

RACE AND RACIALIZED POLICING IN THE U.S.

PART ONE

Folks, this is a two-part reading; you must read both parts with diligence (see below).

NOTE: This reading goes with these two videos, which you must also view with diligence:

Video (a): What is the Police For?

Video (b): Race and Policing in United States

Both videos are available [HERE](#).

VANITY FAIR MAGAZINE

What the Data Really Says About Police and Racial Bias

Eighteen academic studies, legal rulings, and media investigations shed light on the issue roiling America.

by [Kia Makarechi](#) July 14, 2016 3:09 pm

SOURCE: <http://www.vanityfair.com/news/2016/07/data-police-racial-bias>

As the nation reels from a series of high-profile fatal shootings of black men by police officers, many have decried the lack of readily available data on how racial bias factors into American policing. But while it's true that there is no adequate federal database of fatal police shootings (F.B.I. director **James Comey** has described the lack of data as “embarrassing and ridiculous”), there exists a wealth of academic research, official and media investigations, and court rulings on the topic of race and law enforcement.

The Hive has collected 18 such findings below. This list is not exhaustive, and does not purport to comment on the work of all police officers. It is, rather, merely a digest of the information available at present. Sometimes, studies and investigations reveal evidence of intentional bias; other studies point to broader societal and institutional factors that lead to implicit bias. Taken together, the research paints a picture of a nation where a citizen's race may well affect their experience with police—whether an encounter ends with a traffic stop, the use of police force, or a fatal shooting.

For current figures on police shootings in the U.S., go to this database [here](#).

POLICE KILLINGS OF UNARMED AMERICANS

1. A [study](#) by a University of California, Davis professor found **“evidence of a significant bias in the killing of unarmed black Americans relative to unarmed white Americans, in that the probability of being black, unarmed, and shot by police is about 3.49 times the probability of being white, unarmed, and shot by police on average.”** Additionally, the analysis found that “there is no relationship between county-level racial bias in police shootings and crime rates (even race-specific crime rates), meaning that the racial bias observed in police shootings in this data set is not explainable as a response to local-level crime rates.”

2. An [independent analysis of Washington Post data](#) on police killings found that, “when factoring in threat level, black Americans who are fatally shot by police are, in fact, less likely to be posing an imminent lethal threat to the officers at the moment they are killed than white Americans fatally shot by police.” According to one of the report’s authors, **“The only thing that was significant in predicting whether someone shot and killed by police was unarmed was whether or not they were black. . . . Crime variables did not matter in terms of predicting whether the person killed was unarmed.”**

3. An [analysis](#) of the use of lethal force by police in 2015 found **no correlation between the level of violent crime in an area and that area’s police killing rates.** That finding, by the Black Lives Matter–affiliated group Mapping Police Violence, disputes the idea that police only kill people when operating under intense conditions in high-crime areas. Mapping Police Violence found that fewer than one in three black people killed by police in 2016 were suspected of a violent crime or armed.

HOW POLICE DETERMINE WHOM TO STOP

4. A [report](#) by retired federal and state judges tasked by the San Francisco district attorney's office to examine police practices in San Francisco found **“racial disparities regarding S.F.P.D. stops, searches, and arrests, particularly for Black people.”** The judges, working with experts from five law schools, including Stanford Law School, found that “the disparity gap in arrests was found to have been increasing in San Francisco.” (Officers in San Francisco were previously revealed to



have traded racist and homophobic text messages, and those working in the prison system had reportedly staged and placed bets on inmate fights.)

In San Francisco, “although Black people accounted for less than 15 percent of all stops in 2015, they accounted for over 42 percent of all non-consent searches

following stops.” This proved unwarranted: **“Of all people searched without consent, Black and Hispanic people had the lowest ‘hit rates’ (i.e., the lowest rate of contraband recovered).”** In 2015, whites searched without consent were found to be carrying contraband at nearly two times the rate as blacks who were searched without consent.

