

COMMUNITY POLICING: A LAW-ENFORCEMENT INITIATIVE FOR A SAFER SOCIETY OR A TOOL FOR RACIAL PROFILING

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Abstract

In the context of police and community relations, community policing is becoming a favorable style of policing for agencies throughout the country. Within this context, also falls an appreciation for police agencies to respond to the social conditions of diverse communities (Reisig & Parks, 2004; Trojanowicz, Kappeler, Gaines & Bucqueroux, 2002). The responsiveness of police agencies as open systems organizations is often unfavorable as racial profiling and police misconduct occurs. Inequality of race, class, and gender have been a part of this country's social structure dating back to slavery, but it has gained momentum as post 9/11 events have created a wider spectrum of profiling (Sekhon, 2003). The federal government has established security measures within airports and through federal policies that appear to subject targeted minorities and Muslims to continued profiling measures (Nolan, Conti, & McDevitt, 2004; Parker, MacDonald, Alpert, Smith, & Piquero, 2004).

This article reviews the origins of traditional policing, beginning with its nascence in London, England under the direction of Sir Robert Peel (Skolnick & Gray, 1975). The review also provides an analysis of local law-enforcement in America, including the approach of policing in the 1960s in urban cities. Due to the historical inequities of class, race, and gender in America, the Civil Rights Act of 1964 was initiated to minimize the legal discriminative practices in this country. The literature discusses policies and laws such as the Fourth Amendment, Civil Rights Act of 1875 and 1964, and the Voting Rights Act of 1965 (Civil Rights Act, 1975; Davis, 2003; Sykes, 1995).

The often responsiveness or urgency to address problems within inner cities has created a mistrust of many policing agencies among some citizens. To correct the mishandling of safety

needs of citizens and present a more favorable image of policing, nationwide, local departments have implemented the concept of community policing (Swanson, Territo, & Taylor, 1998). The literature examines the differences between traditional and community policing and their principles.

The literature explores racial profiling within law-enforcement and analyzes its continuous means of subjecting citizens, especially minorities, to unjustifiable stops, seizures, and arrests. An analysis of the first racial profiling report of the Fort Worth Police Department (FWPD) is discussed, including local and federal changes that have generated recent revisions in departmental policies (FWPD, 2003). Finally, in this article the researcher discusses Patriot Acts I and II, and their effects on the constitutional rights of citizens, specifically American Muslims, Middle Easterners and African Americans (American Civil Liberties Union Fact Sheet on Patriot Act II, 2003; Perera, 2004).

Law-Enforcement in America

The establishment of law and order in the United States parallel London's Police Force. Two of the earliest police departments created in this country were the New York and Boston police departments. These two departments were created because of protests and riots among indigenous English citizens and Irish immigrants. For instance, on June 11, 1837, a riot between the Boston Fire Company and Irish immigrants involved more than 15,000 persons (Skolnick & Gray, 1975). A year later, race riots evolved in the streets of Philadelphia, Pennsylvania causing the destruction of property and the death of many African American citizens. A rush to establish formal police departments began to spread throughout the country. During the mid to late 1800s, individuals who were supported by local mobsters and other wealthy individuals often won elections. Police officers were often used to intimidate and harass voters and subvert elections. Elected officials often granted large government contracts to their constituents and received kickbacks from these business ventures. As reported by Trojanowicz & Bucqueroux (1990), elected officials and their friends were also secure in their criminal dealings with organized crime organizations and were rarely punished for breaking any laws. Local police would severely punish and arrest political enemies of the current administration (Trojanowicz & Bucqueroux, 1990). If police administrations did not agree with the political ethics of the elected mayor or city council members they were fired, and a new police administration would be appointed. Since 1844, the mayor has appointed police chiefs in New York city, and the appointee has always been considered a figurehead for the department (Swanson, Territo, & Taylor, 2001). The appointment of police chief in major municipalities is often made by the Mayor or City Manager of that city, as recently exemplified by the appointment of the new police chief in Dallas, Texas by City Manager, Ted Benavides (Korosec, 2004).

Newly appointed police officials were often unskilled, untrained, and unqualified to be maintainers of peace and order for cities as large as New York and Boston. Officers threatened trade organizers, legitimate business owners, and harassed and killed African American and other immigrant citizens. Communities, in turn, did not receive fair and just treatment by their local police departments and currently continue to have a high level of distrust of police. After nearly a half century of unorganized policing in this country, a newer method of policing was created (Trojanowicz & Bucqueroux, 1990).

