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Arab Americans and Law Enforcement: Rights at Risk

[James Zogby](#)

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I testified before the U.S. Commission on Civil Rights this week on the relations between law enforcement agencies and the Arab American and Muslim American communities. This provided an opportunity to lay out the problems that exist and an agenda that would allow us to move forward.

In a democratic society based on constitutionally guaranteed rights, the role of law enforcement ought to be to help secure these rights for all citizens. This, for decades, has not been the case for Arab Americans.

We have experienced problems as far back as the 1970s. From released government files we have learned of the extent of harassment of Arab Americans and Arab student activists during this period -- from Operation Boulder in the Nixon era, and the broad surveillance program against Palestinian student organizations in the 70s and 80s, to the extensive intelligence files on Arab American activists maintained by the FBI, sometimes in collaboration with outside groups, that were then used to harass members of my community.

At the same time that law enforcement agencies were violating our rights, too little was being done to protect us when we needed it. Many of our community leaders, myself included, received repeated death threats from the early 1970s onward. My office in Washington, D.C., was fire-bombed in 1980. And the offices of the American Arab Anti-Discrimination Committee were targeted in the mid-1980s. One of these attacks murdered my friend Alex Odeh in October of 1985. During this entire time, there was not a single indictment or arrest.

During the Clinton Administration, my community's access to the White House improved, as did official responsiveness to our concerns. For example, in the 1990s, we experienced problems with wide-spread airport profiling and the use of "secret evidence." In response, the Department of Justice convened a series of meetings with our leadership that helped us resolve many of these issues.

Then came the horrific terrorist attacks of September 11. They were a dual tragedy for Arab Americans. We are Americans and it was our country that was attacked. At the same time, because some assumed our collective guilt, Arab Americans and Muslims -- and others perceived to be Arab and Muslim -- became victims of hundreds of hate crimes.

But something important happened, making it clear that despite the enormity of the crime that had been committed, a new dynamic was at work. Many Americans rallied to our defense. President Bush spoke out against hate crimes, as did the Senate and the House of Representatives which both passed resolutions condemning bias against Arab Americans and Muslims. Federal and local law enforcement investigated and prosecuted hate crimes, and ordinary citizens defended and protected us, refusing to allow bigots to define America. As before, my family and I received death threats. But for the first time, the perpetrators were arrested by the FBI, prosecuted by the DOJ, and convicted and sentenced for their crimes.

The Civil Rights Division at the Department of Justice, at our request, restarted the inter-agency problem-solving meetings we had begun during the Clinton years.

But all was not well during the Bush years.

At the same time that these positive developments were occurring, an entirely different message was being sent by then Attorney General John Ashcroft. In addition to mass deportations and the shameful "special registration" program, Ashcroft issued new profiling guidelines that created a loophole allowing ethnic, religious, and racial profiling, leading to wide-spread singling out of Arabs and Muslims by a number of law enforcement agencies.

It is important to note that these profiling initiatives made no contribution to making our country more secure. FBI and other officials with whom I have spoken have questioned the effectiveness of profiling, telling me that it wasted time and resources, produced little useful information, and damaged outreach efforts, alienating communities whose cooperation law enforcement needs.

With the election of Barack Obama, we had hopes that we would see an end to these abusive practices. But policies that we had believed would change have not. We had hoped to see an end to the more controversial provisions of the Patriot Act. This did not happen. The Justice Department profiling guidelines remain in place and continue to be used by a number of agencies to the detriment of my community. Arab American citizens who have family in Canada or who conduct business in Canada are routinely profiled, experiencing disgraceful and humiliating treatment at the hands of Customs and Border Patrol. And we are also deeply disturbed by press accounts of the NYPD/CIA surveillance program. As the details of this program have come to light, we have been horrified by the use of coerced informants, wide-spread "ethnic mapping", and spying and reporting on innocent people going about their daily routines.

Additionally, we have been troubled by reports that the FBI has used their community outreach programs to "collect and illegally store intelligence information on Americans' political and religious beliefs" -- a clear violation of trust. And finally, we are deeply disappointed by the FBI's failure to take decisive action in dealing with the scandal over their use of bigoted anti-Arab and anti-Muslim training materials. We have asked for greater transparency and full disclosure in explaining how these materials were developed, how many agents have been trained with them, and we have asked the FBI to apologize. For the FBI to not understand the damage they have done, the hurt they have created, and the trust they have broken, is incomprehensible.

