POLICE BRUTALITY 101

We receive a lot of requests for information about police brutality, why it exists, and how people can combat it. Here are some answers.

What is the history of policing in the US?
American policing comes from three threads:

- Patterollers worked for plantation owners, enforcing the Fugitive Slave Act by brutally policing slaves and capturing escaped slaves. The term "patteroll" is the basis for the modern word "patrol."
- The Pinkerton agency was a private security firm that worked for industrialists and other corporate leaders to break up union organizing, sometimes by viciously attacking union events and by brutalizing and killing union leaders. They were popularly referred to as the "goon squads." At one point, they worked for the federal government and were the largest police force in the world.
- Watch patrols were hired by rich people to patrol the areas around their homes to prevent robberies and other crimes.

All of these early forms of policing involved individuals being paid to protect the property interests of rich people. Eventually, the rich determined that if these agents would at least appear to work for the general community, they could transfer the cost to the public. Largely, this was a PR move—with such slogans as "to protect and serve"—even as they continued to primarily serve the interests of the rich.

Why does police brutality occur?
This is a complicated issue. Part of the issue has to do with the origins of policing and the continuing racism that both underpins policing and our society as a whole. Another consideration is the fact that as Americans, we value property and wealth and consider crimes against property, such as theft, to be very serious offenses. This also feeds to a general prejudice against low income and homeless people—who are quite often the victims of police brutality. The "war on drugs" and the treatment of chemical addition as a crime rather than a disease has increased the volume of police encounters and has contributed to the rates of brutality. In addition, police are often called upon to address situations for which they are poorly trained, particularly handling mental health issues. Recent studies indicate that more than 50% of deaths at the hands of police involved individuals in the throes of a mental health crisis. In addition, police officers are drawn from the general society and they harbor the same prejudices and beliefs as the rest of the population. However, they are given the tools and power of the state to ply those prejudices against others. Finally, because their role is to maintain and enforce the social order, police are rarely held accountable for abuses committed in the course of carrying out that role.

How prevalent is police brutality?
No one knows the answer to this question. The FBI was ordered over 20 years ago to gather statistics on police misconduct but never did. In the last few years, a few media outlets and private organizations have tracked deaths at the hands of law enforcement or tried to track other types of incidents but they rely on media accounts or lawsuit data and most police brutality incidents never make the news and aren't litigated. A few of the better databases are http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-map-us-police-killings and http://www.policemisconduct.net/

Yes, but isn't policing dangerous?
Popular myths about the dangers of policing have been used to justify much of the abuse and brutality committed by police. In fact, policing doesn't even crack the top ten list of most dangerous careers (see http://www.bls.gov/news.release/pdf/cfoi.pdf). Despite this, the 1989 US Supreme Court decision in Graham v. Conner stated that the use of deadly force to effect a lawful arrest or prevent the officer from physical threat is permitted because police officers have to make "split-second decisions during life-threatening situations" so are to be granted broad discretion on when to use force. Police officers have learned to use certain "magic words" in their police reports to justify beating or even gunning down unarmed members of the community.

Why don't the good cops stop the bad cops?
It is our organization's position that the good cop/bad cop framing is wrong. We believe the issue is a bad SYSTEM that validates police brutality and misconduct by failing to hold those who engage in that conduct accountable. While some officers intercede to stop brutality, it is unfair to expect coworkers to control each

other's behavior when police leadership fails to create consequences for officers who engage in misconduct. Further, there are many instances of retaliation and reprisals from police leadership toward officers who challenge misconduct. In short, not only does police misconduct harm the community but it creates a hostile work environment, which is why some officers have spoken out against it, even at the risk of their careers.

Why is it so hard to hold cops accountable?
Beyond to the reasons cited above, government entities that employ police often cover up misconduct because admitting that their officers have done something wrong subjects them to lawsuits and larger payouts. To discourage lawsuits, people who are brutalized are usually charged with offenses to cover up the brutality. This is because under the US Supreme Court decision in Heck vs. Humphrey if a person is convicted of criminal charges related to an incident, they no longer have a valid civil rights lawsuit so prosecutors work hard to get convictions in these cases.

In addition, police are represented by strong unions that also endorse the same politicians who oversee police. Most politicians are very hesitant to challenge these unions because it will affect their ability to get reelected. Finally, many politicians and jury members believe the hype about the dangers of policing so are hesitant to second-guess police or accept that police engage in misconduct. This is especially true for majority culture jury members, who do not experience the same kind of policing people of color and low income people are subject to. Finally, as a society we have tended to view individual incidents of police brutality and have failed to recognize patterns of misconduct by particular officers or against particular populations.

What can be done to stop police brutality?
Because there are many causes of police brutality, there are many actions that can be taken to reduce the number and severity of incidents and to address the underlying causes. Here are just some examples:

1) Engage in copwatching: Filming police to document their conduct is a First Amendment-protected right and provides a measure of protection for the community.
2) Expose police brutality incidents. We use our state's data laws and procedures to obtain complaint records on police and put them up on our website for all to see. Even though most complaint mechanisms fail to sustain complaints, the fact that an officer has many complaints is itself very telling. We also operate a 24-hour hotline for police brutality cases and we educate the community about these cases if people want their story told (but we always check with their attorneys first). Organize protests around police brutality incidents.
3) Go to court with people who are facing charges after being brutalized. This provides support to these people and allows you to document the conduct of the judges. Expose biased judges.
4) Learn your rights when dealing with police and teach them to others. We can provide training materials. Good videos are available from https://www.flexyourrights.org/
5) Challenge the policies and practices that lead to bad policing. Every police department has a policy manual. Many even post these manuals on their websites. Read and become familiar with the manual that governs your local police department. If there are bad policies or policies that are missing, raise these issues with your city council or county commission. You can also look into and challenge the police union contract, which often contains measures that make it hard to discipline officers.
6) Challenge the licenses of problem officers. Every state has a licensing board for police officers. Learn about how that board functions, whether they accept complaints (and what they do with them), when they meet, and how to get on their meeting agenda. Most of these boards are very resistant to actually overseeing their licensees but you can organize with others to challenge them to act.

These are just a few examples and there are many more actions you can take, depending on the particular problems that you find in your local police department.

We hope you have found this information helpful. If you have questions or would like advice on a particular situation, please contact us.