Professional Policing

Professional policing, as viewed by American standards, is accredited to Berkeley, California police chief August Vollmer (Trojanowicz & Bucqueroux, 1990). He initiated the concepts of professional policing during his tenure between 1902 and 1932. His reform ideas looked upon law-enforcement as a professional organization that would advance by using technology and establishing higher personnel standards. These ideas made the Berkeley Police Department a model for professional policing. He introduced the first completely mobile patrol. Bike patrol officers who would eventually be replaced by squad car officers would replace foot patrol officers. Although he introduced formal police training in 1908, in 1916, Berkeley was operating the country's first scientific crime lab, and was the first department to utilize a lie detector machine in criminal investigations. Psychological and intelligence testing were introduced into the recruitment process and college students were actively recruited from the local university, the University of California (Swanson et al., 2001). Several of these concepts are still used by police departments across the country, including the Fort Worth Police Department. A series of psychological and other battery tests are given and recruiters often solicit applicants on college campuses throughout Texas. Although a college degree is not required to become a Fort Worth, Texas police officer, applicants with college hours or degrees receive \$60-\$120 more per month as an educational pay incentive (City of Fort Worth Recruitment, 2003).

The Polarity of Policing in the 60s

During the 1960s, in response to the emergence of the Civil Rights Movement, communities began to become individually and collectively involved in the fight for social and civil rights. A continuance of distrust of police in minority and low-income communities persisted, and the United States involvement in the Vietnam War divided the country both racially and socially (Swanson et al., 2001). Police departments were forced to face civil unrest on a different level. Because officers in police departments were predominately white, local police departments reacted to protests, marches, and sit-ins by young civil rights advocates with brutal and lethal measures. An understanding of the cultural complexity of the civil rights era was not properly addressed by local law-enforcement agencies.

The diversity of the communities was misunderstood. Negative attitudes on the part of the police and the citizens were directed at each other (Regional Organized Crime Information Center [ROCIC], 2003). The role of the police department became unclear to their communities, and their legitimacy as a professional policing entity was questionable. Skolnick and Gray (1975) suggest that law-enforcement is only as questionable and uncertain as the society that it operates in. According to Reisig & Parks (2004), in communities that do not uphold prejudicial behaviors, minimal prejudice is shown by law-enforcement. However, in communities that exhibit higher levels of prejudice and mistrust towards authority, there lies a similar degree of inequitable behaviors by law-enforcement agents. Therefore, how can officers maintain peace and order within a community if the most feared component of the community is the police? (Swanson et al., 2001).

Almost 90 years after The Civil Rights Act of 1875 was introduced, citizens, predominately African Americans, were not treated as equal citizens (Civil Rights Act, 1964). The 1875 Civil Rights Act states,

That all persons . . . shall be entitled to full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement.

This act was considered as unconstitutional by a Supreme Court ruling in 1883. The findings of the 1883 decision ruled that African Americans were not protected under the Fourteenth Amendment against discrimination from private establishments or individual citizens, but were protected against discrimination by the states (Davis, 2003). Due to the tradition of slavery in America, African American citizens have been the target of racism, discrimination, and abuse by police officers and other law enforcement agents. Historically, citizen patrol groups were allowed to capture runaway slaves and return them to their slave owners.

These citizen patrols were a precursor to eventual local policing (Trojanowicz & Bucqueroux, 1990). After the passing of the Civil Rights Act in 1964, racial discrimination in public places by the police increased. In 1964, the Civil Rights Act, Title II and Title VII were passed to forbid racial discrimination in public places and within employment practices (Sykes, 1995).

The image of police departments has been stained by mistrust and abuse of their roles in society. Although officers are often viewed as the enemy, officers are also looked upon as crime fighters, law enforcers, conflict managers, and crime prevention specialists (Reisig & Parks, 2004). More importantly, police officers are now being viewed as social service agents. Approximately 15% of an officer's day is spent arresting criminals. In an attempt to counter the harsh images of police departments during the 60s, police departments have sought to regain their professionalism through education. Education is seen as a way to improve community relations, and reduce police brutality and corruption (Swanson et al., 2001). The answer to this equation is viewed through community policing, the future of policing (ROCIC, 2003).

Community Policing

In order to combat traditional crime fighting methods of the 1970s and 80s, police departments began to move toward community policing (Swanson et al., 2001). Community policing is a partnership with local law-enforcement and the community (ROCIC, 2003). Local law-enforcement agencies have recently put into practice the concept of community policing. This concept embraces and acknowledges the principles of Sir Robert Peel, who established policing as representatives of a community. He suggested that police officers would give full attention to community needs existence (Swanson et al., 2001). The conceptual foundation of community policing also suggests a demonstration of the need for local police officers to be more receptive to the diversity within the communities they are charged with serving (Harris & Maloney, 1999). Community policing is primarily characterized as a means to promote greater community involvement in the roles and functions of their local police departments. Furthermore, successful implementation requires endorsement of five elements: a commitment to

crime prevention, public scrutiny of the police, and accountability of police actions to the public, customized police service, and community organizations (Swanson et al., 2001). Although, Sir Robert Peel first introduced the concept, a structure and philosophy has been adopted for departments to follow. Research suggests that police departments, who do not adopt a community policing philosophy, will be left behind (RO- CIC, 2003).