There can be no doubt that during the past several decades we have made gains and developed relationships with agencies of government that are important to our personal security and the security of our country. In all of this, the work of the DOJ's Civil Rights Division remains a shelter in the storm. And we remain indebted to those FBI agents and civil rights attorneys at DOJ who have investigated and prosecuted hate crimes and have worked to ensure our safety.

But the negative practices I have noted here threaten to undercut these gains. They create fear in my community and create suspicion about us in the broader society. This, in turn, leads to alienation and has the potential to radicalize some. It also leads to an atmosphere where suspicion can grow -- making us more vulnerable to hate crimes.

I have long argued that Arabs and Muslims were the weak link in America's civil liberty chain. When the rights of vulnerable minority groups are threatened, we must demand a halt to abuse. It is worrisome that in the post-9/11 era the challenge to constitutional rights has often been met with silence -- because it was Arabs and Muslims who were the targets. What we have failed to recognize is that if the rights to assemble, to speak freely, to be secure from unwarranted search, and to be guaranteed due process are put at risk for any group, then these rights may ultimately be threatened for all Americans.

Source: <http://www.cnn.com/2011/12/19/us/connecticut-police-discrimination>

Justice Department says a Conn. police department targeted Latinos

By Kiran Khalid, CNN updated 10:07 PM EST, Mon December 19, 2011

STORY HIGHLIGHTS

- Federal officials accuse police in East Haven of discrimination
- Police targeted Latino drivers, they say
- East Haven police did not respond to multiple requests for comment

New York (CNN) -- In a scathing report, the U.S. Department of Justice on Monday accused the East Haven Police Department (EHPD) in Connecticut of engaging in a pattern of widespread discrimination against Latinos in violation of the Constitution and federal law.

"We find that EHPD engages in discriminatory policing against Latinos, including but not limited to targeting Latinos for discriminatory traffic enforcement, treating Latino drivers more harshly than non-Latino drivers after a traffic stop, and intentionally and woefully failing to design and implement internal systems of control that would identify, track, and prevent such misconduct," Assistant Attorney General Thomas J. Perez wrote in a 23-page letter to the East Haven mayor, detailing the results of a two-year investigation.

The letter described the discrimination as "deeply rooted in the Department's culture," and cited a statistical analysis showing how Latinos were "intentionally targeted" for traffic stops. It provided the example of a particular officer's stops -- 40.5% of which were of Latino drivers.

Overall, the investigation found that 19.9% of traffic stops made by the EHPD were of Latino drivers, concluding it "shows pervasive discrimination against Latinos on every level of EHPD traffic enforcement activity." The report also said officers were able to target Latinos by focusing on customers leaving Latino businesses.

In addition to the high rate of traffic stops, the report accused some EHPD officers of conducting unauthorized immigration investigations. The report mentioned "numerous incident reports" where EHPD officers contacted Immigration and Customs Enforcement (ICE) to check on the status or seek an immigration detention of a Latino person. Investigators said the tactic was "used to harass and intimidate Latinos rather than pursue legitimate law enforcement objectives."

The analysis of the police department's practices against the Latino community said the Connecticut department, at the very least, turned a blind eye to the blatant cases of biased policing and at worst, enabled it. It also accused the department's leadership of thwarting the investigation by "creating a hostile and intimidating environment" for anyone willing to cooperate with it.

CNN reached out to the East Haven Police Department multiple times for comment on Monday. It did not respond.

According to 2010 census data, East Haven has a population of some 29,000 people. The vast majority of residents, 88.5%, are white, while 10.3% of the population identifies as Hispanic or Latino. Close to 3% of residents identify as black or African-American.

The findings come on the heels of a federal investigation that began more than two years ago, involving a massive review of EHPD incident reports, documents and interviews of department personnel.

The Justice Department said it will meet with community leaders, as well with as municipal agencies to address the concerns raised in the report. But the federal agency also made clear that the United States may suspend or terminate federal funding if the town fails to address the civil rights violations.

