

## CHAPTER FOUR

# The Double Standard of Justice

*The white cop in the ghetto is as ignorant as he is frightened, and his entire concept of police work is to cow the natives. He is not compelled to answer to these natives for anything he does; whatever he does, he knows that he will be protected by his brothers, who will allow nothing to stain the honor of the force. When his working day is over, he goes home and sleeps soundly in a bed miles away—miles away from the niggers, for that is the way he really thinks of black people.*

—James Baldwin, *No Name in the Street*, 1972

*I want to live until I'm 18. . . . You want to get older. You want to experience life. You don't want to die in a matter of seconds because of cops.*

—Aniya, age thirteen, marching in  
Staten Island, New York, 2015

At the turn of the twentieth century, African Americans began their long transition from living largely in rural areas to living predominantly in urban ones. In that time, there have been many changes in Black life, politics, and culture, but the threat and reality of police surveillance, scrutiny, violence, and even murder has remained remarkably consistent. The daily harm caused by the mere presence of police in Black communities has been a consistent feature of Black

urban history and, increasingly, Black suburban history. Police brutality has been a consistent badge of inferiority and second-class citizenship. When the police enforce the law inconsistently and become the agents of lawlessness and disorder, it serves as a tangible reminder of the incompleteness of formal equality. You cannot truly be free when the police are able to set upon you at will, for no particular reason at all. It is a constant reminder of the space between freedom and “unfreedom,” where the contested citizenship of African Americans is held.

The racism of the police is not the product of vitriol; it flows from their role as armed agents of the state. The police function to enforce the rule of the politically powerful and the economic elite: this is why poor and working-class communities are so heavily policed. African Americans are overrepresented among the ranks of the poor and the working class, so police overwhelmingly focus on those neighborhoods, even as they direct their violence more generally against all working-class people, including whites. But the police also reflect and reinforce the dominant ideology of the state that employs them, which also explains why they are inherently racist and resistant to substantive reform. In other words, if the task of the police is to maintain law and order, then that role takes on a specific meaning in a fundamentally racist society. Policing has changed over time as the nature and needs of the American state have changed, but it has also remained incredibly consistent as a thoroughly racist institution trained on Black communities. The racism of the police, historically, has also overlapped with the economic needs of business and the state to create a racialized political economy that is particularly burdensome on Black communities.

## Race, Class, and the Police

The political economy of the modern policing state was created in the opening moments of Black freedom. Historians have identified multiple origins of the modern American police, including nineteenth-century slave patrols. After emancipation, the purpose of racism, like the purpose of the police, was transformed. Biologically inflected ideological explanations, no longer necessary to justify enslavement, were deployed instead to justify the surveillance and control of Black people, especially Black workers. “Black Codes,” a series of laws, rules, and restrictions

imposed only on African Americans, criminalized poverty, movement, and even leisure. Blacks could be arrested for vaguely worded or innocuous "crimes" such as vagrancy and sentenced to "hard labor" in slavery-like conditions as punishment. Law enforcement officials could also "hire out" Black vagrants to white employers to "work off" their sentences. African Americans had to produce labor contracts to prove they were not vagrants or be hurled back into conditions intimately resembling slavery. It was an effort to re-create slavery "by another name."<sup>1</sup> The police were deployed to enforce these codes, as agents of states still largely controlled by a white planter class that had been militarily defeated but not quite economically and politically destroyed.

Racism and modern policing were thus mutually constitutive in reinforcing the subjugated status of Blacks. The Black Codes conflated Blackness with criminality, as this example from St. Landry's Parish in Louisiana, passed immediately after the end of the Civil War, shows:

SECTION 1. *Be it ordained by the police jury of the parish of St. Landry,* That no negro shall be allowed to pass within the limits of said parish without a special permit in writing from his employer. Whoever shall violate this provision shall pay a fine of two dollars and fifty cents, or in default thereof shall be forced to work four days on the public road, or suffer corporeal punishments as provided hereinafter.

SECTION 2. *Be it further ordained,* That every negro who shall be found absent from the residence of his employer after 10 o'clock at night, without a written permit from his employer, shall pay a fine of five dollars, or in default thereof, shall be compelled to work five days on the public road, or suffer corporeal punishments as provided hereinafter.

SECTION 3. *Be it further ordained,* That no negro shall be permitted to rent or keep a house within said parish. Any negro violating this provision shall be immediately ejected and compelled to find an employer; and any person who shall rent, or give the use of any house to any negro, in violation of this section, shall pay a fine of five dollars for each offence.

SECTION 4. *Be it further ordained,* That every negro is required to be in the regular service of some white person, or former owner, who shall be held responsible for the conduct of said negro. But said employer or former owner may permit said negro to hire his own time by special permission in writing, which permission shall not extend over seven days at any one time. Any negro violating the provisions of this section shall be

fined five dollars for each offence, or in default of the payment thereof shall be forced to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

SECTION 5. *Be it further ordained,* That no public meetings or congregations of negroes shall be allowed within said parish after sunset; but such public meetings and congregations may be held between the hours of sunrise and sunset, by the special permission in writing of the captain of patrol, within whose beat such meetings shall take place. This prohibition, however, is not intended to prevent negroes from attending the usual church services, conducted by white ministers and priests. Every negro violating the provisions of this section shall pay a fine of five dollars, or in default thereof shall be compelled to work five days on the public road, or suffer corporeal punishment as hereinafter provided.

SECTION 6. *Be it further ordained,* That no negro shall be permitted to preach, exhort, or otherwise declaim to congregations of colored people, without a special permission in writing from the president of the police jury. Any negro violating the provisions of this section shall pay a fine of ten dollars, or in default thereof shall be compelled to work ten days on the public road, or suffer corporeal punishment as hereinafter provided....

SECTION 11. *Be it further ordained,* That it shall be the duty of every citizen to act as a police officer for the detection of offences and the apprehension of offenders, who shall be immediately handed over to the proper captain or chief of patrol.<sup>2</sup>

All white citizens were expected to police the activities of African Americans, but it was ultimately the responsibility of law enforcement officers to make arrests. These laws make it clear that policing was more than simply racist: the police worked with those in power to provide a regular labor force to replace the labor that had been disrupted by slavery's end. This was cloaked in the rhetoric of law and order, but after slavery, the white elite in the South used the law to control and manipulate newly freed African Americans.<sup>3</sup>

The period of Reconstruction after the Civil War held promise that Black citizenship might be fulfilled; in that context, the Thirteenth Amendment in 1865 and the Civil Rights Act of 1866 expressly banned practices such as Black Codes that could be considered a badge or emblem of slavery.<sup>4</sup> There was, however, a loophole in the Thirteenth Amendment that allowed for the incarcerated to be treated like slaves,



and "convict leasing" was born.