Traditional crime fighting measures such as arrest and apprehension of criminals, and strict enforcement of laws has limited the role of law-enforcement officers (Gould & Mastrofski, 2004). Although, police officers are tasked with interactions with violent criminals, gang members, prostitutes, the mentally challenged, and other social undesirables, officers service a wide array of clients as human service professionals (Harris & Maloney, 1999). Law-enforcement is a service oriented and opens systems entity, which maintains that it must service the community at large. Services are provided to citizens, churches, civic groups, and schools, all which are inclusive of a community (Gould & Mastrofski, 2004). Communities are composed of smaller sub-communities and cultures that exist within the larger community. Each sub-community can be viewed and categorized by race, religion, economics, education, etc. (Anderson, Carter, & Lowe, 1999; Swanson et al., 2001). Within an open systems perspective, the interdependence of the organization and its environment or community is the essence of open systems. The open system environment is perceived to be the ultimate source of resources that are essential to the continuation of the system (Scott, 2003). Departments who want to be successful community policing organizations recognize these differences. A partnership is first established, followed by a sincere pursuit of two-way communication with the community. An open communication channel ultimately builds trust, which is the most important aspect of community policing (ROCIC, 2003).

Traditional vs. Community Policing

Traditional policing and law-enforcement in general is considered as a reactive entity (Nolan, Conti & McDevitt, 2004). Police officers arrive on the scene of an incident or crime after the fact. Research suggests that an increase in patrol officers does not lower crime rates or increase the likelihood of solving more crimes, because more patrol officers only improves response times, which is still after the fact. Improved response times only enable an officer's ability to quickly arrest a suspect after the crime has been committed (Nolan et al., 2004). Random patrols do not lower crime rates nor add to the potential of catching suspects in the act because officers are limited to patrolling and response. Swanson et al., (2001), believe that saturation details are often accredited with reducing crime but it displaces it to other unsaturated areas.

According to Swanson et al., (2001) policing departments implementing community initiatives are deemed as proactive community agents that not only respond to criminal behaviors, but prevent criminal incidents from ever occurring. Community policing principles suggests that effective crime fighting is a result of finding the root of the problem not just the incident (ROCIC, 2003). Fighting and reducing crime can be viewed as the responsibility of the entire community, including the police. The police department is one resource among many that is available to the community. Swanson et al. (2001), concludes that criminal offenses are investigated as lone incidents but are viewed as community crimes. Community policing also

determines police effectiveness through their cooperation with the public rather than how fast an officer arrives at the scene of a crime. Crime is also considered as one element of the social problems that the entire community must face (Swanson et al., 2001).

Any new concept or measure of policing normally requires funding. The concepts and principles of community policing received legislative financial support in 1994. In September 1994, Congress signed the Violent Crime Control and Law Enforcement Act. This bill provided over 29 billion dollars to local criminal justice agencies nationwide (Swanson et al., 2001). Approximately \$3 billion was granted for the building of new regional prisons and \$3 billion was granted for youth offender boot camps. Under the Community Oriented Policing Services (COPS) program, \$8.9 billion was allocated for the hiring of 100,000 additional officers over a five-year period. Taslitz (2003) concluded that the COPS program is designed to improve community-policing efforts in order to rebuild trust between the police and the citizens. The COPS program also allows agencies to qualify for additional funding to purchase equipment, technology, and other support systems (Swanson et al., 2001). Funding to purchase sufficient resources is often not enough as officers sometimes displace their roles and positions in society. The misplacement of authority is often released upon citizens in the form of misconduct and Fourth Amendment violations (Taslitz, 2003).

Policing and the Fourth Amendment

Police officers are human service providers, such as physicians, attorneys, and counselors (Reisig & Parks, 2004). Within the description and role of an officer lies an unclear role perception. An officer's duties may include the arrest and detention of criminals but also incorporates interactions with the community providing advice and others forms of assistance. Officers often have a degree of discretion in when, how, and whom to interact (Dunham & Alpert, 1989).

Reamey (2003) suggests that a Texas peace officer may conduct three forms of interactions with individuals: encounters, investigative detention, and arrests. A consensual encounter does not require reasonable suspicion or probable cause and can be terminated by the officer or individual at any time. An officer can approach and talk with an individual and knock on an individual's door without any constitutional limitations. An encounter does not violate Fourth Amendment rights, freedom from unreasonable search and seizures, and requires the least amount of justification on behalf of an officer (Taslitz, 2003).