Source: <http://blogs.kqed.org/newsfix/2012/08/14/sf-police-underreport-arrest-rates-for-latinos-asians/>

SF Police Underreport Arrest Rates for Latinos, Asians

August 14, 2012, 11:21 am • Posted by [KQED News Staff](#)
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The
Bay Citizen

by Shoshana Walter, [The Bay Citizen](#)

The San Francisco Police Department has underreported the arrest rates of the city's two largest minority groups for years, misclassifying Latino arrestees as "white" and Asian arrestees as "other," The Bay Citizen has learned.

The state has been publishing the erroneous statistics in a report called "Crime in California" since at least 1999, when the state Department of Justice first began posting the data online.

Because of the misclassifications, the department and federal and state officials have no accurate record of how often minorities are arrested in the city, creating skewed statistics and leading to widespread concern among local civil rights groups.

According to the reported data, African Americans are arrested at a much higher rate than whites. But by misclassifying Latinos, the department has inflated the number of whites arrested, indicating that the gap between the arrest rates for whites and blacks is even wider.

Over the years, concerns about racial profiling in the city's African American and Latino communities have sparked city hearings and policy changes. Accurate, credible crime statistics were supposed to be a way to hold the department accountable. In 1999, the Police Commission ordered the police department to begin tracking racial data from all traffic stops. But disciplinary records show many officers still fail to fill out such tracking forms. And the misclassifications of Latino and Asian arrestees suggest other problems persist.

"This is just extremely troubling," said Francisco Ugarte, senior immigration attorney at the San Francisco Immigrant Legal and Education Network. "If San Francisco is effectively unable to categorize those in the city being arrested, that would undermine our ability to monitor police practices – particularly in San Francisco, with such a huge Latino population."

The Bay Citizen discovered the discrepancies after the California Department of Justice released the crime statistics for the year 2010 in June.

According to that report, 8,198 African Americans and 9,151 whites were arrested in San Francisco in 2010, along with 316 Hispanic adults and nine Hispanic juveniles. About 2,800 arrests are listed under "other."

The Hispanic arrest figures included in the report come from other agencies in San Francisco, such as the California Highway Patrol, that have the authority to make arrests in the city but don't share the police department's antiquated

computer system. Those numbers have fluctuated over the years, from a high of 705 Hispanic arrests in 2000 to a low of 283 Hispanic arrests in 2005.

San Francisco police commanders acknowledged that some of those statistics are incorrect.

“We have certainly made more than 300 arrests in the Hispanic community,” said Deputy Chief Lyn Tomioka. “I look at that number as a police officer and I can tell that it is inaccurate.”

Police officers mark whether an individual is Latino or Asian on arrest reports, but Tomioka and other department officials blamed an outdated computer system for the inaccuracies. Installed in 1972, the system lists three categories for identifying arrestees by race: blacks, whites and other. Although the department could calculate the numbers manually, officers have been identifying Latinos as “white” and Asians as “other” in the computer system for years.

“You’re making it sound like officers choose to do this. It’s what the system has available to the officers to put in,” Tomioka said.

She said she did not know when the department began misclassifying arrestees but said it does not plan on “looking back at those statistics.”

The police department has no idea if any of the statistics it reports to the state are accurate, according to Susan Giffin, its chief technology officer.

“Not only can we not tell you if the numbers are right, we really can’t articulate what the problems are, or if there are problems,” Giffin said.

By law, the police department is required to report crime and arrest statistics to the California Department of Justice each month. The state attorney general’s office and the FBI publish the data in their annual crime reports. The statistics also have been used in countless studies on racial disparities and trends in arrest rates.

When asked whether the Department of Justice expects law enforcement agencies to report accurate information to the state attorney general’s office, spokesman Nicholas Pacilio said the office had no comment.

Although California law states that the attorney general’s office is required to “periodically review” the numbers and “make recommendations for changes” on data collection techniques, the department could not provide the last date of its review by publication time.

The FBI did not respond to requests for comment.