Over the course of the nineteenth century and into the twentieth, convict leasing became a new way for Southern employers to manipulate the law and resolve a perpetual labor shortage. The desperate need for labor seemed insatiable; it turned all Black people into potential suspects and justified surveillance and scrutiny. Convict leasing was lucrative for employers compared to slavery, since it involved lower overhead expenses. As one observer put it, "Before the war we owned the Negroes. If a man had a good nigger, he could afford to take care of him; if he was sick get a doctor. He might even put gold plugs in his teeth. But these convicts: we don't own 'em. One dies, get another."<sup>5</sup> The police were the linchpin to this new arrangement.

Frederick Douglass, writing on convict leasing, explained:

To have Negro blood in the veins makes one unworthy of consideration, a social outcast, a leper, even in the church. The second reason our race furnishes so large a share of the convicts is that the judges, juries and other officials of the courts are white men who share these prejudices. They also make the laws. It is wholly in their power to extend clemency to white criminals and mete severe punishment to black criminals for the same or lesser crimes. The Negro criminals are mostly ignorant, poor and friendless. Possessing neither money to employ lawyers nor influential friends, they are sentenced in large numbers to long terms of imprisonment for petty crimes. The *People's Advocate*, a Negro journal, of Atlanta, Georgia, has the following observation on the prison showing of that state for 1892. "It is an astounding fact that 90 per cent of the state's convicts are colored; 194 white males and 2 white females; 1,710 colored males and 44 colored females. Is it possible that Georgia is so color prejudiced that she won't convict her white law breakers? Yes, it is just so, but we hope for a better day."<sup>6</sup>

In some Southern states, convict leasing was critical to the economy. In 1898 almost 73 percent of total revenue in Alabama was derived from convict leasing in coal mines.<sup>7</sup>

The rampant exploitation of Black labor was contingent on the denigration of Black humanity. Assumptions of Black criminality became seamlessly integrated into collective common sense of what constituted "the Negro." Historian Khalil Muhammad argues that "crime itself was not the core issue. Rather the problem was racial criminalization:

the stigmatization of crime as 'black' and the masking of crime among whites as individual failure. The practice of linking crime to blacks, as a racial group, but not whites . . . reinforced and reproduced racial inequality."<sup>8</sup> It was not only "racial criminalization," in other words, but criminalization in the name of securing a stable workforce. Race did not take on a life of its own. It was consciously invoked to rationalize the debased status of Blacks. Muhammad argues that statistics, particularly rates of Black incarceration, were woven together by the mainstream media, the Southern political and economic elite, and the emergent field of social science to build a narrative of post-Reconstruction Black criminality.

Some of the Black elite contributed to this discourse of Black criminality as a way to distinguish themselves from poorer Blacks. As William S. Scarborough, a professor at the historically Black Wilberforce College, said at the turn of the century, "The criminal negro is one of the heaviest burdens that the race has to carry today."<sup>9</sup> He elaborated on his complaints:

There are *negroes* and *negroes*, crude, cultured, shiftless, thrifty, grotesque, urbane; immoral and grossly debased; clean and living the life of the spirit. The Vardamans of the world [James K. Vardaman was then governor of Mississippi] know no distinctions, make no discriminations, brand us all alike as a lower order of creature. Therefore Negro criminality cannot be ignored by us.<sup>10</sup>

Elite Black observers admitted that "white oppression was largely to blame," but their acceptance of the conflation of Blackness and crime lent legitimacy to the draconian law-and-order regime. As historian Evelyn Higginbotham Brooks argues, "Black leaders argued that 'proper' and 'respectable' behavior proved blacks worthy of equal civil and political rights. Conversely, nonconformity was equated with deviance and pathology and was often cited as a cause of racial inequality and injustice."<sup>11</sup>

Certainly, by the twentieth century, the criminality and inferiority of Black people constituted a type of racial logic and common sense. As Muhammad explains, "For white Americans of every ideological stripe—African American criminality became one of the most widely accepted bases for justifying prejudicial thinking, discriminatory treatment, and/or acceptance of racial violence as an instrument of public

safety.”<sup>12</sup> The Supreme Court’s 1896 *Plessy v. Ferguson* decision nationalized the “separate but equal” paradigm while also codifying Black inferiority at the highest levels of the American government. These perceptions, and the widespread acceptance of theories of eugenics, were not confined to the South but became a national phenomenon, especially as African Americans began to move into Northern cities, creating panic among elites.<sup>13</sup> In the summer of 1917, the *Chicago Tribune* ran a screaming headline: “Half a Million Darkies from Dixie Swarm to the North to Better Themselves.”<sup>14</sup>

Racism was stoked, in part, by Northern employers’ cynical use of newly arrived African Americans as strikebreakers in the late 1910s and early 1920s.<sup>15</sup> Tensions also rose because cities generally lacked the housing and infrastructure needed to support the waves of immigrants and Southern Blacks. Blacks’ housing choices were strictly limited, no matter how many thousands continued to make their way to cities across the Northeast and Midwest. Landlords fully exploited the segregated housing market, charging Black tenants more for inferior housing and refusing to maintain their properties because Black tenants had no housing alternative outside of overcrowded Black areas. In 1917 the Chicago Real Estate Board amended its bylaws to warn that it would discipline any real-estate agent who introduced a minority resident into a racially homogenous neighborhood.<sup>16</sup>

Housing segregation was important because the physical separation of people allowed heinous stereotypes about African Americans to flourish. This was a product of ignorance and also of the material impact segregation had on Black living spaces. Overcrowding led to rapid deterioration of the housing stock, while an overabundance of refuse resulted in rat infestations and health problems. Whites blamed these conditions on Black people’s inferior hygiene instead of the racist manipulation of the housing market.

