

TIME

How 3 of Donald Trump's Executive Orders Target Communities of Color

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This month, President Donald Trump signed three executive orders that will intensify the criminalization of communities of color, under the false premise of the need to increase “law and order.” Leveraging public perception that crime is on the rise and the backlash against protesters, immigrants and grassroots efforts such as the Black Lives Matter movement, these executive orders ramp up policing efforts and federalize protections for police. Executive actions like these only worsen the continued criminalization of communities of color.

First, the Presidential Executive Order on Preventing Violence Against Federal State, Tribal and Local Law Enforcement Officers focuses on increasing enforcement of existing and new laws and strategies that will punish those who commit or attempt to commit crimes of violence against law enforcement. It also states that the executive branch will develop strategies to fulfill this goal, including new legislation to define new crimes, increase penalties, and establish new mandatory minimums for existing crimes against law enforcement.

This may seem reasonable. There *should* be penalties for committing crimes against the police. Yet as Jonathan Blanks, a research associate at the conservative Cato Institute, stated: “Violence against police officers is taken seriously in every policing jurisdiction in America.” Blanks continued, “Keeping law enforcement officers safe is a noble goal. But there is little evidence that new and harsher federal criminal laws will do anything at all to make American police safer.”

This order addresses a problem that doesn't exist. Meanwhile, it neglects and worsens a problem that does. Because people of color, who — masculine-presenting black people in particular — are often profiled and misperceived as violent, increased focus and heightened anxiety about violence against police only serve to put them at even greater risk for over-policing and excessive force.

Second, the Presidential Executive Order on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking's stated goal is to strengthen federal law regarding transnational criminal organizations and related entities that are engaged in crimes such as trafficking humans, drugs, wildlife and weapons, as well as concealing earnings from illegal activity. It calls for the swift removal of foreign nationals and prosecution of ancillary offenses like immigration fraud and visa fraud.

Black communities, immigrant communities and other marginalized groups already face harsh penalties for nonviolent crimes; the same happens with crimes of survival such as visa fraud and selling drugs. Furthermore, the right-leaning Center for Immigration Studies has reported many times that immigrants commit proportionately no more than, and possibly even fewer, crimes than native-born citizens. Reinforcing existing laws that already disenfranchise communities of color will have a very real and devastating impact on families across the country.

Third, the Executive Order on a Task Force on Crime Reduction and Public Safety calls on the Attorney General to establish such a force. It posits a need to enforce laws and develop policies that address "illegal immigration," drug trafficking and violent crime. The task force is directed to develop strategies to reduce crime, identify problems with existing laws that make them ineffective and evaluate the adequacy of crime-related data collection.

A heightened focus on undocumented immigrants does little to address actual dangerous crimes, since, again, undocumented immigrants do not commit disproportionate numbers of crimes. Policies like this one actually harm crime victims rather than protect them. For example, an immigrant domestic violence survivor was recently detained at an El Paso court while obtaining a protective order. This is the type of action that can stop a victim from seeking the help they need and deserve.

Those looking to help mitigate the damage these executive orders stand to do should call their Senators in support of the End Racial and Religious Profiling Act (ERRPA). The act aims to establish a prohibition on racial and religious profiling, mandating training for federal law enforcement officials on profiling and requiring local, state, federal and tribal law enforcement agencies to collect data on all investigatory activities, routine and spontaneous. Democratic Senator Ben Cardin has just reintroduced ERRPA this Congress. He's looking for co-sponsorship.

These orders can — and will — be used to further criminalize and harm communities of color. They return us to the failed policies of zero tolerance and mandatory minimums that have led to the mass incarceration of people of color even as crime rates and deadly violence against police officers have declined. Criminalizing marginalized communities only further legitimizes continued over-policing and violence under the guise of protecting law enforcement.