San Francisco civil rights advocates said they were stunned to hear that the police department was misclassifying Latino and Asian arrestees as “white” and “other.” African Americans make up 6 percent of the population but account for 40 percent of all arrests. According to the misclassified statistics, Latinos, who constitute 15 percent of the city’s population, account for 1.5 percent of all arrests. At nearly 36 percent, Asians have become the second-largest demographic group in San Francisco, behind whites. But the statistics reported under “other” provide no indication of how often Asians are arrested in the city.

“Oh, my goodness; I had no idea,” Lorena Melgarejo, director of community organizing at the Central American Resource Center, said of the police department’s misclassified arrests. “The police department says the community’s trust is very important to them. If they are underreporting numbers, they are basically making it impossible for us to understand what is really happening.”

Angela Chan, a member of the San Francisco Police Commission and an attorney with the Asian Law Caucus, said: “This data should and must be accurate.”

“The fact that our technology is outdated is the reason for a lot of things,” she said. “If there’s an issue, it needs to be solved.”

The problem is just one of many related to the department's outdated technology. The San Francisco controller's office concluded in January that the police department's public and internal crime reports frequently conflict with the reports the department sends to the FBI, not because of “underlying crime trends,” but because of “disparate data sources.” Prior to 2010, when it hired Giffin as chief technology officer, the police department had spent close to \$20 million on failed attempts to bring its technology up to date.

The controller's office is reviewing the department's technology issues at the request of Police Chief Greg Suhr. But its new crime data warehouse will do nothing to correct the arrest report errors, according to Giffin. The system is currently designed to house incident and crime reports, not arrest data.

Two years ago, Queens College sociology professor Harry Levine co-wrote a widely distributed study about discrepancies in marijuana arrests in California. He and other researchers found that Latinos were twice as likely to be arrested for marijuana possession as whites. But he did not include San Francisco in the analysis, he said, because the arrest rate for Latinos looked “a little screwy.”

Accurate data provides “a way of seeing who it is that is being systematically given preference or systematically excluded,” Levine said. “In terms of making a fairer, more just, more equal world, it is good to know what powerful institutions are doing.”

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Source: <http://uscop.org/on-the-relation-between-police-crimes-and-violence-in-black-and-latino-communities/>

On the Relation between Police Crimes and Violence in Black and Latino Communities

Posted on November 6, 2012 by [Gregory Malandrucchio](#)

The following paper was given on a panel that explored the connections between police crimes and violence in black and Latino communities. I included parts of the paper that I omitted at the event due to time. The event, organized by the Chicago [Alliance Against Racist and Political Repression](#), was held on October 20, 2012 at the Lutheran School of Theology in Chicago. Also on the panel were Patricia Hill, former Chicago Police Officer and Adjunct Professor at Northeastern Illinois University, and Lawrence Kennon, former Assistant Cook County State’s Attorney.



On the Relation between Police Crimes and Violence in Black and Latino Communities

Let me begin by saying that this is a massive field of inquiry, one that for me personally is an organic scholarly pursuit that I've only recently embarked upon in the aftermath of being [brutally assaulted](#) by Chicago police officers in February 2010, an experience that continues to change my life,

and reshape my intellectual interests in unforeseeable ways.

When we speak about violence in black and Latino communities, we need to speak about the rise of *both* a highly-aggressive, punitive “police” or “carceral-state,” and the simultaneous economic and political transformations in the United States over the past 40 years. The highly aggressive mode of policing instituted in the US during this period is the concrete, interpersonal form of domination over communities of poor blacks and Latinos, so aggressive that it produces horrific police crimes like the numerous individuals – overwhelmingly from these ethnoracial groups – shot and killed right here in Chicago by police each year.

Police institutions can thus be seen as the Blue Front of both abstract economic forces and real-world political decisions that have decimated these communities over the past 40 years. The series of liberalization reforms instituted during this period, coupled with new [job-replacing](#) industrial technologies, have resulted in unsustainable levels of joblessness, making black and Latino men in the American city expendable, an army of surplus bodies, with few prospects in the formal economy.

In the political sphere, the War on Drugs, initiated by President Nixon in the early 1970s and sustained and intensified by successive Republican and Democratic administrations and law enforcement agencies nationwide, has effectively led to the warehousing of these surplus bodies as objects of profit in the booming American carceral system.