The concentration and effects of Black poverty provided a constant pretext for police incursions, arrests, and violence, which fueled the antagonistic relationship between the police and African Americans. As early as the 1920s, patterns of police abuse that would be recognizable today contributed to Blacks’ growing disillusionment with the police and the supposed freedoms of the North. Police harassment and violence blurred the distinctions between the supposed “land of hope” in



the North and the Jim Crow apartheid of the South. In 1925 the *Detroit Independent* reported “repeated police assaults on Negroes. Fifty-five blacks had been shot by policemen in the first half of the year alone. A few of them had been executed—there was no other word for it.”<sup>17</sup> It was a “common practice” for Detroit police to “stop Black men at random and subject them to searches, often at gunpoint, and those taken into custody sometimes spent days in jail just waiting to be charged with a crime.”<sup>18</sup> Compounding the physical deterioration of Black areas, officials allowed vices, including drugs, illegal alcohol, and prostitution, to flourish in order to keep them out of white areas. According to Muhammad, “estimates from Chicago and other cities suggest that from 80 to possibly 90 percent of vice businesses were owned by nonblacks.” The cops knew, “but they didn’t care unless they saw a colored man walking in the company of a white woman. Then they ran him in.”<sup>19</sup> One investigator at the time observed that “uniformed police officers, prostitutes and the hold-up men divide the money between them in this court.”<sup>20</sup>

A larger police presence did not mean greater protection for African Americans in an era of raging white mob violence. White police displayed their contempt for Black communities in multiple ways, including failing to intervene when white mobs attacked African Americans. In many cases the police joined in. In Chicago in 1919, for example, police stood by while racist whites rampaged through Black areas in anger after a Black teenager, Eugene Williams, violated the informal rules of segregation at a local beach. Williams was murdered. Even when his killer was identified, white police refused to arrest him.<sup>21</sup>

In 1943, bubbling tensions would boil over again. African Americans’ rising incomes and expectations clashed with whites’ sense of dominion over urban space. Black and white workers competed over the use of “schools, playgrounds, parks, beaches” and housing in the city, with conflicts breaking out right at the height of the war effort.<sup>22</sup> In 1943 there were “242 racial riots in 47 cities, the worst of them in Los Angeles, Beaumont, Texas, Mobile, Alabama, Harlem and Detroit.”<sup>23</sup> In Harlem that year, rebellion was sparked again when a white police officer murdered an unarmed Black veteran. In Detroit, a violent confrontation between Black and white workers erupted over competition for gainful employment as well as housing. This race riot was frightening as well as shocking to the establishment. Here was the most important



industrial city in the country, with some of the highest living standards among ordinary Black and white workers, socially combusting in a way that resulted in the deaths of dozens and millions of dollars in property damage. Elites worried that there could be a "succession of Detroits." While police violence was not the direct cause of this explosion, it was certainly a contributing factor. This was not peculiar to Detroit. As one Black woman said of white violence, including that of police: "There ain't no North anymore. Everything now is South."<sup>24</sup>

African Americans were questioning all of the existing order, including the police function of "maintaining order." The vast majority of police in the United States were white, uneducated, working class, and completely consumed with racism. The racialization of crime and the haggard conditions in Black neighborhoods made them susceptible to great surveillance. It also contributed to the greater rates of poverty and unemployment among Blacks, as stereotypes about Black criminality and lawlessness rendered growing numbers of Black men unemployable or marginally employable. This mark of inferiority also isolated Black women in low-paying jobs. Nevertheless, American cities were increasingly combustible as Black citizens' expectations grew, bringing greater attention to the incongruence between inequality and the promises of US democracy. Police brutality was the most egregious example.

### Postwar Policing

In the middle of the 1960s, hundreds of thousands of African Americans participated in urban rebellions to protest and confront racism, police brutality, and injustice. In cities as different as Detroit, Tampa, Houston, Chicago, Philadelphia, and Prattville, Alabama, the rebellions raised basic questions about American democracy. The widespread and continuous nature of the riots turned them from episodic outbreaks of discontent into a force that transformed politics. The issues that defined the urban crisis—poor housing, police brutality, poor schools, and unemployment, among many others—went from being politically peripheral to what President Lyndon Johnson termed "the nation's most urgent task." Black rebellions are usually seen as the dysfunctional cousin to the civil rights movement: while the civil rights movement is universally lauded as successful because of its strategic

emphasis on nonviolence, the riots are universally condemned because of their inherent violence. A *New York Times* editorial written only a few weeks after the 1967 Detroit riots captured this argument: "The riots, rather than developing a clamor for great social progress to wipe out poverty, to a large extent have had the reverse effect and have increased the crises for use of police force and criminal law."<sup>25</sup> Yet what ignited the riots was almost always an incident of police brutality.

After the deadly riots in Detroit and Newark in the summer of 1967, Lyndon Johnson impaneled the Kerner Commission, discussed in chapter 1, which reported that

to some Negroes police have come to symbolize white power, white racism and white repression. And the fact is that many police do reflect and express these white attitudes. The atmosphere of hostility and cynicism is reinforced by a widespread belief among Negroes in the existence of police brutality and in a "double standard" of justice and protection—one for Negroes and one for whites—a deep hostility between the police and ghetto . . . was a primary cause of the riots.<sup>26</sup>

The report really did not capture the absolute hatred Black communities held for the police. James Baldwin more perfectly summarized the feeling in an essay titled "A Report from Occupied Territory":

Now, what I have said about Harlem is true of Chicago, Detroit, Washington, Boston, Philadelphia, Los Angeles and San Francisco—is true of every Northern city with a large Negro population . . . the police are simply the hired enemies of this population. They are present to keep the Negro in his place and to protect white business interests, and they have no other function. They are, moreover—even in a country which makes the very grave error of equating ignorance with simplicity—quite stunningly ignorant; and, since they know that they are hated, they are always afraid. One cannot possibly arrive at a more surefire formula for cruelty. This is why those pious calls to "respect the law," always to be heard from prominent citizens each time the ghetto explodes, are so obscene. The law is meant to be my servant and not my master, still less my torturer and my murderer. To respect the law, in the context in which the American Negro finds himself, is simply to surrender his self-respect.<sup>27</sup>

One 1968 poll found that 52 percent of Blacks blamed "police brutality" as a "major cause of disorder" compared to only 13 percent of whites,

though 63 percent of everyone polled believed that "until there is justice for minorities there will not be law and order."<sup>28</sup>

In 1965, in the months before the explosive Watts Rebellion in South Central Los Angeles, the Johnson administration formed the Commission on Law Enforcement and the Administration of Justice to investigate "law and order" and policing. The central focus of the commission was improving policing in Black communities by actually transforming the profession, including recruiting more Black officers. Its report concluded that "a major, and most urgent, step in the direction of improving police-community relations is recruiting more, many more, policemen from minority groups."<sup>29</sup> It blamed tensions between African Americans and the police on white officers' "lack of understanding of the problems and behaviors of minority groups" and inability to "deal successfully with people whose way of thought and action are unfamiliar. . . . In order to gain the general confidence and acceptance of a community . . . personnel within a police department should be representative of the community as a whole." Officials also focused on "professionalizing" the police, whose profession at this point was not highly regarded. The average salary for the police in small cities in the late 1960s was \$4,600, lifting them just above the poverty line. In 1965, only four states mandated *any* police training, and more than twenty states did not have minimum education and literacy requirements. There was so little training that "barbers and beauticians, on average, were required to train more than and three times as long as the average American cop." In Detroit, for example, most cops came from the bottom 25 percent of their high-school class; as Parenti noted, "This was not a unique situation."<sup>30</sup>