5. The Department of Justice's [investigation](#) into the behavior of police in Ferguson, Missouri, found “a pattern or practice of unlawful conduct within the Ferguson Police Department that violates the First, Fourth, and Fourteenth Amendments to the United States Constitution, and federal statutory law.” The scathing report found that the department was targeting black residents and treating them as revenue streams for the city by striving to continually increase the money brought in through fees and fines. **“Officers expect and demand compliance even when they lack legal authority,”** the report's authors wrote. “They are inclined to interpret the exercise of free-speech rights as unlawful disobedience, innocent movements as physical threats, indications of mental or physical illness as belligerence.”

“African Americans are more than twice as likely as white drivers to be searched during vehicle stops even after controlling for non-race based variables such as the reason the vehicle stop was initiated, but are found in possession of contraband 26% less often than white drivers, suggesting officers are impermissibly considering race as a factor when determining whether to search,” the authors wrote. Nearly 90 percent of documented uses of force by the Ferguson Police Department were used on African-Americans, and *every* documented use of a police canine bite involved African-Americans.

6. In Chicago, [a 2016 Police Accountability Task Force report](#) found that **“black and Hispanic drivers were searched approximately four times as often as white drivers, yet [the Chicago Police Department’s] own data show that contraband was found on white drivers twice as often as black and Hispanic drivers.”** The police department’s own data, the report found, “gives validity to the widely held belief the police have no regard for the sanctity of life when it comes to people of color.”

7. A [2014 analysis](#) of Illinois Department of Transportation data by the American Civil Liberties Union found the following: **“African American and Latino drivers are nearly twice as likely as white drivers to be asked during a routine traffic stop for ‘consent’ to have their car searched. Yet white motorists are 49% more likely than African American motorists to have contraband discovered during a consent search by law enforcement, and 56% more likely when compared to Latinos.”**

8. A [2015 analysis](#) by *The New York Times* found that in Greensboro, North Carolina, police officers “used their discretion to search black drivers or their cars more than twice as often as white motorists—even though they found drugs and weapons significantly more often when the driver was white.” That pattern held true for police departments in four states. In Greensboro, **“officers were more likely to stop black drivers for no discernible reason.** And they were more likely to use force if the driver was black, even when they did not encounter physical resistance.”

9. A 2013 [ruling](#) by a New York Federal District Court judge found that the New York Police Department’s “stop and frisk” practices violated the constitutional rights of minority citizens of the city. Between January 2004 and June 2012, the city conducted 4.4 million stops. Eighty-eight percent of those stops resulted in no further action, and 83 percent of the stopped population were black or Hispanic, despite the fact that those minority groups, together, made up just over half of the city’s overall population. (The number of stop-and-frisk stops has [dropped dramatically](#) since its peak in 2011.)

10. A [2011 investigation](#) by the Justice Department found that the Maricopa County Sheriff's Office, headed by **Joe Arpaio**, had “a pervasive culture of discriminatory bias against Latinos,” and that the office also tried to interfere with the department's investigation. The sheriff's office **“engages in racial profiling of Latinos; unlawfully stops, detains, and arrests Latinos; and unlawfully retaliates against individuals who complain about or criticize [the office's] policies or practices,”** the report's authors said. (Arpaio [responded](#) by saying, “We are proud of the work we have done to fight illegal immigration.”)

RACE AND THE USE OF NONLETHAL FORCE

11. A [controversial working paper](#) by Harvard professor **Roland Fryer Jr.** found that **police officers are more likely to use their hands, push a suspect into a wall, use handcuffs, draw weapons, push a suspect onto the ground, point their weapon, and use pepper spray or a baton when interacting with blacks.** The study found no evidence of racial bias when it comes to police shootings, but Fryer's methodology [has come under criticism](#). The study relied on police reports, which have been previously shown to be a flawed data set, and its finding on justified shootings focused largely on data from Houston, Texas. (Fryer [defended his work](#), but admitted his research is far from perfect.)

12. A [study](#) by the Center for Policing Equity found, as characterized by a preview in *The New York Times*, that **“African-Americans are far more likely than whites and other groups to be the victims of use of force by the police, even when racial disparities in crime are taken into account.”** The study looked at 19,000 use-of-force incidents between the years 2010 and 2015.

