Law And Disorder: Police Brutality in America

By Dianne Small-Jordan
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Allegations of police brutality are nothing new.

Over the past year, however, riots, peaceful protests, and the popular hashtag stance #BlackLivesMatter have brought the lives of black persons who died at the hands of police into the mainstream.

Police brutality isn't just a problem for any single ethnicity, however.

Whether police departments are dismissing claims of brutality out of hand, the numbers are skewed by self-reporting, or the problem arises from not following department policy, deaths and violence meted out by 'peace officers' are a problem for our society in general – even though many cases receive little or no attention from the media.

Stress, Danger, and Being a Police Officer

There is no disputing the fact that being a police officer is one of the most dangerous jobs in America, nor the fact that America has one of the highest homicide rates among developed nations and more guns per capita.

The police are known to experience extreme stress which can cause them to enter situations already on the defense. In addition, higher crime neighborhoods will more likely than not produce conflict.

According to Wesley Lowry of the Washington Post, "*the federal government and national research groups keep a lot of data and statistics on various things but they do not have reliable national data on the victims of police brutality.*"

Police misconduct has gotten so bad that the Cato Institute created a police-misconduct website that provides a daily news feed of police misconduct across the nation. In 2010, the Cato institute reported 4,861 reports of police misconduct, including 127 fatalities caused by the use of excessive force.

Ignored Safety Policies

To use the Eric Garner chokehold incident as an example: Prior to his death, the New York City Department of Investigation revealed that the New York Police Department (NYPD) had 1,022 complaints about chokeholds since 2009. The NYPD prohibits chokeholds and according to their police guidelines, *"any pressure to the throat or windpipe that can prevent or hinder breathing or reduce the intake of air."*

Yet the chokehold was still a part of the restraint technique the police used on that day. How many other deaths are the result of officers not following guidelines to avoid unsafe restraint techniques? There's no way of knowing for sure.

What Do the Stats Say?

The Cato Institute's National Police Misconduct Reporting Project reveals that data for 8 months from April to December 2009 showed 4,012 law enforcement officers engaged in alleged misconduct, including agency leaders. The data showed 4,778 alleged victims, 258 fatal injuries tracked, and $198,943,000 in civil litigation – not including sealed statements, court costs and attorney fees.

Taxpayers Keep Paying For Systemic Failures

Taxpayers foot the costs for the costs of civil litigation against police departments. Unfortunately the rogue cops not only make the entire police force look bad – taxpayers end up paying for the million dollar settlements that require annual payouts.

Bonnie Kristian of the *American Conservative* believes that police brutality is systemic because many police departments do not provide adequate training in non-violent situations, so officers do not view violence as a last resort.

Every agency's standard of what is 'violence' varies throughout the system. Police discretion can make it appear as objectively reasonable and the consequences for misconduct are minimal.

The University of Chicago Law School did a statistical study addressing the Chicago police department's supervisory and disciplinary practices, highlighting a broken system in terms of police brutality. The report showed police brutality complaints in Chicago from 2002- 2004, noting that they got 10,000 complaints and just *19 resulted in disciplinary action.*

Kristian pointed out that on a national level, authorities decline upwards of 95% of police misconduct cases referred for federal prosecution. *USAToday* reported that, *"juries are led to believe cops and victim's credibility is often challenged."*

The other side of this issue is the settlement payouts that shift to the taxpayers because the police officers are not personally paying the victims. With the unfair targeting of minorities, the police

have become routinely militarized (e.g. Ferguson riots) and the use of SWAT teams have risen 1500% over the last 20 years.

The police themselves say that they have witnesses excessive force by fellow officers, but 61% have admitted that they do not report abuse of authority by their fellow officers. The whistleblowers are blackballed if they report their fellow officers and they do not think it is worth it so they turn a blind eye.

Frank Serpico, a retired NYPD police officer who famously acted as a whistleblower on police corruption, explained in *The Nation* that he exposed the widespread corruption of police dealings because there is the need to re-establish proper policing and bond with the communities.

Focus on community engagement should occur so that police agencies hire personnel from within the community in an effort to "*rebuild the community with respect, instead of fear and intimidation.*" The use of force should be a last resort used only in dangerous situations and requires transparency and accountability for all agencies.

Michele Jawanda of the Center for American Progress suggested that in an effort to improve police community relations, special prosecutors should investigate police misconduct and enhance the data on police-caused fatal shootings and increase the federal government oversight of police misconduct.

Outcry Against Police Brutality

The brutal beating of Rodney King in 1991 brought police brutality into the spotlight, as did the beating and sodomizing of Haitian immigrant Abner Louima, and the shootings of Sean Bell, Amadou Diallo, Oscar Grant and Robert Davis, just to name a few cases that sent anger throughout the nation.

The names listed show just a snippet of the number of victims who suffer at the hands of police brutality – many of whom receive no media attention.

National Media Coverage?

The names mentioned above had national media coverage for weeks but these examples cited in the *American Conservative* (July 2014) and *CBS News*, (Feb. 2015) below were not as popular:

- Darrin Manning (Philadelphia): Suffered a ruptured testicle after an unprovoked stop and frisk encounter with a Philadelphia police officer.
- Kenya Harris (Georgia): Bodyslammed in 2011, because the officer didn't like her tone. Suffered a miscarriage.
- Sureshbhai Patel (Alabama): Bodyslammed and is now partially paralyzed. Did not respond to police questions, because he could not speak English.

Is There a Finite Number to Police Brutality Incidents?

Investigative reports from *USA Today* illustrated the flaws with the FBI data system – which is, unfortunately, the only comprehensive source of data on the number of people killed by police.

The problem here is that the authorities write off the majority of these killings as justifiable. Each police agency self-reports the beatings or shootings of the victims to the FBI, resulting in a system in which there are no checks and balances.

Because of the lack of auditing on the part of the FBI, the nation has conflicting statistics with independent measures of police brutality at the hand of the police.

There is data on the amount of police officers killed or injured in the line of duty, and there is data on the number of people the police killed while on duty, but there is no way to know how many people were victims of police brutality.

According to Wesley Lowry of the *Washington Post*, the reason was because the police agencies submit self-reporting data to the FBI with the majority of cases being justifiable police action. Unfortunately, authorities feed these justifiable incidents to the public and academia even though the Justice Department has denounced the information as unreliable.

As Bad as it Gets

The state of police brutality in America has reached such a climax that the "us against them" mentality has taken on a whole new level. Criminals now target cops, and law enforcement has become even more vigilant, taking no chances.

The constant media coverage of the use of police-oriented excessive force — with no consequence — begs for reform in law enforcement and the need for an independent body to do thorough and impartial investigations. Guilty officers should be prosecuted. Will this ever be achieved? Time will tell.