While this effort got under way, there was a simultaneous effort to describe postwar racial civil unrest as a problem of Black lawlessness. The commission also argued,

We must identify and eliminate the causes of criminal activity whether they lie in the environment around us or deep in the nature of individual men. This is a major purpose of all we are doing in combating poverty and improving education, health, welfare, housing, and recreation. All these are vital, but they are not enough. Crime will not wait while we pull it up by the roots. We must arrest and reverse the trend toward lawlessness.<sup>31</sup>

This was an effort to recast the riots as simple criminal activity, not



rebellions against racial discrimination and systematic exclusion from the bounty of the ongoing economic expansion. In reality, as Naomi Murakawa has written, “The U.S. did not confront a crime problem that was . . . racialized; it confronted a race problem that was . . . criminalized.”<sup>32</sup> Characterizing Black anger at discrimination and segregation as criminal helped to explain Black Power and independent Black politics as crime, creating a pretext for yet more policing, arrests, and repression of the movement in general. This coincided with an intensification of the “culture of poverty” rhetoric described in chapter 1.

As Black mayors and other managers of city and urban affairs gained prominence during the 1970s and 1980s, so did the demand to diversify local law enforcement. The most successful result was the dramatic transformation from “the virtually all-white, virtually all-male departments of the 1950s and 1960s . . . to departments with large numbers of female and minority officers, often led by female or minority chiefs. Openly gay and lesbian officers, too, are increasingly commonplace. Today’s Los Angeles Police Department is not the homogeneous workplace celebrated on *Dragnet*—and neither is the police.”<sup>33</sup> In 1970, Blacks composed 6 percent of sworn officers in the 300 largest police departments in the country; by 2006 that figure had grown to 18 percent. By the twenty-first century, in cities with populations over 250,000, 20 percent of officers were Black and 14 percent were Latino. In New York City in 2005, for the first time in history, a majority of the new officers graduating from the NYPD Police Academy were members of racial minorities. In some cities the increases in minority officers has been even more dramatic. In Detroit, more than 60 percent of the police force is Black, compared to less than 10 percent in the 1960s. In Washington, DC, minorities constitute almost 70 percent of the police today, whereas in the 1960s there were fewer than 20 percent.<sup>34</sup>

These dramatic changes in composition and professionalization have not had the effect of mitigating the tensions between police and Black communities, as Johnson’s crime commission predicted. Some studies have shown that “black officers shoot just as often as white officers”; “black officers arrest just as often as white officers”; “black officers are often prejudiced against black citizens”; “that black officers are just as likely, or even more likely, to elicit citizen complaints and to be the subject of disciplinary actions.”<sup>35</sup> Though there is a popular perception that more



nonwhite police can help ease tensions with nonwhite populations that are patrolled, perhaps more compelling is the fact that the explosion of the incarceration of Black men, women, and children took place *after* the years-long effort to “professionalize” and diversify the police.<sup>36</sup> The most diverse police forces in American history have not altered more than a century’s worth of violent, racially discriminatory, and unfair policing.

### Policing in the Modern Era

There have been three distinct periods of policing in the post-civil rights era, each building upon the previous: Reagan’s War on Drugs, Clinton’s crime regime, and the era of the “War on Terror.” These overlapping periods have culminated in the phenomenon of “mass incarceration,” including increased scrutiny, surveillance, policing, and imprisonment of all working-class people, but especially African Americans. As cities have become more financially independent from the federal infusions of money and have been forced to generate their own sources of income, the police have also become agents of gentrification and municipal revenue collection. This transformation illustrates the degree to which law enforcement is an armed extension of the state, regularly wielded in the interests of the rich and powerful.

It is well known today that the United States houses 25 percent of the world’s prisoners even though it only accounts for 5 percent of the world’s population. In 1971 there were fewer than 200,000 inmates in the United States. Since then the prison population has risen by 700 percent, bringing the number of the incarcerated to 2.4 million, “with another nearly five million under an increasingly restrictive system of correctional control in lieu of or after incarceration.”<sup>37</sup> The prison population began to rise in the 1970s when Richard Nixon began the first iteration of the War on Drugs.<sup>38</sup> Beginning in the mid-1970s, state prison populations grew at an unprecedented rate, nearly quadrupling between then and now. By the 1980s, rates of incarceration had taken a qualitative leap forward: the US prison population had quadrupled by 2013.<sup>39</sup> This was not only fueled by the War on Drugs, as noted in chapter 3: “incarceration rates for violent, property and other crimes . . . increased dramatically as well.”<sup>40</sup> The consequences of the bipartisan demand for “law and order” were a massive expansion of police forces, prison and

jail construction, the criminal code, and the criminal justice system as a whole. These events coincided with bleak economic prospects for most Americans and significant cuts to the already weak social welfare state.

Former Nixon advisor Kevin Phillips said of the 1980s that “no parallel upsurges of the era of the riches had been seen since the late 19th century, the era of the Vanderbilts, Morgans and Rockefellers.”<sup>41</sup> Ronald Reagan reduced the federal income tax rate for the very rich from 70 percent to 28 percent, but this was only the tip of the iceberg.<sup>42</sup> The 1990s produced an even greater concentration of wealth in fewer hands: “By 2000, the United States could be said to have a plutocracy.”<sup>43</sup> It was easy for the rich to pay attention to rising crime rates while ignoring the massive gutting of social services and the poverty and insecurity of the bottom ranks.

Even before Bill Clinton became president, he showed that he would not be outflanked on the right by accusations of being “soft on crime.” In 1992, Clinton famously left the campaign trail to personally oversee the execution of a mentally disabled Black man who was so unaware of his pending death that he asked to have his dessert after his execution. Clinton went on to make crime-fighting a centerpiece of his presidency.<sup>44</sup>

In the months before his election, the Los Angeles Rebellion ignited South Central once again. Clinton and the Democrats responded by seizing the opportunity to make crime-fighting a core party value. Within two years, Clinton would champion and eventually have voted into law the Violent Crime Control and Law Enforcement Act of 1994. The \$30 billion Crime Bill, as noted in chapter 3, provided for 100,000 more police to be hired, expanded the death penalty by creating sixty new offenses for which a person could be executed, expanded construction of new prisons, created “three-strikes” provisions, and ended inmate education. These policies were only the beginning. The Clinton administration also created financial incentives for states to not only imprison more people but keep them in prison longer, under “truth in sentencing” provisions.<sup>45</sup> There was no question that these policies were directed at African American communities, where a gutted welfare state and the introduction of crack cocaine and the drug war had prompted a rise in crime.