Reamey (2003) also suggests that investigative detentions require reasonable suspicion that an offense has or is about to occur. An individual does not have the right to terminate this contact due to the temporary authority granted to an officer. However, probable cause is necessary if enough evidence is present to validate an arrest stemming from a detention or consensual encounter. Dunham & Alpert (1989) opined that Fourth Amendment violations are often perceived as such when officers are not properly trained. As one of many methods to prevent disturbances or threats to public safety, officers often resort to the use or threatened use of authorized force. Though authorized by state and federal sanctions, individuals who violate social norms and mores are engaged by officers who in turn violate constitutional expectations (Dunham & Alpert, 1989). In an attempt by officers to respond appropriately, they often misdiagnose problems that precipitate undeserving applications or treatments. Citizens who call

for police assistance and other adversaries may expect one form of treatment that an officer is not capable or willing to acknowledge. The product of a misdiagnosis of the problem can result in misconduct, brutality, and continued civil rights violations. Continued training and high ethical standards are the essence of good police practices but is hindered by individual uncertainties and split-second syndrome (Dunham & Alpert, 1989; Swanson et al., 2001).

Split-Second Syndrome

Uncertainties are often demonstrated during critical incidents that become life or death favored (Nolan et al., 2004). Rioting in Los Angeles in 1965 and 1991, Philadelphia in 1985, and the prison riot at Attica prison in 1971 all resulted in property damage and fatalities, which developed from bad decision making by law-enforcement officials. Research presented by Fyfe (as cited in Dunham & Alpert, 1989) suggests that well intended decisions, which ultimately turn into bad decisions, are a result of split-second syndrome. Based on several conjectures, split-second syndrome assumes that because each police encounter is different, there is no exact way to illustrate a design that will solve the given problem. External stressors, time constraints, and unfavorable encounters with criminals can subsequently increase bad decisions on behalf of the officer (Gould & Mastrofski, 2004; Nolan, et al., 2004; Reisig & Parks, 2004). However, the eventual contact with a citizen or criminal that has intention- ally antagonized the situation, may justify the damage or injuries sustained by that person by way of the officer. Dunham & Alpert (1989) report that the split-second syndrome denotes the justification and acceptability of collateral damage of a suspect or individual when imminent threat faces an officer. Provocation is the only precursor to extending force upon an individual. Unwarranted provocations can lead to unnecessary force and police brutality (Dunham & Alpert, 1989).

Texas Criminal Law and Motor Vehicle Handbook (1999) suggests that officers are authorized to use only the reasonable amount of force necessary to secure an arrest and detention of a suspect but are justified in using deadly force in special situations. The understanding of this authority is often unsettling by citizens who adhere to and violate the law. An analysis of the split-second syndrome leaves room for discussion of what is justifiable within the context of policing and suggests a closer look at whether better training is necessary to invalidate this non-clinical purported syndrome (Dunham & Alpert, 1989). Ineffective policing and bad decisions has its historical roots but the systematic approaches to making communities safer often exceed its own limitations. Community policing is limited to its acceptance and partnership with the community and must work within this conceptual framework but finding the least common denominator can lead to racial profiling (Swanson et al.,2001).

Fourth Amendment Profiling

The U.S. Constitution supports searches and seizures by law-enforcement agents. Citizens, especially those in minority communities, do not always support perception of searches and seizures. The Fourth Amendment, however, seems to some law enforcement officers a pointless annoyance and mere technicality. The imagery of increased crime rates and the exploitation of the Fourth Amendment by guilty defendants set the stage for real and fictional

advances to remedy crime. Good police work, undermined by the unreliability of the courts, suggests that officers often perjure themselves during trials to insure convictions. Violations of Fourth Amendment rights by police officers often have a greater impact on minority defendants than non-minority. Courts imply a colorblind policy that ignores race but consequently creates for minorities a larger racial disparity because it is ignored. Racial disparities that are ignored are rarely seen when evident. This colorblind philosophy thus views minority defendants, especially African American males, as the same as white defendants. However, African Americans have lower levels of trust concerning police than whites, which is greatly due to how each group defines the boundaries of respect (Taslitz, 2003).

Citizens are detained every day because of police investigations and some encounters are invasive as others are not. Undeserving and unjustifiable policing exacerbates the distrust and anger among individuals who are believed to be the targets of the police (Taslitz, 2003). A recent interview with a fellow law-enforcement officer suggested that high school students, who may be somewhat unscrupulous, have a greater distrust for many white officers who repeatedly stop them on traffic stops because they perceive them as being criminal. Countless traffic stops have led to many detentions but zero arrests. It is believed that eventually, these officers will conjure evidence that will lead to an arrest (L. Young, personal communication, March 19, 2004). Research conducted by Weitzer and Tuch (as cited in Taslitz, 2003) suggests that 65.8% of African Americans surveyed had some, little or no confidence that minorities and non-minorities were equally treated by their local police agency. Five times as many African Americans as White Americans reported police mistreatment and similarly responded that police racism was common. Howell, Perry and Vile (2004) reported that African Americans are more likely to express verbally and physically unfavorable attitudes towards various forms of policing, which have developed into deeper and longer periods of distrust. In an interview with 50 African American male and female officers, Bolton (2003) found that racism continues to impede a collective progress of African American officers, due to the disproportionate occupied positions of authority extended throughout local agencies. Bolton's research also discovered that extended training, evaluations, discipline, assignments, and promotions are also influenced by race.

