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STRATEGIES TO MEND THE BROKEN FENCE BETWEEN LAW ENFORCEMENT AND MINORITY COMMUNITIES

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Introduction

For generations, interactions between law enforcement personnel and minority communities have been fraught with misunderstanding, frustration, and tension. Beginning with black codes, which restricted all aspects of life for blacks following the Civil War, to the present era of mass incarceration, marginalized groups, and blacks in particular, have been disproportionately impacted by approaches to policing. Nevertheless, attempts have been made on both sides to redress some of the legacies of strained relationships between law enforcement and marginalized communities. Law enforcement agencies have attempted to become a more positive presence in these communities through community-oriented policing. Minority communities have attempted to forge relationships with law enforcement through diverse types of civic engagement. However, despite the efforts of both parties, the relationship between the two remains strained, illustrated by the situations in Ferguson, Baltimore, McKinney, and countless other places. In order to repair this relationship, major reform is needed within law enforcement agencies and practices to demonstrate to marginalized communities that this is indeed a pressing issue. Likewise, marginalized communities have a responsibility to work to mend the relationship with law enforcement. Potential strategies for repairing these relationships are discussed in this paper.

Strategies for Law Enforcement

Improve Educational Attainment and Training

In most U.S. cities and states, the most common criteria to become a law enforcement officer are to have a high school diploma or its equivalent and be at least 21 years of age. However, for the past 40 years, the value of the high school diploma has been diminished by an increasing demand for more advanced skills in occupations and growing numbers of individuals earning undergraduate degrees. To stay on pace with these trends in education, law enforcement officers should be required to possess a college degree before applying to law enforcement positions which would ensure that these individuals achieve a higher level of analytical and critical thinking skills. The attainment of these skills, as well as the life experience associated with attending college would be very valuable for the job. This higher level of social integration, as well as more experiences with diverse populations is beneficial for the maturation process from a human development perspective. In addition, law enforcement officers would benefit from taking a college-level course on theoretical criminology and diversity. This course will contribute theoretical explanations of why certain groups participate in certain crimes, which is directly correlated with the job of law enforcement. An article published in *The Police Chief* discusses the benefits of taking college classes "to enhance the training experience."^[1] This will empower law enforcement officers with knowledge on the historical and contemporary research on crime, crime victims, the impact of crime on the community, and the response to crime by society and criminal justice system.

Another factor that could improve relationships between law enforcement and marginalized communities is training focused specifically on diversity and cultural competency. One major contributor to strained relationships is miscommunication, often based on stereotypes and not understanding other cultures. Historically, minority communities have felt that their cultures do not matter as much as the majority culture, increasing strife with the police. For example, in the black community, black men frequently congregate in what often amounts to informal educational sessions that can range in topic from life, fatherhood, relationships, religion and so forth. To those miseducated about the culture, these gatherings might signal that a crime is being committed (or planned), so an intervention is needed to break up the group, (an approach motivated by the crime prevention model). A cultural competency training course as a part of law enforcement training procedures could prevent this type of adversarial interaction from occurring.

Also, training is needed on the use of force. Recently, there have been numerous deaths at the hands of law enforcement officers who claimed to fear for their lives. Explained by the racial threat perspective, often black males are viewed as more criminal, more violent, and more dangerous, so they are often seen as a greater danger to society.^[2] This perspective is based solely on the racial identity of these individuals, as often the victims of police violence have been unarmed and not posing any real threat. Strategies focused on de-escalating behavior are necessary skills that law enforcement must have to diffuse situations to avoid the use of unnecessary force.

Reframe Community Policing

Community-oriented policing was instituted in 1994 by the Violent Crime Control and Law Enforcement Act to develop problem-solving techniques and improve the relationship between law enforcement and the community, yet many argue that it has failed to do so as arrest rates and incarceration rates soared during the late 1990s. One reason for this failure is the disconnect between law enforcement officers and the community that they are assigned to patrol. The officers are often not from the same community, do not share similar backgrounds or life experiences as the residents they serve, and are not trained on how to gain trust or build rapport as an outsider. The underrepresentation of minorities in the law enforcement field in many municipalities contributes to the historical legacy of perceptions that people from marginalized communities are not wanted in the field or cannot qualify to become police officers. Hiring practices must be revisited with an honest conversation around increasing racial/ethnic and gender diversity and put a plan in place to address this issue. To address this issue, individuals from these communities should be recruited to join law enforcement agencies, and citizens from the community must be aggressive in pursuing these jobs. These "new employees" would have a better means of interacting, communicating, and representing law enforcement in a positive light, which could establish trust and slowly change the perception that marginalized communities have of police. An evaluation of Chicago's 1990 community policing programs conducted by Skogan and Harnett (1997) demonstrates support of these ideals.^[3] In addition, involving community leaders in the hiring process would be beneficial to both parties. The community would feel fully vested in the person selected to patrol their neighborhood, and law enforcement can feel more comfortable that they have placed an officer in the neighborhood whom the residents have endorsed. This gives the community a sense of inclusion, which could lead to better relationships between the two.

