

The System Fails: Police Brutality and Its Unseen Victims

Kimora Lee Harris-Taylor

Independent Researcher (Criminology), Toronto, Canada
Email: kimora533@gmail.com

Abstract

This article examines the pervasive issue of police brutality in America, particularly its disproportionate impact on Black communities, and argues for a comprehensive approach to address this critical problem. The persistence of police violence against Black individuals is deeply rooted in systemic racism, reflecting broader societal inequalities and historical injustices. The historical context of police brutality, stems from racial biases and discriminatory practices have become entrenched in law enforcement institutions through Jim Crow laws as well as the connection between color blindness. It also analyzes the limitations of existing accountability, and the challenges faced by affected communities in seeking justice. To effectively combat police brutality and protect Black lives, this paper proposes a multifaceted strategy encompassing policy reform, community engagement, and education by first discussing the statistics and the number of cases involving black Americans being victims of police brutality, the lack of accountability and non-indictments of police officers who are perpetrators of excessive force and how the overrepresentation of excessive force against black people represents white supremacy. This article argues that meaningful change requires not only reforming police departments but also addressing the underlying societal structures that perpetuate racial inequalities.

Keywords

Critical Race Theory, Color Blindness, Institutional Racism, Police brutality, Violence, White Supremacy

INTRODUCTION

Police Brutality is defined as “the use of excessive physical force or verbal assault and psychological intimidation” [1]. Police brutality and color blindness are deeply interconnected issues that have been highlighted by events such as the killing of George Floyd. This form of racism displays itself in the criminal justice system and has been criticized for its role in perpetuating racial inequalities, with Black individuals being disproportionately targeted and subjected to harsher penalties and racial profiling. Colonialism, on the other hand, has long-lasting effects that continue to influence contemporary social structures and power dynamics. The legacy of colonialism is evident in the systemic forms of coercive control that maintain racial hierarchies and economic inequalities. These historical injustices have laid the foundation for modern-day discrimination and violence against Black people and other marginalized groups. However, the act of color blindness can be problematic as it overlooks the unique challenges and disparities faced by different racial groups. By refusing to acknowledge race, color blindness can perpetuate the status quo and hinder efforts to address systemic inequalities.

The primary objectives of this paper aims to highlight the importance of addressing the issue of police brutality in society. Secondly, it dives into the historical context, examining how the legacy of colonialism has shaped and influenced police culture today. Thirdly, the paper explores the relationship between white supremacy and the violence against Black individuals within the framework of law enforcement. Furthermore, this scholarly work will identify

the ongoing efforts and initiatives aimed at implementing changes within policing practices and will draw upon a diverse range of academic literature, empirical research studies, and case analyses to support its arguments around this issue.

A HISTORICAL CONTEXT

The history of racial injustice in the United States is a long and complex narrative that spans centuries. This abstract explores the connections between historical forms of oppression and modern-day manifestations of racial inequality, focusing on three key areas: Jim Crow laws, slave patrols, and contemporary police brutality. For many years the culture of policing has been an important factor in how policing takes place, including police practices, the interactions with racialized people and communities. Ultimately the role of police in communities is to provide protection and a safe environment for individuals. However, police officers fail to provide safety to racialized communities. There are large amounts of evidence of the use of contemporary methods to decrease the issue of police brutality that has been investigated by the DOJ (Department of Justice) for police brutality, shooting and killing unarmed civilians, and other forms of police violence” [1]. The DOJ has investigated many police departments in the United States with allegations involving issues of racial discrimination and police brutality. There have been disparities in the criminal justice system and the engagement of police officers of those from minority communities such as racial profiling, sentencing and excessive use of force. The relation between

Black Americans and white suppression goes back to historical times.

The nature of policing and race in the United States “is a response integral to the construction and maintenance of racial hierarchies, and that police forces themselves were originally established to enforce this hierarchy” [2].