In 1996, Clinton championed the Anti-Terrorism and Effective Death Penalty Act, intended to strengthen the Crime Bill by further restricting prisoners’ ability to challenge their sentences. By the end of

the Clinton presidency in 2000, Black incarceration rates had tripled. Clinton's other legacy was "ending welfare as we know it" in 1996. The consequences of this war on poor people would be borne out during the recession of the early 2000s and the economic collapse of 2008.

Resistance to the growing criminal justice system increased at the end of the 1990s, but the attacks on September 11, 2001, eclipsed most of the political spaces in which those critiques were developing. The political establishment united around the expansion of the "security state" with the passage of the USA PATRIOT Act and a host of other new tools that increased the power of the state in the name of fighting terrorism. The "War on Terror" legitimized concentrating greater surveillance, scrutiny, and power in the hands of all law enforcement—not to mention weapons.

During the Clinton administration, the Pentagon was authorized to donate surplus military equipment to local police departments. According to one report, "in the first three years after the 1994 law alone, the Pentagon distributed 3,800 M-16s, 2,185 M-14s, 73 grenade launchers, and 112 armored personnel carriers to civilian police agencies across America. Domestic police agencies also got bayonets, tanks, helicopters and even airplanes."<sup>46</sup> After September 11, elected officials actively promoted the notion that the War on Terror had to be fought on the home front—and that the police were on the front lines of this new "war." In 2006, the Pentagon distributed "vehicles worth \$15.4 million, aircraft worth \$8.9 million, boats worth \$6.7 million, weapons worth \$1 million and 'other' items worth \$110.6 million" to local police agencies.<sup>47</sup> In 2012, the military transferred a record \$546 million worth of property to local police departments.<sup>48</sup> The process of transforming police into soldiers in the inner city exacerbated existing problems, as one former police chief described:

An emphasis on "officer safety" and paramilitary training pervades today's policing. . . . Police in large cities formerly carried revolvers holding six .38-caliber rounds. Nowadays, police carry semi-automatic pistols with 16 high-caliber rounds, shotguns and military assault rifles, weapons once relegated to SWAT teams facing extraordinary circumstances. Concern about such firepower in densely populated areas hitting innocent citizens has given way to an attitude that the police are fighting a war against drugs and crime and must be heavily armed.<sup>49</sup>



The federal government also provided grants allowing departments to purchase armored personnel carriers, even in places that could hardly be considered potential terrorist targets, like Alabama and Idaho.

This growth has had its greatest impact in African American communities. For more than thirty years, the War on Drugs has been waged in Black communities. The perception of African Americans as responsible for drug-related violence has been fostered by a range of actors, from elected officials in both parties to the mainstream media to popular culture. It has contributed to a general suspicion of African Americans as criminals deserving of extra scrutiny. But the wider the policing net grows, the greater its propensity to entangle those previously able to avoid it. For example, from 2000 to 2009, incarceration rates for African Americans actually dropped—not surprising, given how historically high the rate had climbed—while the rate of imprisonment for whites and Latinos increased over the same period, rising 47.1 percent for white women and 8.5 percent for white men.<sup>50</sup> The overarching aims of the War on Terror at home legitimized the “criminalization creep” throughout American society.

### Twenty-First-Century Policing

The rebellion in Ferguson led to deeper investigations into policing there, which found that African Americans were overrepresented among those stopped for traffic violations: they are 67 percent of the population but account for 89 percent of traffic stops. Blacks also accounted for 92 percent of arrests that originated with a traffic stop.<sup>51</sup> Ferguson’s policing practices became the subject of national scrutiny, but according to a *USA Today* investigation, “Blacks are stopped, searched, arrested and imprisoned at rates higher than people of other races” nationwide: “When it comes to racially lopsided arrests, the most remarkable thing about Ferguson, Missouri, might be just how ordinary it is.”<sup>52</sup> The report found that 1,581 other police departments arrested Black people at “rates even more skewed than in Ferguson, including cities like Chicago and San Francisco. At least 70 police departments arrested Black people at a rate 10 times higher than non-Blacks.”<sup>53</sup> These numbers do not include information from all police departments across the country, but African Americans are generally more likely to be arrested than whites.



Curiously, the policing state has expanded even as crime rates have fallen precipitously, as the *Atlantic* notes:

Over the past 25 years, the tide of crime and violence seemed to simply recede. Crime is about half of what it was at its peak in 1991. Violent crime plummeted 51 percent. Property crime fell 43 percent. Homicides are down 54 percent. In 1985, there were 1,384 murders in New York City. Last year there were 333. The country is an undeniably safer place. Growing urban populations are one positive consequence.<sup>54</sup>

There is little to no consensus on the cause of the drop in crime rates in the United States, but most experts agree that it had little to do with Clinton's draconian sentencing practices. Many elected officials from the late 1980s and throughout the 1990s hinged their careers on clamoring loudly for "tough-on-crime" policies, but "it turns out that increased incarceration had a much more limited effect on crime than popularly thought. We find that this growth in incarceration was responsible for approximately 5 percent of the drop in crime in the 1990s."<sup>55</sup>

But after thirty years building up the policing state, the temptation to use it is overwhelming. "Nuisance crimes" and other "quality of life" offenses have become the new frontier of American policing, which has little to do with fighting crime. Instead, agents of law enforcement police poverty while instilling fear in and monitoring oppressed populations. As municipalities and state legislatures cut social services and critical aspects of the public sector intended to mitigate the worst aspects of poverty, the police are deployed to "clean up" the consequences.

Crime—where it is actually a problem—is treated as moral depravity instead of the product of poverty or social injustice, relieving the state of any obligation to address poverty; instead, it concentrates even more resources into policing. The starkest example of this is that jails have become the predominant destination for those who commit crimes of mental health. This is because of the dearth of mental health-care, including treatment facilities that would be more appropriate destinations. Chicago mayor Rahm Emanuel closed half of the city's twelve mental health clinics, leaving those without private insurance struggling to find help. Those who cannot are often arrested. Emanuel cried fiscal poverty as an excuse for closing the clinics, even as he gave the police raises and tens of millions of dollars in overtime.<sup>56</sup> Cook County sheriff Tom Dart has said that one-third of the county jail's ten

thousand inmates are mentally ill, even higher than that national average among the incarcerated, 17 percent.<sup>57</sup> Across the country, mental healthcare systems have been devastated by \$4.53 billion in state-level budget cuts since 2009. It is hardly surprising, then, that at least half of the people killed by police since 2000 were suffering from some form of mental illness.<sup>58</sup>

The social consequences of austerity budgets have effectively made the police stormtroopers for gentrification, as cities compete to attract businesses and young white professionals with disposable incomes. This is obvious from the new rules, ordinances, and laws that criminalize public displays of poverty. In more than half of the cities in the United States, it is a crime to sit on the sidewalk. In 18 percent it is a crime to sleep in a public place. Seventy-six percent ban soliciting for money or begging in public. Thirty-three percent ban loitering in entire public jurisdictions, while 65 percent ban loitering in particular places. Fifty-three percent prohibit lying down in particular public places. In 43 percent of cities, it is illegal to sleep in a car. In a growing trend, 9 percent of cities have banned sharing or giving food to the homeless.<sup>59</sup> So-called quality of life offenses include victimless “crimes” like loitering, public urination, or begging in public. These offenses have multiplied as jobs and programs to aid the working poor have been cut to the bone or eliminated.