13. A 2016 [study](#) by a team of professors from U.C.L.A., Harvard, Portland State University, and Boston University analyzed suspects' booking photographs for phenotypical signs of whiteness to test the following hypothesis: **“the Whiter one appears, the more the suspect will be protected from police force.”** Their findings: “police used less force with highly stereotypical Whites, and this protective effect was stronger than the effect for non-Whites.”

14. At least one study found that Latino populations suffer from similar effects. A Department of Justice [investigation](#) into the Seattle Police Department found that more than 50 percent of cases “determined to be unnecessary or excessive uses of force” involved minorities. **“Analysis of limited data suggests that, in certain precincts, S.P.D. officers may stop a disproportionate number of people of color where no offense or other police incident occurred,”** the report said, though it stopped short of determining that the department was engaging “in a pattern or

practice of discriminatory policing.” (The investigation found that, regardless of the race of the suspect or victim, police using force were doing so unconstitutionally nearly 20 percent of the time.)

WHEN OFF-DUTY OFFICERS ARE KILLED BY POLICE

15. A 2010 [governor’s task force](#) examining police-on-police shootings found even black and Latino police officers face a greater risk of being killed by police. In cases of mistaken identity, **9 out of the 10 off-duty officers killed by other officers in the United States since 1982 were black or Latino.** “Inherent or [subconscious] racial bias plays a role in ‘shoot/don’t-shoot’ decisions made by officers of all races and ethnicities,” the report found.

FINDINGS ON THE USE OF HANDCUFFS

16. A Stanford [study](#) of police practices in Oakland, California, found that officers were disproportionately handcuffing blacks. “Regardless of the area of the city, disproportionate treatment by race was similar and the raw totals were stunning,” according to a *Washington Post* summary of the findings.



The *Post* continues: “2,890 African Americans handcuffed but not arrested in a 13-month period, while only 193 whites were cuffed. When Oakland officers pulled over a vehicle but didn’t arrest anyone, **72 white people were handcuffed, while 1,466 African Americans were restrained.**” The researchers also found significant differences in the way officers spoke to African Americans: “Using only the words an officer uses during a traffic stop, we can predict whether that [officer] is talking to a black person or a white person” with 66 percent accuracy.

STUDIES THAT FOUND LITTLE OR NO EVIDENCE OF ANTI-BLACK BIAS

17. There are some studies that draw other conclusions. [Research](#) by a Washington State University professor found that, while shown video simulations, officers were less likely to shoot unarmed black suspects than unarmed white suspects. They also took an extra 0.23 seconds, on average, before firing on black suspects in the simulations. “We found that officers were slightly more than three times less likely to shoot unarmed black suspects than unarmed white suspects,” the researchers noted, while allowing for the possibility that the officers might act differently in live situations, and that the officers may have adjusted their behavior because they were being tested.

18. In a 2007 [study](#), University of Chicago researchers used simulations to compare the abilities of police officers and the general population to determine whether to shoot a target that was flashed before them. The targets featured a mix of armed and unarmed black and white people. While “both samples exhibited robust racial bias in response speed,” researchers concluded that “officers outperformed community members on a number of measures, including overall speed and accuracy.” The bias related to response speed was found to be anti-black.

Police brutality: Let’s get serious — training can’t touch this

by Peter T. Coleman, 06/07/20

SOURCE: <https://thehill.com/opinion/civil-rights/501532-police-brutality-lets-get-serious-training-cant-touch-this/>

When the anguish, tears and smoke begin to clear from the current outpouring of rage and resentment in cities across our country — sparked by the [killing](#) of George Floyd at the hands of four police officers in the streets of Minneapolis — it will be time for us to get serious on police reform.

In Chicago, the police department is calling for [mandatory training](#) — specifically on what is called “positional asphyxiation.” [Calls for training](#) are not only too little, too late, but they are a common institutional response to crises around racism, discrimination, harassment and abuse. Even former Vice President [Joe Biden](#) is advocating for much the [same](#).

But is that the answer?

In a large [study](#) assessing data from 708 private sector establishments between 1971 to 2002, researchers found that of the three most common approaches to addressing bias and discrimination within institutions (training, promoting inclusion and establishing institutional responsibility), efforts to mitigate discrimination through diversity trainings were found to be the least effective.