Court Case Accountability

Another strategy that can help mend the relationship between law enforcement and marginalized communities is addressing the disparate treatment that occurs in the adjudication of criminal cases involving law enforcement officials. In democratic societies, police have four key obligations that they are required

to meet: "(1) be willing to serve individual citizens as well as those in political power; (2) be accountable to the law; (3) practice a level of professionalism, including human rights; and (4) be transparent in all their activities".[4] However, when a law enforcement official is accused of a crime, often the second obligation is obscured and outcomes are different than if he/she were a regular citizen, particularly from a marginalized community. As mentioned previously, there has been an increase in the number of unarmed men of color victimized by the police. According to an article in *The Washington Post*, since 2005 three-quarters of law enforcement officers charged in fatal shootings were white, while two-thirds of the victims were minorities (all but two of these victims were black). Even though these officers were arrested, research shows that it is very difficult to bring these cases to trial. According to criminologist Philip M. Stinson, "to charge an officer in a fatal shooting, it takes something so egregious, so over the top that it cannot be explained in any rational way. It also has to be a case that prosecutors are willing to hang their reputation on."[5] Police are asked to follow the law just as a normal citizen, but when they violate the law, there is a sentiment that the law will work in their favor. The notion here is to require the court to hold law enforcement to the same standards as everyone else accused of a criminal offense. They should be subjected to the same criminal procedures.

Accessibility to the Community

Most often when law enforcement interacts with those from marginalized communities, it is to make an arrest. One method to mend the relationship between these two communities is for law enforcement to engage the community as individuals. How often do they visit these communities as Tom, not Officer Tom? There is a great deal of historical tension between these two groups, so a person dressed in a police uniform could represent the history of police (which, for the most part, is a strained legacy) and never have the opportunity to build a relationship with the community who are unwilling to look past the uniform. One suggestion is to become involved in coaching local sports teams. This will give the officer an informal way to show the community that he/she is human and has the best interest of the youth in mind. Building rapport with the youth is a good way to break the negative cycle that exists.

Cops in Schools

The presence of school resource officers (SROs) in schools has presented even more challenges in mending the relationship between law enforcement and marginalized communities. In addition to dealing with the police in the community, marginalized youth have to encounter them in educational settings as well. The purpose of the SRO is often miscommunicated. Prior to having an extension of law enforcement in schools, teachers were charged with controlling classroom behavior; however, now SROs are being asked to intervene in relatively minor disciplinary issues in the classroom. These interactions often have serious consequences. For example, the state of Virginia leads the country in referring students to cops with cases that results in court appearances for students.[6] The majority of these students are black, yet approximately 58% of these infractions would not be considered criminal if committed outside of the school. These interactions continue the power struggle between law enforcement and marginalized communities. Research shows that these relationships are historically strained on the neighborhood/community level.[7] If SROs are to remain in schools, officers might do more to create positive relationships with student rather than focusing on disciplining relatively minor behavioral infractions which might create a positive trickle-down effect of improved relationships with law enforcement into the community.

Strategies for Marginalized Communities

Forgiveness

The history of pain felt in the marginalized community at the hands of law enforcement has produced generations of hate. This hate has been passed down from family to family to educate their loved ones about discrimination and injustices experienced in their lifetime while simultaneously hoping to prevent it from happening to their children. The message is, "This is what happened to me and your ancestors so we hope that these stories will help you figure out a way to avoid the same experiences." For the marginalized community, the best means of getting over such depths of pain is learning to forgive those that have caused the pain. Dr. Martin Luther King Jr. states, "We must develop and maintain the capacity to forgive. He who is devoid of the power to forgive is devoid of the power to love. There is some good in the worst of us. When we discover this, we are less prone to hate our enemies." This is difficult, but an opportunity for growth and change most often originates in the victim. In order to heal these old wounds, the community must be willing to forgive so they can move forward toward a better relationship with law enforcement.

