Post*, April 7, 2015, accessed in April 2015.

<sup>7</sup> “Al Sharpton Pledges Support for Family of Walter Scott,” *Huffington Post*, April 8, 2015, accessed in April 2015, p. 1.

<sup>8</sup> Tracy Wilkinson and Christopher Goffard, “U.S. Police Killings of Unarmed Mexican Men Enrage Latino Community,” March 6, 2015, accessed in April 2015.

<sup>9</sup> Andre F. Puglie, “Mexico Condemns Police Killings of 3 Citizens, Says ‘Incidents Cannot Be Seen in an Isolated Fashion,’” *Latin Post*, March 3, 2015, accessed in April 2015.

<sup>10</sup> A. B. Wilkinson, “Tony Robinson, Rubén García, and Police Brutality against Brown Bodies,” *Huffington Post*, March 17, 2015, accessed in April 2015, p. 4.

<sup>11</sup> Mark Thompson, “War Comes Home: The Militarization of U.S. Police Forces,” *Time*, August 19, 2014, accessed in April 2015, p. 1.

<sup>12</sup> *Ibid.*

<sup>13</sup> Arthur Rizer and Joseh Hartman, “How the War on Terror Has Militarized the Police,” *The Atlantic*, November 7, 2011, accessed in April 2015.

<sup>14</sup> <http://www.fas.org/sgp/crs/natsec/R42659.pdf>.

<sup>15</sup> “War Comes Home: The Excessive Militarization of American Policing,” ACLU, <https://www.aclu.org/feature/war-comes-home>, accessed in April 2015, p. 1.

<sup>16</sup> “Stop and Frisk Facts,” NYCLU, <http://www.nyclu.org/node/1598>, accessed in April 2015.

<sup>17</sup> *Ibid.*

<sup>18</sup> Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement* (Chicago: University of Illinois at Chicago, 2013), p. 1.

<sup>19</sup> *Ibid.*, p. 1.

<sup>20</sup> *Ibid.*, p. 8.

<sup>21</sup> *Ibid.*, p. 11.

<sup>22</sup> Lev Raphael, “Warning: Killer Cops Are Armed and Dangerous,” *Huffington Post*, February 22, 2015, p. 1.