Contrary to the rhetoric of less-state intervention in the economy over the past thirty-plus years, we have seen an enormous redistribution of resources from social welfare programs to the carceral-police state, as anthropologist Loïc Wacquant [shows](#). For example, the US in 1980 spent \$21 billion on public aid such as food stamps and \$7 billion on corrections. In 1996, so in just 16 years time, the spending on corrections in America increased to a whopping \$54 billion per year, by then surpassing welfare spending by some \$8 billion. To repeat: \$7 billion was spent on corrections in 1980, \$54 billion in 1996.

The police in the US represents the frontline in this “racialized penalization of poverty,” as Wacquant calls it, with state-sanctioned violence used to subdue these marginalized populations of highly-expendable surplus humanity, a population whose labor is no longer necessary. Instead of creating wealth through labor in the industrial sector, aggressive policing tactics confront this surplus to create economic growth by filling jails and prisons to the profit of everyone from the federal government, through a [prison labor corporation](#) which it owns, to the [Taser](#) manufacturer. The result has been an *absolute* explosion of the prison population in the US, from 380,000 in 1975 to over 2 million in 2010. Jails nationwide process 12 million bodies per year.

Using one state as an example, in Pennsylvania for instance, population increased 7 percent from 1970 to 2010, while the prison population exploded by 800% over the same period. This “Police hyperactivism,” according to Wacquant, “is disjoined from trends in crime,” as crime itself is not the cause of the dramatic rise in aggressive policing and incarceration. Indeed, if we hold the crime rate constant, the US penal state is shown to be six times more punitive than it was in 1975.

The working-class in Chicago, as in other rust-belt cities, has suffered from simultaneous deindustrialization and the cutting of the social safety net in the 1970s and 1980s. In fact, [in 1970](#), 72% of black men in Chicago, ages 16-64, were employed. By 2010, that level fell to just 48.3%, which says nothing of the difference in quality of jobs – a transfer from industrial jobs to highly-flexible, low-wage service economy jobs. Further, Chicago’s black population has a poverty rate of 32.2%, making Chicago home to the poorest African-American population in any US city. It is no coincidence that these same places of joblessness and let’s say, *hopelessness*, are precisely the same communities where deadly violence is concentrated, as Steve Bogira recently [showed](#) in the Chicago Reader.

The intensification of police aggression in poor communities of color only ripens conditions for violence in these communities. As Tyler Zimmer [argues](#), more aggressive policing only worsens crime and leads to new, egregious instances of police misconduct, police crimes, and civil rights violations. “The CPD itself has an unsavory track record of misconduct and illegal activity in the very communities — overwhelmingly populated by people of color — where the violence is the most acute.”

The constant intensification of police violence against poor black and Latino populations produces excesses of state power and a myriad of extrajudicial police abuses in these communities, with responsible law enforcement agents rarely if ever punished. This impunity amounts to the state-sanctioning of violence, but also the state-sanctioning of criminality, which highlights the hypocrisy and duality in the application of the state’s laws.

I’ll go further to suggest that systemic police violence against these communities (leading to the criminal actions of law enforcement agents) is not an error or in some way *excessive*, but rather achieves the desired result. It is a psychological tool if you will that is very much within the goals of creating disciplinary subjects through helplessness, insecurity, and fear – the type of feelings that lead poor youth to join gangs for security, which only fuels the cycle toward greater incarceration and criminality.

All of this might itself seem counter-intuitive to the regular Joe. Why would there be a connection between police aggression and violence in poor neighborhoods? Police are there to fight crime and violence, we are told, the way firefighters respond to fires. Yet this perception is extremely narrow and limited. Using more aggressive policing to combat crime that is the result of deep structural conditions is more akin to fighting the heat of global warming with the more widespread use of air conditioners: the irony here of course being that the more widespread use of air conditioners only further contributes to the greenhouses gasses that produce global warming.

But then the question is how this simplistic narrative – that more aggressive, or better police tactics can combat a broad social problem – persists in light of the enormous data showing how aggressive policing destroys communities, is deeply racist and classist in origin, application, and function, and rather than breaking the cycle of violence, forms the very structural core of that violence, thus further contributing to it.