This approach to policing is broadly informed by the “broken windows” theory, popularized by New York City police chief William Bratton in the 1990s. “Broken windows” was the creation of conservative social scientists James Q. Wilson and George L. Kelling, who argued that stopping low-stakes or “nuisance” crimes, such as subway fare evasion, public drinking, or graffiti, would prevent more serious crimes. There is no empirical evidence for its effectiveness, but it has created a pretext for aggressive policing of poor and working-class people, who are more likely to be seen engaged in such “nuisance” activities because their neighborhoods are more likely to be patrolled. Bratton described George Kelling as a mentor, and when Rudolph Giuliani was elected mayor in 1993, he hired Bratton to implement “broken windows” policing in real life. Bratton introduced CompStat, the software that is still used to track stops and arrests across New York City and generate crime statistics for each precinct on a daily basis. An

internal NYPD bulletin described the way CompStat organizes their police work:

In the past, crime statistics often lagged events by months, and so did the sense of whether crime control initiatives had succeeded or failed. Now there is a daily turnaround in the "CompStat" numbers, as crime statistics are called, and NYPD commanders watch weekly crime trends with the same hawk-like attention private corporations pay to profits and loss. Crime statistics have become the department's bottom line, the best indicator of how police are doing precinct-by-precinct and nationwide.<sup>60</sup>

The New York approach to policing, combining "broken windows" and CompStat, was adopted across the country in the 1990s. By 2013, 58 percent of large police departments (a hundred or more officers) were using or planning to use CompStat.<sup>61</sup> Part of the CompStat method involves praising individual cops for showing up in the statistics as a way to encourage them to keep their numbers up. The opposite is also true. As Kelling put it, "If commanders make bad decisions or allow their subordinates to perform poorly, they should not be protected from humiliation."<sup>62</sup> This atmosphere has certainly contributed to the skyrocketing use of "stop-and-frisk" among New York City police—they search for criminal activity in the hope of boosting precinct numbers.

The 1999 police killing of Amadou Diallo first raised questions about the NYPD's practice of race-based stops. From 1998 through 1999, police stopped 175,000 New Yorkers. Even though Blacks make up only 26 percent of New York's population, they accounted for 51 percent of police stops. Latinos, with 24 percent of the population, accounted for 33 percent of stops.<sup>63</sup> By 2011 the number of stops had mushroomed to 684,000, the vast majority of whom were Black and Brown men. According to the Center for Constitutional Rights, between 2004 and 2012 more than four million people were stopped, and in less than 6 percent of those stops was an arrest made. More than 80 percent of those four million people were African American or Latino. Representatives of those communities filed a federal lawsuit, arguing that stop-and-frisk was codified racial profiling.<sup>64</sup>

NYPD officer Pedro Serrano testified during the lawsuit proceedings that he had received direct orders to engage in stop-and-frisk. He also recorded his precinct commanders threatening officers with



reassignment to an unfavorable task if they did not stop “the right people at the right time in the right location.” If there was any confusion as to who the “right people” were, the commander clarified, “Male blacks. And I told you that at roll call, and I have no problem telling you this: male blacks 14 to 20.”<sup>65</sup>

Kelling and Wilson admitted that “broken windows” would turn police into “the agents of neighborhood bigotry.” For them, this was the price of doing business: “We can offer no wholly satisfactory answer to this important question [of abating police discrimination]. We are not confident that there is a satisfactory answer, except to hope that by their selection, training, and supervision, the police will be inculcated with a clear sense of the outer limit of their discretionary authority.”<sup>66</sup> At a separate hearing, police commissioner Ray Kelly testified that fear and intimidation were the objectives of stop-and-frisk. New York state senator Eric Adams testified that he personally heard Kelly say that stop-and-frisk should “instill fear in them, every time they leave their home, [that] they could be stopped by the police.” Adams clarified that “them” referred to Blacks and Latinos.<sup>67</sup> In the summer of 2013, a US District Court for the Southern District of New York declared the NYPD’s use of stop-and-frisk unconstitutional. But this has not stopped the practice from continuing in New York and elsewhere, often under other names. In the spring of 2015, a lawsuit was filed on behalf of six African Americans in Chicago for racial discrimination related to stop-and-frisk practices. After an investigation, the American Civil Liberties Union (ACLU) found that the Chicago Police Department’s use of stop-and-frisk was even more pervasive than the NYPD’s had been before it was declared unconstitutional. In the summer of 2014, Black Chicagoans were subjected to 182,048 stops, 72 percent of all stops, while only accounting for 32 percent of Chicago’s population.<sup>68</sup>

This aggressive policing not only leads to an increasing rate of arrest of African Americans, but every encounter with law enforcement draws working-class and poor Blacks into a matrix of fines and fees. Twenty-first-century municipalities, urban and suburban, increasingly rely on revenue generated by fines and fees that either originate with or are the products of arrests. Because politicians have been reluctant to raise taxes on wealthy individuals or corporations, police are



increasingly responsible for municipal revenue. As a result, fees as a percentage of state and local revenue have increased over the last several years. The rebellion in Ferguson uncovered how the local government was literally extorting the Black population, to such a degree that monies derived from these fines and fees were the second largest source of revenue. The town issued 33,000 minor-crime arrest warrants for a population of 21,000, mostly for traffic violations—and overwhelmingly to Black residents. Whites, who are 29 percent of the population, accounted for only 12.7 percent of stops.<sup>69</sup> Throughout Missouri, this process of legal extortion is considered a perfectly acceptable practice.