The power of education and training does have an impact on students' beliefs, attitudes and behaviors, but change of the magnitude needed to transform deep-seated cultures of bias, discrimination, profiling and abuse at institutions like large urban police departments, is [barely nudged](#).

In 2017, my colleagues and I at Columbia published a [paper](#) on why enduring forms of bias and discrimination are so pervasive in so many organizations and why changes in these dynamics are often painfully slow and riddled with setbacks.

The research suggests that there is typically a constellation of individual, group, organizational and societal-level elements that drive these cultures — which differ in different places — that feed and reinforce one another, resulting in cultural patterns that are highly resistant to change.

This includes [elements](#) beyond the departments themselves, such as powerful police unions, ineffective prosecutors, compromised politicians and toothless complaint boards.

Add to this the often traumatizing [consequences](#) of working in American police departments, and one can see why reforming the way police forces operate may not come through simply training.

Nevertheless, governments and administrations continue to turn to training at times like these. In 2017, McKinsey [found](#) that about \$8 billion are spent annually on diversity training in the U.S. Why? Because it feels like something that we can do that might make a difference, is not too expensive or disruptive and provides some cover in the community and protection from liability in the courts.

So, what does work?

Destabilization through major shocks. Because most institutions doggedly [resist](#) transformative change, it often requires something called [punctuated equilibrium](#) — brief periods of revolutionary upheaval that are brought on by dramatic events. These are usually the result of big external shocks — such as market crashes, major violence or legal scandals — or catastrophic internal failures — like a severe collapse in functioning of an organization. These jolts to the system can rattle the most

basic assumptions, rules, norms, procedures and incentives — the [deep structure](#) of an institution — which, over time, can result in profound change. Perhaps the current street protests over the failures of police departments to implement real reforms — particularly in the context of a pandemic and ensuing economic crisis — is the shock that provides fertile ground for genuine change.

Complexity of thought, action and social organization. There are no simple sources of or solutions to institutionalized patterns of intolerance and abuse of power. [Research](#) on effective decision making in such environments stresses the importance of addressing these problems with a wide-variety of actions. This means that training only works when combined with other structural initiatives, like instituting effective, transparent systems of accountability and oversight, carefully reviewing formal and informal incentives and establishing joint community-police opportunities for meaningful contact and relationship building.

Building-up from what is already working locally. Imposing well-intentioned, externally-designed change initiatives to realize much-needed reforms often backfires or proves unsustainable. This is because [tightly-coupled systems](#) are built to resist external influence. Fortunately, most of our police departments/communities — even the more problematic ones — often have pockets of what is known as [positive deviance](#): individuals, groups and initiatives that are already working within the system at reducing bias and abuse. Finding, supporting and building on what is already functioning in the community should therefore be the first step to mobilizing real change.

Breaking-down the main drivers of the problem. Even when new actors, ideas and methods are ascendant in an organization's culture, the old attitudes, habits and norms are usually still lurking and can regain favor when the pressures to change dissipate. So, it is critical that reformers gain an understanding of the main drivers of these patterns — the most key individuals, structures and incentives that encourage them — and then work actively to mitigate or dismantle them. For example, identifying policies and practices that continue to incentivize discriminatory actions in each precinct. [Early warning systems](#) for intervening with the small percent of police officers that instigate most of the problems are one example.

Adaptation to changing circumstances. One thing we are certain of is that the natures of law enforcement and police-community relations are always in flux. It is also true that the well-intentioned reforms implemented today often generate a new set of problems tomorrow. Research on effective change in these types of situations finds that they require more adaptive types of decision making. Rather than conducting a thorough analysis, setting a plan and then sticking with it, the best change-agents tend to [make more decisions over time](#). This means that every police

chief and superintendent must remain vigilant, survey and adjust their policies as needed — particularly when things seem to be going well.

The recent disturbances are presenting us with clear feedback on how our law enforcement systems are functioning — or malfunctioning — and with a new window of opportunity for substantive change. It's time to take it seriously.