Accessibility to the Community

An additional strategy for mending relationships involves community leaders inviting/including law enforcement officers in some of their community functions. Community leaders might invite police to the local cookout, the local back to school jam, or to the local community meeting, and ask them to attend in plain clothes and interact as a citizen first not a police agent. The opportunity to socialize with community residents would allow them to see the residents as "people" and not subjects, while simultaneously, the residents get to know the officer behind the badge. Law enforcement is a career; it is not the entire identity of the individual. Such invitations would require that the community have a great deal of trust for the community gatekeeper making these invitations, who must have complete confidence that the police are not there just to "scope out" the community but have a real investment in building relationships with the residents. These interactions could work to debunk some of the myths about police officers and begin to mend these relationships with marginalized communities.

Citizens Review Board

One other way for marginalized communities to mend the relationship with law enforcement is to become more involved and work closer with the police. A citizen review board is a perfect opportunity for the community to be involved while simultaneously having some influence on how the community is governed by police by participating in the review of all complaints levied against officers. This will offer the community some hope that police are held to the same standards as citizens, that an accountability system is in place, and that the community now has a stake in ensuring that a system exists that will give them a voice when they feel they have been victims of the police. A study (2005) conducted on the New York City Civilian Complaint Review Board's mediation indicated increased citizen satisfaction with complaint procedures.[8] This too will offer both parties the chance to address community and police issues as a team.

Conclusion

Despite the longstanding strained nature of the relationship between law enforcement and marginalized communities, there is hope that a better future is ahead in these relationships. Using these strategies, and simply trying to see each other as individuals, law enforcement officials and individuals from marginalized communities might be able to "mend the broken fences." The approach to creating better relationships has to be a two-way street, yet the foundation for change is "want to." With that being said, we must understand the historical pain of these broken fences did not occur over night. We must be mindful that implementing the above strategies will take courage, time and patience. We must give both parties strong support while repairing relationships that have been damaged for centuries.

Notes

- [1] Keith Clement, Richard M. Hough, Brian Jones, John Mathis, and Chip Simmons, "Partnering with a Purpose," *The Police Chief: The Professional Voice of Law Enforcement*.
- [2] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).
- [3] Skogan, W.G. and S.M. Hartnett, *Community Policing, Chicago Style* (New York, NY: Oxford University Press, 1997).
- [4] Harry R. Dammer and Jay S. Albanese, *Comparative Criminal Justice Systems*, 5th Edition (Belmont, CA: Comparative-Wadsworth, Cengage Learning, 2013), 99.
- [5] Kimberly Kindy and Kimbriell Kelly, "Thousands Dead, Few Prosecuted," *The Washington Post*, April 11, 2015.
- [6] Susan Ferriss, "Virginia Tops Nation in Sending Students to Cops, Courts: Where does your State Rank?" Washington, D.C.: The Center of Public Integrity, 2015.
- [7] Eric A. Stewart, Eric P. Baumer, Rod K. Brunson and Ronald L. Simons, "Neighborhood Racial Context and Perceptions of Police-Based Racial Discrimination among Black Youth," *Criminology* 47, 3 (2009) 847–887.
- [8] Elizabeth C. Bartels and Eli B. Silverman, "An exploratory study of the New York City Civilian Complaint Review Board mediation program," *Policing: An International Journal of Police Strategies & Management* 28, 4 (2005). 619–630.

About the Author

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Dr. Brian Chad Starks is a speaker, author and critical criminologist. Born and raised in "The Metro" – Columbia, South Carolina, he attended Richland County public schools and graduated from Columbia High School. Dr. Starks attended Wofford College in Spartanburg, South Carolina, where he played football and majored in Sociology. For more than twenty years, he has worked to build social justice and equity for individuals, organizations and communities. The former owner of B. Chad Bonding, Dr. Starks holds a Master's degree in Criminal Justice from the University of South Carolina and a doctorate in Criminology from the University of Delaware. Starks's dissertation, "A Bail of Two Cities: Examining the First Criminal Court Phase – Atlanta vs. Philadelphia," examined the social organizational structure of bail systems in those large cities. He has been on the faculty at Lynchburg College, Delaware State University, and Benedict College in Columbia, South Carolina. In 2014, Dr. Starks was awarded the Louis L. Redding Diversity Award from the University of Delaware. This award honors individuals who have implemented diversity programs that resulted in a significant change to the culture and climate of the university. In 2016, Dr. Starks received the NAACP Civil Rights award from the Lynchburg, Virginia Branch. As CEO of BCS & Associates Consulting Firm, Dr. Starks travels around the country, speaking and teaching the truth about implicit bias, cultural competency, and structural inequality.

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