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The War on Drugs Has Made Policing More Violent

What can be done to curb the excessive and, sometimes, predatory policing that has emerged from the Drug War?

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Before a police shooting makes headlines, before the shooting ever happens, there is the moment of contact between the police officer and the eventual victim. Sometimes the officer is responding to a dangerous situation, like a report of a man with a gun. Other times, the contact is initiated by the officer because of excessive speeding or reckless driving that poses a risk to other drivers. And sometimes the reason for the contact is an officer's legally baseless hunch and a minor violation of a traffic law—like a burned out taillight—that escalates into an unnecessary tragedy. This last type of contact is what led to the shooting death of Philando Castile in a Minneapolis-St. Paul suburb.

American policing today has become increasingly aggressive and, at times, even predatory. Policies and tactics have evolved to make police contact more confrontational. In so doing, they have increased the chances of violence and fatal uses of force. This has been particularly true of efforts aimed at fighting the Drug War. Police are incentivized to initiate unnecessary contact with pedestrians and motorists, and they do so most often against ethnic and racial minorities. Such over-policing engenders resentment among minority communities and jeopardizes public safety.

Some of the Drug War's most disturbing images involve police officers in SWAT gear, kicking down doors, ransacking homes and endangering the lives of everyone inside during pre-dawn raids. Officers rummaging through a car for drug contraband while the driver sits helplessly on the sidewalk as onlookers drive by may be less violent, but is just as invasive and degrading. This experience can be humiliating under any circumstance, and any perception of race as playing a role in the stop piles resentment on top of humiliation.

The “pretextual” or “investigatory” stop is a common police tactic to investigate potential criminal activity—particularly drug possession and trafficking—in situations where there is no legal reason to suspect a crime is occurring. There is not a large amount of data on how often these stops produce contraband seizures, but what data there is suggests that the overwhelming majority of people who are stopped are guilty of no crime. Much like the pedestrian stops during the heyday of New York City's “Stop and Frisk” program, most of the motorists stopped for

investigatory purposes are black or Hispanic. Those who are stopped are often pressured to give consent to a search the officer has no legal right to demand.

There is evidence that some police departments, particularly state police and drug task forces in the American interior, target motorists with out-of-state plates in the hopes of finding drug proceeds and other unexplained cash. Cash-driven interdiction is the result of asset forfeiture laws that allow police departments to keep the proceeds of assets seized in connection with suspected crimes. This “policing for profit” puts budgetary concerns above public safety.

Officers are also trained to prepare for the possibility of violence in every encounter. Anti-police attacks such as the recent tragedies in Dallas and Baton Rouge heighten the fear and trepidation some officers feel in the field. While fewer police officers are feloniously killed in the line of duty per year than at almost any time in American history, officers who find themselves in stressful situations may be more likely to resort to the use of force, including deadly force, in order to maintain their sense of control during such encounters.

In short, the laws and tactics employed to fight the Drug War have transformed police officers from those who protect and serve to a force that, too often, actively searches the innocent and seizes for profit. Aggressive and antagonistic policing also increases the likelihood of disagreement, thereby increasing the possibility of escalation and the use of force that could lead to the injury or death of an innocent person. But the effects of aggressive policing extend beyond the outcome of any given police stop.

Although a majority of Americans express a “great deal” or “quite a lot” of confidence in the police, the same is not true across all racial and ethnic lines. Less than one-third of black respondents to a Gallup poll expressed a large amount of confidence in the police. And while a majority of Hispanics still have a lot of confidence in the police, just over 40 percent of other nonwhites do. Research by Charles Epp and others at the University of Kansas shows that support for police declines when individuals and the people they know have negative police experiences, particularly through investigatory stops.

This lack of confidence in the police can endanger communities. As Jill Leovy documented in her book *Ghettoside*, the poor relationships officers have with black Los Angelenos hinders homicide clearance rates and prosecutions. At the same time, the “broken windows” policing strategy that focuses on heavy enforcement of petty crimes has been shown to have no effect on the felony crime rate, the premise on which the strategy is based. Together, these create a tragic contradiction in which black communities are over-policed for drugs and petty crimes, but under-policed for homicides and other violent crimes.

Criminologists Cynthia Lum and Daniel Nagin argue that, as a foundational principle, policymakers should reorient policing toward crime prevention rather than arrest maximization. One way to do that would be to curb the use of pretextual stops, which could reduce community-police tension and, therefore, reduce the opportunities for unnecessary tragedies that claim the lives of people like Philando Castile. Another option is to end the policing for profit motive by decoupling asset forfeiture proceeds from law enforcement agency coffers. And finally, law enforcement resources should be pulled away from fighting the unwinnable Drug War and redirected toward general public safety.

Until we fundamentally change how America's police operate, we will continue to suffer from police violence, and all the problems that it creates and represents.

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