Hunted': one in three people killed by US police were fleeing, data reveals

By Sam Levin 28 Jul 2022

SOURCE: <https://www.theguardian.com/us-news/2022/jul/28/hunted-one-in-three-people-killed-by-us-police-were-fleeing-data-reveals>

In many cases, the encounters started as traffic stops or there were no allegations of violence or serious crimes

Nearly one third of people killed by US police since 2015 were running away, driving off or attempting to flee when the officer fatally shot or used lethal force against them, data reveals.

In the past seven years, police in America have killed more than 2,500 people who were fleeing, and those numbers have slightly increased in recent years, amounting to an average of roughly one killing a day of someone running or trying to escape, according to Mapping Police Violence, a research group that tracks lethal force cases.

In many cases, the encounters started as traffic stops, or there were no allegations of violence or serious crimes prompting police contact. Some people were shot in the back while running and others were passengers in fleeing cars.

Two recent cases have sparked national outrage and protests. In Akron, Ohio, on 27 June, officers fired [dozens of rounds at Jayland Walker](#), who was unarmed and running when he was killed. And last week, an officer in San Bernardino, California, exited an unmarked car and [immediately fired at Robert Adams](#) as he ran in the opposite direction.

Despite a decades-long push to hold officers accountable for killing civilians, prosecution remains exceedingly rare, the data shows. Of the 2,500 people killed while fleeing since 2015, only 50 or 2%

have resulted in criminal charges. The majority of those charges were either dismissed or resulted in acquittals. Only nine officers were convicted, representing 0.35% of cases.

The data, advocates and experts say, highlights how the US legal system allows officers to kill with impunity and how reform efforts have not addressed fundamental flaws in police departments.

“In 2014 and 2015, at the beginning of this national conversation about racism in policing, the idea was, “There are bad apples in police departments, and if we just charged or fired those particularly bad officers, we could save lives and stop police violence,”” said Samuel Sinyangwe, a data scientist and policy analyst who founded Mapping Police Violence, but “this data shows that this is much bigger than any individual officer.”

‘Hunted down’

US police [kill more people in days](#) than many countries do in years, with roughly 1,100 fatalities a year since 2013. The numbers haven’t changed since the start of the Black Lives Matter movement, and they [haven’t budged since George Floyd’s murder](#) inspired international protests in 2020.

The law has for years allowed police to kill civilians in a wide variety of circumstances. In 1985, the US supreme court [ruled](#) that officers can use lethal force against a fleeing person only if they reasonably believed that person was an imminent threat. But the court later said that an officer’s state of mind and fear in the moment was relevant to determining whether the shooting was warranted. That means a killing could be considered justified if the officer claimed he feared the person was armed or saw them gesturing toward their waistband – even if it turned out the victim was unarmed and the threat was nonexistent.

As a result, very few police officers get charged. Adante Pointer, a civil rights lawyer, said it was not hard for officers to prevail when the case boiled down to what was going through the minds of the officer and victim in the moment: “The only person left to tell the story is the cop.”

In 2022 through mid-July, officers have killed 633 people, including 202 who were fleeing. In 2021, 368 victims were fleeing (32% of all killings); in 2020, 380 were fleeing (33%); and in 2019, 325 were fleeing (30%), according to Mapping Police Violence. The data is based on media reports of people who were trying to escape when they were killed, and it is considered incomplete. In

roughly 10% to 20% of all cases each year, the circumstances surrounding the shootings are unclear.

Black Americans are disproportionately affected, making up 32% of individuals killed by police while fleeing, but only accounting for 13% of the US population. Black victims were even more overrepresented in cases involving people fleeing on foot, making up 35% to 54% of those fatalities.

“If a person is running away, there is no reason to chase them, hunt them down like an animal and shoot and kill them,” said Paula McGowan, whose son, [Ronell Foster](#), was killed while fleeing in Vallejo, California, in February 2018. The officer, Ryan McMahon, said he was trying to stop Foster, a 33-year-old father of two, because he was riding his bike without a light. Within roughly one minute of trying to stop him, the officer engaged in a struggle and shot Foster in the back of the head. Officials later claimed that the unarmed man had grabbed his flashlight and presented it “in a threatening manner”.