W. E. B. Du Bois, who was an American sociologist published many different literatures on the Black lives of Americans. In his work “Black Reconstruction in America” he talks about the way the south was constructed in the 1860s. The white population surpassed the enslaved population. Due to this the white population played an important role in controlling and maintaining the slave system [3]. In Du Bois book, he stated “The whites in the south became an armed camp to keep Negroes in slavery” [3]. The formalized law enforcement in the United States can be traced back to slave owners to exercise control over slaves. Slave patrols were the first enforcement established before official police officers. Slave patrols were important during this time in maintaining white dominance, particularly in areas where enslaved individuals outnumbered the white communities. The patrols had extensive authority, including the power to enter Slaves houses and punish those who attempted to escape. Reflecting on the historical context of police and minorities, the slave patrols were given permission, and it was viewed as normal to act aggressively towards people of color. In the late 1860s, police officers were enforced to control crime and enforce “Black codes”. “Black codes were a legal framework developed to exert control over newly freed African Americans by criminalizing actions that were previously minor infractions. These laws targeted Black individuals both adults and children. They were reclassified into petty offenses into serious crimes when committed by Black individuals however the same offences remained minor for their white counterparts.

Many individuals commit the same crime but often minorities receive harsher and longer sentences. A lot of cases involving the use of excessive force involve a white police officer and a Black victim. “Since white policemen are selected from the larger white society, policemen, who are a small subset of the population, share the same racial animosity as the larger white society towards African Americans” [4]. Since in a lot of the cases the officer does not get charged and convicted of his wrongdoing, this reinforces the perception that White lives are superior to Black lives. Black Americans are also viewed as criminals, the justice system looks at this as that’s what they deserve. The concept of institutional racism has existed for so long that it has contributed to how our systemic systems are structured today and how discrimination in institutions has become normalized.

Jim Crow Laws: Institutionalized Segregation

Jim Crow laws, enacted in the late 19th and early 20th centuries, codified racial segregation in the Southern United States. These laws enforced a “separate but equal” doctrine that was anything but equal, systematically denying African

Americans their civil rights and perpetuating a system of racial hierarchy. Jim crows had the potential for individuals to experience significant restrictions on their civil rights like voting, juries, and discrimination in areas such as employment, housing, education and healthcare [5].

METHODOLOGY

Black individuals are one of the most racialized groups who experience police brutality and the over usage of excessive force. A study that was conducted found that 70% percent of Black Americans have experienced different forms of discrimination or the over usage of excessive force at least once in their life. Some of these individuals also testified that they thought their life was at risk while encountering an authoritative figure. The Washington Post data collection reported that 245 cases out of 954 were Black victims who were fatally shot by police in 2015 [6]. Many individuals who encounter problems with the police are unarmed Black males. The Department of Justice (DOJ) found that the Ferguson police department, located in Missouri, regularly engaged in implicit and explicit racial bias and actively violated the constitutional rights of people and individuals who reside in the city [1]. Between the years 1999 and 2015, 66 males and 12 females, a total of 78 Black people, have lost their lives due to police beatings and killings which unfortunately is still an ongoing problem we face today. From January 1st to August 28th of 2020, more than 100 African American men and women have been killed by police officers[1]. (Ex. Trayvon Martin, Rashard Brooks, George Floyd, Micheal Brown, Breonna Taylor).

The office of civil rights examined two primary reasons as to why people of color are one of the highest groups who are subjected to the use of excessive force by police officers. Two reasons that have been discussed around the high rate of excessive force is 1. Biased law enforcement practices and 2. Communities being overpoliced by law officials. They also analyzed that there is a strong connection of racism that encourages the mistreatment of Black men and women. Black men who encounter the police have been less favorable and 18 times more likely to experience forms of police brutality than white men who come face to face with the police.