Within the framework of racial profiling, there are federal laws and constitutional rights that judge it as discriminatory and socially unacceptable. Consequently, the causes vary from person to person but the source appears to be rooted in the role of racial prejudice. Employers in the workplace and overseers of land and housing institutions acknowledge that prejudice is a main ingredient in profiling (Wilson, Dunham, & Alpert, 2004).

Governmental Response to Racial Profiling

SIRS Government Fact Sheet (ACLU Fact Sheet, 2003b) noted that in an attempt to calm the agitation over racial profiling by law enforcement in this country, President George W. Bush made the following statement:

It's wrong and we will end it in America. In so doing, we will not hinder the work of our nation's brave police officers. They protect us every day—often at great risk. But by stopping the abuses of a few, we will add to the public confidence our police officers earn and deserve. (p. 1)

On February 27, 2001, President Bush ordered a review of federal enforcement tactics that employ race as a factor in conducting stops, searches, and seizures (ACLU Fact Sheet, 2003b). The ban on all racial profiling would suggest that all ordinary traffic stops by federal agents may not use race or ethnicity as a determinable condition of that stop, unless there is an articulate description of a suspect being of a particular racial group. Race and ethnicity is often an investigative asset in determining the identity of a suspect and is allowed for obvious reasons. Federal agents are cautioned not to generalize about a suspect's identity that may lead to unwarranted profiling of innocent subjects. Although, the majority of federal law-enforcement officers are believed to perform their jobs in fair and dignified manners, there is a moral obligation to prohibit racial profiling, as it has tainted the entire criminal justice system (ACLU Fact Sheet, 2003b).

Federal guidelines also established a mandate for all state and local agencies to implement a policy regarding intolerance to racial profiling. State policy directs local agencies to collect data regarding traffic stops and arrests from January 1, 2002 through December 31, 2002, and submit a report of their findings by March 1, 2003. Subsequent reports are to be submitted to the governing body of each county or municipality served by that agency. Texas state policy is ordered under Texas Senate Bill 1074 (FWPD, 2003).

Existing studies on racial profiling have foundations built upon aged state evaluations. However, closer analyses on local levels may offer better insight into the issue (Parker et al., 2004) than relying on older reports. As directed by Senate Bill 1074, the Fort Worth Police Department released its findings of local traffic stops in March 2004.

Racial Profiling Report—Fort Worth Texas

Under Texas Senate Bill 1074, which requires the collection and submission of data regarding racial profiling, the FWPD released its findings to the City Council on March 1, 2004. The report includes data regarding the detainment of an individual on a traffic stop that result in an arrest or issuance of a traffic citation. The method for benchmarking profiling data is the Fair Roads Standard. This method utilizes U. S. Census Bureau tables that offer information regarding households with vehicles. The advantage to this method over others is the relevance to vehicle information that incorporates race and ethnicity as supplied components of the tables. These tables offer a standardization that is approved by federal guidelines. The ACLU, NAACP, and LULAC (League of United Latin American Citizens) have endorsed this method. The methodology utilizes two processes for comparison to base-line data used in census data; Relative Difference of Stops (RDS), and Rate of Deviation from Baseline (RDB). The following notes the two methodologies: RDS is used for comparison of race/ethnicity to Census baseline data for traffic citations. RDB is used for comparison of race/ethnicity for searches. The baseline is the percentage of traffic stops by race/ethnicity (FWPD, 2003). Table 1 provides preliminary data regarding racial profiling in the FWPD and set a baseline for the measurement, collection and assessment of future data. The information will also be used for future training and policy revisions (FWPD, 2003).

FYPD (2003) notes that the next profiling report would be submitted to the City Council on March 1, 2005. The FYPD strictly prohibits officers from engaging in racial profiling. Although one racial profiling complainant was received by the Internal Affairs unit of the FYPD in 2002, African American officers often have a feeling that their white counterparts still continue this practice more than it is reported (L. Young, personal communication, May 19, 2004).

Social learning theorists suggest that human behavior is taught and learned through interactions with society. Social learning theories, which are the most frequently tested theories in criminality, may also explain why officers would engage in unlawful acts such as racial profiling and other civil rights violations (Akers, 2000; Swanson, et al., 1998).