According to a report from Better Together, a nonprofit group, Ferguson does not even rank among the top twenty municipalities in St. Louis County that rely on fines and fees as the central source of their operating budgets. The small city of Edmundson, five miles away, brings in nearly \$600 a year for every resident in court fines, more than six times the amount in Ferguson.<sup>70</sup> In the nearby town of Bel-Ridge, a traffic light was rigged so that police could change it as people entered the intersection, boosting their city budget by 16 percent.<sup>71</sup> Local officials, including African American officials, defend this exploitative method as an important source of revenue. “You don’t dismantle the whole house in order to kill one bug,” said Mayor Patrick Green of Normandy, who is Black. He said that his police force had issued more citations since state agencies asked it to help patrol Interstate 70, and that the money had been used to pay for public safety. “Everyone’s saying, ‘Oh, no, that’s cities just taking advantage of the poor,’” he said. “When did the poor get the right to commit crimes?”<sup>72</sup>

The fees and fines, however, are only the beginning of the ways that the criminal justice system traps poor and working-class people. Nearly a third of US states jail people for not paying off their debts, including court-related fees.<sup>73</sup> This is a completely illegal practice. A 1983 Supreme Court decision ruled that people cannot be jailed for being too poor to pay a fine, fee, or debt, but it takes money to challenge illegal practices throughout the criminal justice system. Shifting the tax burden from those with higher incomes to the poor and working class is regressive at best, exploitative and predatory at its worst. When these fees are not paid, they create a legal odyssey from which it can be difficult, if not impossible, for ordinary people to emerge with

their finances intact. Forty-eight states have either increased criminal and civil court fees or added new ones.<sup>74</sup> The number of Americans with unpaid fees and fines grows every year. As National Public Radio notes, “In 2011, in Philadelphia alone, courts sent bills on unpaid debts dating back to the 1970s to more than 320,000 people—roughly 1 in 5 city residents. The median debt was around \$4,500. And in New York City, there are 1.2 million outstanding warrants, many for unpaid court fines and fees.”<sup>75</sup> More fees and fines are incurred as punishment for late payment. The government then has the right to seize property. Eventually there is the threat of arrest—which, of course, results in a new round of fees and fines. According to DOJ statistics, 66 percent of the incarcerated “owed court-imposed costs, restitution, fines and fees,” up from 21 percent in 1991.<sup>76</sup>

Alabama has tried to make up for lost revenue by imposing fees, such as \$35 for posting bail, and by charging a 30 percent collection fee for debts. There are currently half a dozen lawsuits that contend that local courts in Alabama perpetuate a cycle of fines for minor offenses and jail for those who cannot pay. Florida allows private debt collectors to add a 40 percent surcharge to the original debt. Some Florida counties also use what are called “collection courts,” where debtors can be jailed but do not have a right to a public defender. In at least forty-three states, poor people can be billed for using a public defender—meaning that poor defendants may be priced out of legal counsel.<sup>77</sup> In forty-one states, inmates can be charged “room and board” for jail and prison stays. Texas and Wyoming treat truancy as a criminal offense: in Texas, children ages twelve to eighteen can be tried in criminal court for truancy. Ten unexcused absences in six months automatically generate a citation. Children arrested for truancy in Texas are seen as adults in the eyes of the court, meaning that their parents cannot intervene on their behalf. Said one judge, “I realize that some people believe that there should be [court-appointed] representation. Right now the process doesn’t provide for that.” In 2013 Texas charged 115,782 children with “failure to attend school,” generating \$16 million in court fees and other fines. A remarkable yet unsurprising 83 percent of those charged were Black or Latino.<sup>78</sup>

When New York mayor Bill DeBlasio tepidly criticized police for choking Eric Garner to death in July 2014, the NYPD declared a work slowdown. The slowdown revealed the extent to which the city depends on the police, not only to protect private property but also to expropriate money and property from ordinary citizens. In 2014, New York City handed out roughly 16,000 parking tickets, bringing in \$10.4 million a week.<sup>79</sup> The city makes almost a billion dollars a year in court, criminal, and administrative fines for “quality of life” offenses. These effectively amount to a “race tax,” as it is nonwhite populations who bear the disproportionate burden of being overpoliced.

Although budget cuts to social programs fuel aspects of the new policing state, the police force appears to be the only public institution that does not have to worry about budget cuts. Even as cities across the country pay out hundreds of millions of dollars to settle lawsuits alleging police brutality, police continue to operate with impunity.<sup>80</sup> In 2014, cash-strapped Chicago paid more than \$50 million to settle misconduct suits (not including the \$63 million paid to the lawyers litigating the cases).<sup>81</sup> Over the last decade, the city has paid more than half a billion dollars to settle police brutality suits. This does not include the recent \$5 million settlement paid to those who survived police torture in the 1970s and 1980s.<sup>82</sup>

Chicago is not alone. In ten years, New York City has paid, on average, \$100 million a year—to the tune of \$1 billion—to settle police misconduct cases. The Los Angeles Police Department, celebrated by some as an exemplary reformed police department, paid \$54 million in 2011 alone to settle lawsuits against brutality and misconduct.<sup>83</sup> Since 1990, the city of Oakland has spent \$74 million to settle 417 such lawsuits. Minneapolis has doled out \$21 million since 2003.<sup>84</sup> Philadelphia, whose African American police chief, Charles Ramsey, was hand-picked by President Barack Obama to lead a national study on reforming policing, has paid out \$40 million during Ramsey’s tenure to settle lawsuits involving wrongful shooting deaths, illegal searches, and excessive force complaints. As one lawyer who successfully sued the city explained about Philly police, “The rank and file have no expectation that their behavior is ever going to be subject to any real, meaningful review. . . . That becomes admissible evidence that shows the city is not properly supervising and disciplining officers.”<sup>85</sup>



Astronomical sums of taxpayer money to settle police brutality and misconduct cases are apparently a given as one of the costs of running a city. Most other public institutions responsible for this kind of debt and malfeasance—hospitals, clinics, libraries, schools—are either privatized or suffer deep budget cuts that threaten their ability to function properly. When the Chicago Public Schools were facing a \$1 billion deficit in 2013, Mayor Rahm Emanuel shuttered fifty-four public schools despite the pleas of thousands of parents. Yet rarely, if ever, are police rebuked for costing cities millions of desperately needed public dollars. Instead, they are universally lauded by public officials and shielded from any consequences—including for killing or brutalizing civilians. The free rein of police is a critical component of urban governance today.