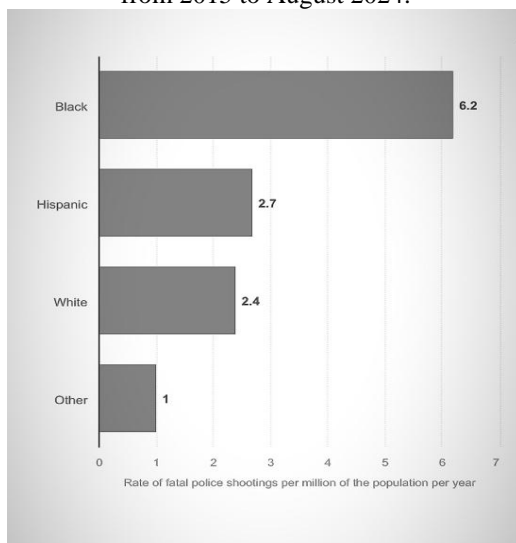
A qualitative study that was also conducted argued that police viewed African Americans as “symbolic assailants”. Smith and Holmes proposed an analysis of excessive force incidents that occur for three main reasons. 1. Authorities and the white population sometimes stereotype racialized groups as dangerous and inherently criminal 2. Law enforcement views Black individuals as a threat to society 3. Police officers may view racialized individuals as a potential threat to their personal safety [1].

Many officers who are involved in cases of excessive force plead self-defence or they assume the victim had a weapon on them in which their life was at risk. In an incident that involved a young woman being shot to death by a police officer who called officials to help unlock her door mistakenly accused her of having a weapon “Police argued

that they mistook the vegetable peeler she was using to try and open the door for a weapon” [7]. However, the argument that people of color engage in more crimes than other racialized groups does not dismiss the unnecessary cases of excessive force. This also contradicts the United Nations Code of Conduct for Law Enforcement Officials that specifically states: Law enforcement officials may use force when necessary to do so and required. A report conducted around the extrajudicial killings of African Americans concluded that a Black individual was a victim of police brutality every 36 hours. [1]. One incident involving a Black male being victimized by police officers took place in Baltimore, Maryland. Freddie Gray, who was a 25-year-old Black man, experienced a spinal cord injury and a crushed voice box from an officer who used excessive force and later died because of his injuries [8].

The US government has failed to uphold their obligations under article (5b) of the convention “To ensure people of color are secure from violence or bodily harm inflicted by government officials”. The average age involving Black Americans who are murdered by the police are 7 - 68 years old and many cases involve 27-year-olds [7]. A most recent case was an incident involving Sonya Massey. On July 6th Sonya Massey was shot and killed by Grayson. Grayson was discharged from the Army for serious misconduct in 2016 for serious offenses and had a history of driving under the influence being convicted of two misdemeanors one in 2015 and 2016. In 2020 he was employed by six Illinois law enforcement agencies over four years. This pattern and nature of frequent job changes should be alarming. And because there is a lack of background checks done, many enforcement agencies in the country have allowed officers such as Grayson to be hired without a background check. Had they done a more thorough check, Sonya Massey may still have been alive.

Table 1. Rate of fatal police shootings in the United States from 2015 to August 2024.



(Per million of the population per year)
Statista Research Department, Aug 12, 2024

Figures Caption

The figure above shows the number of deaths due to shootings that involved police between 2015 and August 2024. The chart shows that Black American’s have the highest mortality rate when it comes to police shootings.

COLOR BLINDNESS AND SYSTEMIC RACISM

The Colour-Blindness approach is a form of racism that is embedded within the police system involving white police officers and individuals. The Colour-Blindness approach is the idea that white people do not see the color of a person's skin tone and view all races as being equal [9]. It also reinforces the idea that race does not need to be considered in acts of violence “White privilege in a dominant racial group places white individuals in a distinct position in which they might not have to think about race and what other groups face” [9]. One of the main reasons why police brutality in America occurs is because of the racial perceptions that are held towards Black people, specifically males and the stereotypes that are associated with people of color. “White supremacy perpetually denigrates and makes African American men appear inherently criminal, deviant, dangerous and deserving of death” [10]. Negrophobia is a concept to describe the fear and biases that are associated amongst Black individuals by white suppressors. “Negrophobia includes fear of being victimized based on racial stereotypes” [10]. These racialized stereotypes are often used by white officers to justify harsh and unusual punishment towards Black males. This ideology leads to law police to perceive Black men as a greater threat, that results in use of deadly force.