Table 1
Statistics from 2003 Fort Worth Police Department Racial Profiling Report

	White	Hispanic	African American	Asian	Other
<u>Traffic Citations</u>					
Citation	108,658	91,432	71,153	2,853	4,320
Percent	39.0%	32.8%	25.6%	1.0%	1.6%
RDS	67.8%	161.6%	138.4%	47.6%	100.0%
				Total	278,416
<u>Searches Resulting from Traffic Stops</u>					
Searches	1,875	1,560	2,218	36	28
Percent	32.8%	27.3%	38.8%	0.6%	0.5%
RDB	84.1%	83.2%	151.6%	60.0%	31.3%
				Total	5,717
<u>Non-Consent Searches Resulting from Traffic Stops</u>					
Searches	1,442	1,297	1,721	26	26
Percent	32.0%	28.7%	38.1%	0.6%	0.6%
RDB	82.1%	87.5%	149.8%	60.0%	37.5%
				Total	4,512
<u>Consent Searches Resulting from Traffic Stops</u>					
Searches	433	263	497	10	2
Percent	35.9%	21.8%	41.2%	0.8%	0.2%
RDB	92.1%	107.4%	160.9%	80.0%	12.5%
				Total	1,205
<u>Arrests Resulting from Traffic Stops</u>					
Searches	1,426	1,203	1,129	19	46
Percent	37.3%	31.5%	29.5%	0.5%	1.2%
RDB	95.6%	96.0%	115.2%	50.0%	75.0%
				Total	3,823

RDB – Rate of Deviation from Baseline; RDS – Relative Difference of Stops
Source: Fort Worth Police Department, 2003

Social Learning and Racial Profiling

Social learning theories assume that individuals learn by observation and listening to others in their social environments (Bartol, 2002). Sociologist Edwin Sutherland noted in the term differential association that people learn deviance and as such, individuals learn to deviate from or conform to social norms by the groups they interact with. Deviance is characterized as a violation of social norms or rules written into law. Therefore, officers who engage in police misconduct, corruption, and profiling also are deviant when their behaviors and actions violate human dignity (Henslin, 2002). Prejudice and discrimination are processes that are acquired from various social groups and stimuli (Barkan & Snowden, 2001). These processes become the perceptions, expectations, and competencies that shape individual values and standards.

According to psychologist and criminologist Julian Rotter, a specific pattern of behavior occurs by way of one's expectancies and the value placed on the outcome. Social learning theorist suggested that observational learning or modeling but the more significant acquire behavior and respected the model, the greater the influence upon one's behavior. Models are often family and friends but can be fictional or characterized in a movie or on television (Bartol, 2002). Crime based reality shows often provide audiences information regarding police, crime, and other criminal interactions in an appealing but dramatic format. However, TV programs present police and suspect interactions in troubling and often confusing manners because programs such as COPS and World's Wildest Police Videos justify police actions as common and just (Prosise & Johnson, 2004).

Racial Justification Through Television

Prosise and Johnson (2004) suggest that crime-based reality shows serve to justify controversial police practices that may be construed as racial profiling. Crime shows also offer an unrealistic model of police officers and their approach to fighting crime and present a perception of good prevailing over evil, even when good is really an evil. Most citizens report that their knowledge of crime and law-enforcement is funneled through media outlets. Since most viewers of crime shows have limited direct experience with the practices of law-enforcement, these shows leave an impression that what is presented is an accurate portrayal of policing. Although the stories and subjects are real, the methods of policing imply accept- ability that the police are justified in whatever occurs because they are suppressing crime (Gould & Mastrofski, 2004).

Crime-based reality shows often reinforce certain myths surrounding criminality. One profound myth suggests that minorities, specifically male African Americans, commit proportionately more crimes than do White Americans (Runnels, 1989). The perceptions fostered by these shows also suggest a direct link between criminality and minorities. This portrayal of crime in society conditions a social propensity to be fearful of minorities because of the image presented. According to a study by Oliver and Armstrong (as cited in Prosise & Johnson, 2004), research findings suggest that White American officers were over represented and African American officers were underrepresented in these crime shows. Minorities are often considered as the most likely suspects who are more prone to physical encounters with officers. Police aggressions toward these suspects justify the use of force used to secure an arrest or detention.

Since crime is bad for society, then any force needed to suppress crime rids society of this problem (Runnels, 1989).

Conversely, to what crime-based reality television intends to offer television audiences, myths and perceptions of criminality in society are sold as truth. Pretext traffic stops and physical altercations between criminals and police are commonplace and are acceptable practices of law-enforcement, even when these encounters are racially driven (Prosise & Johnson, 2004). Runnels (1989) notes that African American men are six times more likely than White American men to be a victim of a crime and African American females are eight times more likely to be assaulted than their white counterparts. The realization within many African American communities is the acceptance of crime and violence, even at the hands of the police. The acceptability of this notion is all too real as racial profiling continues as race based stops, searches, and seizures have turned the privilege of driving into a frightening and risky endeavor for many minorities in this country. SIRS Government Fact Sheet (ACLU Fact Sheet, 2003b) concludes that racial profiling is wrong, unconstitutional, and must be ended. President Bush provided an assurance of ending police disproportionate traffic stops by enacting a federal ban on racial profiling (U.S. Justice Department, 2003).