This lack of culpability gives some insight into why police default so quickly to killing. American police kill like no other law enforcement agencies in the so-called First World. In only seven years, according to the Bureau of Justice Statistics, the police have killed 7,427 people. It is a stunning number. The same study found that the police were killing an average of 928 people a year.<sup>86</sup> Consider that only fifty-eight American soldiers were killed in Iraq in 2014.<sup>87</sup> In Canada in 2014, seventy-eight people were killed by law enforcement. From 2010 to 2014, police in England killed four people. German police killed no one in 2013 and 2014. China, with a population four and half times the size of the United States, recorded twelve police killings in 2014.<sup>88</sup>

The enormous body count is only a partial picture of the lethality that infuses American law enforcement. Authorities dramatically under-report police killings, when they are even reported at all. According to the *Wall Street Journal*, hundreds of police killings between 2007 and 2012 were never reported to the FBI.<sup>89</sup> The investigation found that, in the 105 largest police agencies, more than 550 police killings were missing from the record. Incredibly, the federal government does not require that police departments report the number, race, or ethnicity of the people they shoot or kill, thus making it impossible to piece together a full picture of the problem. For example, Florida has not reported police killings to the FBI since 1997; New York City has not done so since 2007.<sup>90</sup>

Without accurate tracking, it is impossible to know who exactly is being killed by police. We do know, however, that the disproportionate contact Black men, women, and children have with law enforcement

means that they are most likely bearing the brunt of these killings. One 2005 simulation study showed that a group of mostly white male officers in Florida were “more likely to let armed white suspects slip while shooting unarmed black suspects instead.”<sup>91</sup> In real life, as well, the police are more likely to shoot or kill Black men more than anyone else. According to a ProPublica study, from 2010 to 2012, young Black men ages fifteen to nineteen were twenty-one times more likely than their white peers to be killed by the police. Police advocates attacked the study, claiming its sample size was too small to make definitive statements about police killings. When the authors went back to measure a wider sample, they discovered that the disparity of police killing young Black men to young white men was getting worse over time. From 2006 to 2008, the risk ratio was 9 to 1. By 2010, it had risen to 17 to 1; by 2012 it had risen to the study’s original finding of 21 to 1.<sup>92</sup>

If the estimates of the number of Black people killed by police in the last decade are true, then police have also murdered hundreds of Latinos and thousands of white people. Not only does this constitute a crisis, it also establishes an objective basis upon which a multiracial movement against police terrorism can be organized. The overwhelming racist nature of American policing obscures the range of its reach, but it is in the interests of anti-police brutality activists to point out the specific *and* the generalized nature of police terror.

## Conclusion

On March 2, 2015, after ninety days of investigation, President Obama’s Task Force on Twenty-First-Century Policing delivered its findings. Obama hastily organized the committee in the heat of the first national waves of protest the previous December to create the appearance that the federal government was responsive to the demands of popular protest—and as a way to get demonstrators off the streets. He met with youth activists and even put some of them on the commission to give it an air of legitimacy. The commission made fifty-eight recommendations, including ending “racial profiling,” expanding “community policing,” “better training,” and “revamping the entire criminal justice system.”<sup>93</sup> Its report also called for “independent investigations” into police killings, seeming to ignore that in the cases of Michael

Brown and Trayvon Martin, “independent” investigations had quietly ended with no punishment for the accused. Moreover, “the report did not discuss how to pay for many of these proposals,” nor did it clarify which mechanisms would be invoked to make 18,000 law-enforcement agencies comply. Perhaps most tellingly, some 29 days after the report was delivered, the police had already killed another 111 people, 33 more people than had been killed the month before. Also that month, the brutal murder of Walter Scott was captured on video. Scott had been pulled over because of a defective taillight. Fearing arrest, he took off running, only to be shot in the back eight times by white police officer Michael Slager. Slager was arrested and charged with murder, but Scott’s death revealed an entrenched pattern.<sup>94</sup> In June 2015, the *Guardian* reported that US police had killed more than 489 people, including 138 African Americans, since January.<sup>95</sup>

Violence and brutality have always defined the police’s relationship to African Americans. There is no “golden age” of policing to which elected officials can point, and there is little reason for optimism that American police can truly be reformed. Thus, the Obama administration’s examples of “reformed” police departments reveal the poverty of the concept. In May 2015, Obama traveled to Camden, New Jersey, to tout the city as a “symbol of promise for the nation.”<sup>96</sup> Obama was not referring to economic health or stability; he was referring to its approach to policing. In 2013, Camden eliminated its 250-officer police force because of malfeasance, corruption, and the expense of unionized cops and replaced it with a force directed by the county. Freed from the police union contract, Camden hired 411 police officers and 120 “civilian clerks” who act as “analysts in a new operations and intelligence center, monitoring 121 surveillance cameras and the gunshot-mapping microphones.”<sup>97</sup> Camden’s version of community policing has involved more police on foot patrol, with the objective of having a closer relationship with the people in the neighborhoods they are patrolling.

In other respects, Camden is the perfect example of what “police reform” actually looks like. While the politicians and pundits celebrate falling crime rates, they ignore the unsavory underbelly. Over the first year of the “new and improved” approach to policing, Camden had the most complaints of “excessive force” against the police of any municipality in the entire state of New Jersey. According to the ACLU, the



number of complaints “exceeded the combined totals reported by the departments in Newark and Jersey City, the two biggest cities in the state with hundreds more officers.”<sup>98</sup> Camden police have also fully embraced “broken windows” policing. Summonses for riding a bike without a helmet increased from 3 to 339; summonses for disorderly conduct increased 43 percent, from 1,766 to 2,521; summonses for failure to adequately maintain lights or reflectors in a vehicle increased 421 percent, from 495 to 2,579; and summonses for tinted car windows increased 381 percent, from 197 to 948. The dispersal of tickets has increased the case-load of the Camden Municipal Court by 29 percent—and the fines and fees have begun to flow.<sup>99</sup> What have not changed or been reformed are Camden’s depressed economy, its unemployment rate, and its failed housing market. Camden is 95 percent Black and Latino, 42 percent of the city’s population lives below the poverty line, and between 30 and 40 percent of the population is unemployed. The median income in Camden is \$26,000 a year, compared to \$71,000 annually in the rest of New Jersey. The city of 77,000 people is pockmarked with more than 4,000 abandoned properties. The new focus on fees, fines, citations, and arrests for frivolous crimes threatens to increase poverty and unemployment. President Obama, then, said more than he probably even knew when he lauded Camden as a “national symbol.”

American policing has changed as policing has become professionalized and better funded, but these changes have not resulted in better or more just policing. There has also been a frightening continuity of racism, exploitation, and abuse, even as police forces across the country have become more diverse and reflective of the communities they patrol. The police function primarily as agents of social control in a society that is fundamentally unequal, which means that they largely operate in poor and working-class communities. Because African Americans have historically been overrepresented in these neighborhoods, they are often the targets of policing. This is even truer today, as the consequences of policing include hundreds of deaths, hundreds of thousands of arrests, and millions of ruined futures when interactions with law enforcement lead to unemployment, criminal records that create chronic unemployability, and all of the social disorder that follows as a result. It is not surprising, then, that policing is always a focal point of Black social protest.