In this way, I think it might be useful to look at the rising public awareness of violence in Chicago neighborhoods like North Lawndale, Englewood, and Washington Park. In the spring of 2012, the news of violence in these neighborhoods hit the Chicago mainstream media with a vigor not seen in recent memory. Why has the issue of violence in these communities suddenly become of interest to the public? I see two different groups with highly divergent interests raising awareness:

1. Concerned citizens and activists seeking to make the violence in black and Latino communities visible to the public in a way similar to the violence of rampage shootings that victimize mostly white Americans. This is an extremely important and noteworthy endeavor, that is, to show that the value of all life (black, brown, white) is the same, and that the effects of violence are just as deep and traumatic no matter the color or class of the person it touches. Beyond this, they ask the public to consider the level of trauma and emotional distress caused by experiencing such forms of violence and insecurity on a day-to-day basis. To sum up, this first position stresses civic equality, the equal value of all life regardless of race, ethnicity, or class.

2. The other major source, and by far that with the most reach, is this awareness co-opted by the police force, the police union, segments of the mass media, and “law and order” politicians who feed on the reproduction of racism and fear. These *activists* portray the violence in a highly decontextualized manner, or reconfigure crime to be of ethnoracial or individual moral failings, rather than a social problem of poverty. Aggressive policing is thus shown to be the facile

method to stem violence. This position further enables the association of these already-marginalized populations with criminality, which results in increased targeting and criminalization of minor deviance. This message is especially useful in shaping public opinion against the diminution of police ranks in a time of significant municipal government austerity.

Without understanding the context and social causes that lead to crime, the easy solution is more aggressive and racially targeted policing of minorities. News reports devoid of context tacitly justify race-based policing without recognizing how race-based policing contributes to cycles of violence, both state violence and violence among poor people.

Naturally, these reports fail to grasp how Draconian policing in the drug war leads to real forms of social stigmatization, diminishes life opportunities, limits basic rights, creates mass joblessness, and leaves individuals with few alternatives to the informal economy. Meanwhile, at the socially general level, targeted arrest of people of color for things like petty drug possession, though drugs are statistically used equally by all populations, recreates the stigma of criminality attached to black and brown skin.

[I should add quickly that this association of blackness and criminality, held so closely in the minds of Americans today, is a really recent historical phenomenon that took off in the 1970s, as Wacquant shows. The racial makeup of the American prison for example, once 70% white and 30% non-white, has over the last four decades reversed to become 70% African-American and Latino, even while the percentage of blacks arrested for murder, rape, robbery and assault has declined over the same period].

Though policing solutions to socially produced phenomena (like labor-replacing technological advancements, inequality, racism, and segregation) are in the best interest of the police as a bureaucratic institution, corporate profiteers in the penal-state apparatus, and the police union, these solutions produce nothing more than cyclical violence and a poverty to prison life-path for millions. In fact, we can say that the aforementioned interests benefit, even profit, from this cycle of violence.

But we should not think that the individuals who create and implement policies are unaware of this larger context. For example, in response to a Chicago Reader [report](#) on the racial disparity in pot arrests (the ratio of black to white arrests for marijuana possession in Chicago is 15 to 1, with convictions at 40 to 1, despite equal use and possession among all residents of Chicago), a spokeswoman for Chicago police superintendent Garry McCarthy said “Crime and disorder issues emerge from a complicated web of social ills which law enforcement alone cannot correct.”

It is an incredibly honest and accurate statement on the limits of policing solutions to deeper social problems, directly from the police superintendent’s office.

But it only grasps part of the equation. Not only does crime emanate from a complex web of socio-economic issues, but policing solutions to social problems only further concretize the second-class citizen status marked by race and poverty in the United States, and increase the police violence meted out against these already marginalized communities, both nationally and right here in Chicago.

About the Author

Gregory Malandrucchio, a PhD Candidate and Lecturer at the University of Chicago, studies history with a specialization on the Italian Fascist dictatorship and Fascist ideology. On February 7, 2010 he was a victim of police brutality. The violent assault by Chicago Police he endured has resulted in a federal civil rights lawsuit against the city, the Chicago Police, and the individual officers who attacked him.