Racial Profiling and the Patriot Acts

Undoubtedly, every law has its loopholes, as does the federal ban on racial profiling. The push to eliminate racial profiling is written into the conceptual understanding of the federal policy; however, racial profiling may be used in terrorist identification (ACLU Fact Sheet, 2003b). On October 26, 2001, the Patriot Act properly cited as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism became public law.

The lack of due process, accountability, and weakened checks and balances of the Patriot Acts establish similar civil rights intrusions that occurred during the Civil Rights Movement. Activists and other legitimate activist organizations were discredited and disrupted through surveillance, wiretapping, and other investigative measures (Fact Sheet, 2003a). Critics argue that prior to the Foreign Intelligence Surveillance Act (FISA) of 1978; federal authorities abused basic First and Fourth Amendment rights, one example was the illegal wiretapping of the conversations of Reverend Martin Luther King, Jr. Research by Reisig & Parks (2004) suggested that these former abuses of power are believed to be the gateway for present abuses that are fashioned under federal statute. As a measure of expanding Patriot Act I, which will be rendered partly ineffective December 3, 2005, the Justice Department seeks the enactment of the Domestic Security Enhancement Act or Patriot Act II (Sekhon, 2003; ACLU Fact Sheet, 2003a).

Patriot Act II

Written in the U.S. Constitution are limits placed upon the government by the courts, Congress, and citizens. The American democratic system was designed to ensure that the government does not violate the civil liberties of law-abiding citizens. Since 1978, the FISA has allowed for more governmental involvement of potential incidents involving threats to national

security and from foreign powers (ACLU Fact Sheet, 2003a). The act required court approval before conducting wiretapping, searches, or other forms of spying on religious and political organizations and individuals. Patriot Act II, however, is proposed to make the following changes to FISA: “standards for court approval of searches and surveillance would be lowered”, including shielding wiretappers from prosecution, even when done without a court order (ACLU Fact Sheet, 2003a).

Unintended Targets

The Patriot Act II may make the U.S. more vulnerable to terrorism. According to Perera (2004), critics and former senior intelligence officials have suggested that racial profiling may distract from more reliable forms of suspect identification and proven investigative techniques. In the midst of fighting terrorism, fundamental rights of suspects and individuals are taken by authorities. Ordinary citizens, not terrorists, may become targets of this Act. If passed, Patriot Act II will give the government clearance to issue administrative subpoenas and national security letters to obtain confidential library, Internet, and bookstore records of citizens, without a court order (ACLU Fact Sheet, 2003a). New provisions of the Patriot Act II consist of other administrative subpoenas that could be issued by law enforcement officials without oversight from courts. These subpoenas may be used for the denial of bail and for the expansion of imposing the death penalty (Perera, 2004). Immigrants, who are constitutionally protected under due process of law, could be deported without proof of evidence if the Attorney General suspects any risk to national security. Churches, synagogues, mosques, and other religious and community groups are also subjected to political spying by local and state police (ACLU Fact Sheet, 2003a).

In the annual Justice Department report to Congress in 2004, the Justice Department noted the approval of 1,700 electronic surveillances and physical searches in 2003, this is an 85 percent increase over 2001 (Perera, 2004.) Section 312 of the Patriot Act II, notes that religious and secular organizations, that are deemed politically controversial, could face infiltration and surveillance, even if there is no connection to terrorism or other criminal activities on the part of that agency (ACLU Fact Sheet, 2003a).

An article in the February 23, 2003 issue of the New York Times (as cited in ACLU Fact Sheet, 2003a) states, “An American citizen suspected of being part of a terrorist conspiracy could be held by investigators without anyone being notified. That individual could simply disappear.” In an eagerness to expedite the prosecution of suspected terrorist after 9/11, the Bush Administration, the FBI, and CIA submitted to Congress the Patriot Act I and more recently Patriot Act II (Sekhon, 2003). Patriot Act I, designed to fight, intercept and obstruct terrorism, is directly responsible for the detention and interrogation of 8,000 Arab and South Asian immigrants since the 9/11 attacks. These individuals have been targeted simply because of their religion or ethnic background (Sekhon, 2003; Summary of the USA Patriot Act I and other Government Acts, n.d.).