“These officers are too amped up and ready to shoot,” said McGowan, who for years advocated that the officer be fired and prosecuted. Instead, the officer went on to shoot another Black man, [Willie McCoy](#), one year later; he was one of six officers who fatally shot the 20-year-old who had been sleeping in his car. The officer was terminated in 2020 – not for killing McCoy or Foster, but because the department said he put other officers in danger during the shooting of McCoy.

The city paid Foster’s family \$5.7m in a civil [settlement](#) in 2020, but did not admit wrongdoing. A lawyer for McMahon previously [said](#) the officer was attempting to “simply talk to Mr Foster” when he fled, adding that McMahon “believed his actions were reasonable under the circumstances”. Vallejo police did not respond to a request for comment.

“Not only do these officers get away with it, they get to move on to bigger and better jobs while we’re left shattered and are still trying to pick up the pieces,” said Miguel Minjares, whose niece, 16-year-old Elena “Ebbie” Mondragon, was killed by Fremont, California, police.

In March 2017, undercover officers fired at a car that was fleeing, striking Mondragon, who was a passenger and pregnant at the time. The officers faced no criminal consequences. One sergeant

went on to work as a sniper for the department, though has since retired, and another involved in the operation continued working as a training officer, records show.

“You shoot into a moving car, which you shouldn’t have done, and you weren’t even close to hitting the person you were trying to target. And now you’re a sniper?” said Minjares. “When I hear sniper, I think of precision. It boggles my mind. It shows the entitlement of officers and the police department – they just put people where they want them, it doesn’t matter what they did. It’s confusing and it’s heart wrenching.”

In June, five years after the killing, the family won \$21m in a civil trial, but it’s unclear if Fremont has changed any of its policies or practices.

A Fremont spokesperson declined to comment on the Mondragon case and did not respond to questions about its policies.

The push to prevent the killings

In the rare cases when prosecutors do file criminal charges against police who killed fleeing people, the process often takes years and typically concludes with victory for the officer, either with judges or prosecutors themselves dismissing the charges with or jury acquittals.

In one Florida case where an officer was investigating a shoplifting and fatally shot a man fleeing in a van, prosecutors filed charges and then [dropped the case](#) a week later, saying that after a review of evidence, it “became apparent it would be incredibly difficult to obtain a conviction”. In a Hawaii case where officers killed a 16-year-old in a car, a judge last year [rejected](#) all charges and prevented the case from going to trial.

For the nine fleeing cases where officers were found guilty or signed a plea deal, the conviction and sentence were much lighter than in typical homicides. A Georgia officer who killed an unarmed man fleeing on foot was [acquitted of manslaughter](#) in 2019, for example, but found guilty of violating his oath and given one year in prison. A San Diego sheriff’s deputy pleaded guilty earlier this year to voluntary manslaughter after he killed a fleeing man, but he avoided state prison, instead getting [one year in jail](#). And a Tennessee deputy, [found guilty](#) of criminally negligent homicide after shooting at a fleeing car and killing the passenger, a 20-year-old woman, was sentenced to community service.

With the criminal system deeming nearly all these killings lawful, advocates have argued that cities should reduce the unnecessary police encounters that can turn deadly, with measures such as ending traffic stops for minor violations and removing police from mental health calls. There has also been a growing effort to ban officers from shooting at moving cars.

California passed a law in 2019 meant to [restrict use of deadly force](#) to cases when it was “necessary” to defend human life, not just “reasonable”. The law stated that an officer can kill a fleeing person only if they believe that person is going to imminently harm someone. The new law also dictated that prosecutors must consider the officer’s actions leading up to the killing, which police groups had argued were irrelevant under the previous standards.

But after its passage, police departments across the state refused to comply and update their policies, said Adrienna Wong, senior staff attorney at the ACLU of southern California, which backed the bill. That’s only now starting to change after years of legal disputes.

“I think we’re going to start to see prosecutors consider all the elements of the new law, but I’m frankly not holding my breath based on the track record of prosecutors in the state. We never thought this law was going to be a full solution.”

RACE AND RACIALIZED POLICING IN THE U.S. PART TWO

Folks, Part TWO of this reading is Reading no. **RCR-22(b)**, available [here](#).
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2020s



1960s