Ethnic and Religious Profiling Post 9/11

Sekhon (2003) suggest that section 102 of the Patriot Act I directly stipulates the protection of all American citizens, including Arab Americans, Muslim Americans, and Americans from South Asia. However, in the approach to secure certain ethnic groups granted protection, the Act also implies the anticipation of potential victims of domestic terrorism or hate crimes. Undoubtedly, over 1700 acts of hate violence have been perpetrated upon individuals who appeared to be of Arab or South Asian descent since 9/11 but thousands of men, mostly Arab and South Asian descent have been detained by officials in secretive federal custody for weeks and months, often without any official charges brought upon them (USA Patriot Act II, n.d.). For instance, in February 2002, a Palestine descent man, who has been a permanent resident of the U.S. for 23 years, was jailed at the San Pedro Federal Detention Center for failure to appear for a July 2001 interview. After being held for 18 months at 17 detention centers nationwide, he was released but never charged with a crime (Perera, 2004).

The term terrorism, used in a disclaimer in Patriot Act I, suggests that terrorists are members of the Arab and South Asian American communities. This suggestive term capitalizes on the ignorance and fear that has maintained a grip on the American psyche since the Oklahoma City bombing of the Murrah Federal Building on April 19, 1995. Weeks before white supremacy activist and former American soldier Timothy McVeigh was arrested, terrorist and terrorism were synonyms and descriptive of persons of Arab or South Asian descent. Unfortunately, terrorist attacks involving Arabs and South Asian persons, beginning with the assassination of presidential candidate Robert F. Kennedy by Palestinian activist Sirhan Sirhan in 1968; to the most recent 9/11 assault has reinforced this and other stereotypes of Muslims and those from Middle Eastern countries (Sekhon, 2003).

Profiling in Airports

Paulson (2003) suggests that racial profiling encourages a distrust of all Muslims. Recent world events, including the 9/11 attacks suggest that airport security is lacking. Therefore, non-discriminatory screening should be implemented into security measures. Discriminatory measures, however, extend to observable characteristics that are probably indicative of likely suspects of terrorism (Yetman, 2004). Current airport transportation measures have installed a "no-fly list". This list has and continues to create problems for Muslims or persons with Muslim-sounding names.

Individuals, mostly those described, have been detained at airports and questioned by customs officers based on the secret list, allegedly created by the FBI (Perera, 2004). It is unknown how far the civil liberties of American citizens, those of Arab or South Asian descent, and Muslims in general will be bound by legislations and federal policies. Arab Americans, Asian and South Asian Americans, and Hispanics have been socially accepted as others in America. Notably, various ethnic groups as mentioned are not categorized as required groups by the U.S. Census (U.S. Census Bureau, 2000). These groups are not wholly protected by the Constitution due to their exclusion in the original papers drafted by this country's forefathers. Even though African Americans were granted their freedom and U.S. citizenship in the passing of the Thirteenth and Fourteenth Amendments, they were only acknowledged as being three-

fifths of a person. If White Americans considered African Americans as an inferior citizenry race with minimal acceptance, perhaps Arabs, Muslims, and Middle Eastern Americans are to be treated as nothing more than a social inconvenience (Sekhon, 2003).

Conclusion

The establishment of a police force was built on necessity. Its foundation centered on providing a professional and quality service to the community. The philosophies of Sir Robert Peel thus became the beginning of police work, as a true human services entity (Skolnick & Gray, 1975). What emerged from his principles was a better perspective of policing that is proactive and responsive to the community as an open systems entity (Anderson et al., 1999; Swanson et al., 2001.) The concept of community policing has established positive and negative interactions with local communities. In an attempt to reduce criminal activity, many law-enforcement agencies have resorted to aggressive get-tough strategies that have resulted in racial profiling (Swanson et al., 2001).

Community policing efforts have shown that respect demonstrated by police agencies has been effective. Citizens, however, are more apt to cooperate with police when that agency is considered as respectful. Respect can be embraced as an acceptance of the diverse populations that many police agencies serve. Listening and actively responding to what is expressed by citizens in minority communities may be the most valuable asset that a police agency may gain. Otherwise, ignoring group identity is as detrimental as ignoring individual identity, and undeserving traffic stops of minorities often leads to discounting the human dignity of an entire race (Taslitz, 2003). Due to the impact and seriousness of racial profiling, the Justice Department has developed guidelines to prohibit it within federal law-enforcement, which has extended to state and local agencies (ACLU Fact Sheet, 2003b; FWPD, 2003). The federal racial profiling ban is clear and has been adopted by the President as an executive policy for federal law-enforcement agents; however, this policy is also clear in its directive to federal agents in using all necessary resources in preventing further terrorist attacks (Justice Department, 2003).

The federal policy and the U.S.A. Patriot Act have nevertheless created the condoning of aggressive human and electronic surveillance of suspected criminals and terrorists (Weaver, 2004). Thousands of Muslims and individuals of Arab and South Asian descent have been targeted as possible terrorist suspects and will continue to be targets with the passing of the Patriot Act II. Wiretapping, surveillance, and airport “no fly” lists are becoming commonplace as this country attempts to maintain a hold on terrorism (ACLU Fact Sheet, 2003b; Perera, 2004). The war on terrorism has thus become a war of the races whereby no one wins.

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