This study shows that there is a vital connection between race and policing. The police system is the largest institution that produces white supremacy and the interaction with Black males in the community. In the case of Micheal Brown, who was a victim of excessive force, the officer's argument as to why he used force was that “he looked like a demon” [10]. The concept of white supremacy creates this view of white superiority and Black inferiority. “Their intentional ideological philosophies play a major role in perpetuating negative images of Black males that instill fear in people based on the implicit racial bias” [8]. When looking at the number of unarmed victims and deaths by police brutality that happens involving people of color, race should be considered. Also, because the concept of white supremacy is regularly found in institutions. Despite various measures that have been implemented into policing strategies, such as police sensitivity training, higher requirements for policing, and community- oriented policing the number of police brutality against Black males increases. This could contribute to the fact that these measures do not directly address the underlying societal issue of white supremacy. The connection of police brutality and white supremacy is often an extension.

Ethnographers have argued that institutional racism in police structures is a taught behavior. “Individualist framings suggest that racism is an exceptional, idiosyncratic

phenomenon that can be eradicated through behavior-oriented interventions” [11]. When looking and policing and racial profiling, one approach could be comprehensive antiracist training programs for law enforcement. Critical race theorists argue that this is an issue that happens regularly with police officers. Critical race theory examines how racial dynamics are deeply embedded in societal institutions. It suggests that law enforcements have the potential to inadvertently reinforce existing power structures, potentially causing marginalized groups to experience unequal treatment. This issue indicates how institutions can form disparities even unintentionally [10]. According to Walker, an anthropologist, Black males are the highest group amongst any racialized group to be shot by a white police officer and are also the highest to make complaints of being victims of police brutality. As research around police brutality in the United States becomes more advanced, it has become evident that Blacks are more likely than white to file complaints regarding police brutality, be accosted while operating a motorized vehicle and experience stop and search seizures [10]. Black people are significantly over-represented in cases involving use of force and more likely to be involved in cases where an officer decides to stop and question the individual.

WHITE SUPREMACY

White supremacy is a factor that goes into the incidents that involve Black Americans who face human rights violations of police using excessive force and unfortunately this concept has been embedded in the legal system for decades. “The fatal shooting of Blacks by police supports the aims of white supremacy” [1]. The legal force also places African Americans in stereotypical categories. “White supremacy perpetually denigrates and makes African American men appear inherently criminal, deviant, dangerous and deserving of death”, [1] and the police/law enforcement is the largest institution that contains white supremacy. As previously discussed, the concept of white supremacy creates this view of white superiority and Black inferiority. Ideological philosophers contribute significantly to the perpetuation of negative stereotypes surrounding Black males. These stereotypes create fear in others due to the rooted racial biases [8].

Many cases involving police use of excessive force involve a white police officer and a Black victim. Given that law enforcement officers are taken from the broader population, it is important to consider that they may reflect similar societal attitudes which may be biases towards minority communities. Since a lot of the cases where the officer does not get charged and convicted of his wrongdoing, this holds the perception that White lives are more superior than Black lives and because black Americans are viewed as being criminals the justice system looks at this as “that’s what they deserve. This concept has been embedded in police culture and has made Black communities hyper visible [12]. Those who are in law enforcement, as well as other members of the

legal system a lot of times believe that Black individuals ‘get what they deserve’ regarding to the justice system [1]. A lot of times the jury refuses to acknowledge the victimization and violation of the human rights of African Americans.

The Black Lives Matter Movement in 2020 is a perfect example of society depressing the embedment of white supremacy. The significance of this study on Black Lives in academia and society, has been influenced by the emergence of “Black Lives Matter”. This movement has been a powerful effort challenging systemic racism in law enforcement. [2]. George Floyd who was a victim of police excessive force in which many of his human rights were violated has upheld the Black Lives Matter movement. His right to equal protection under the law was also violated, when the UN Human Rights Council failed to launch an international commission of inquiry on racism in the United States. White supremacy is a factor that leads to black, unarmed individuals being victims of police brutality and homicides.

The problem of excessive force involving black people is big in the United States. The committee expresses great concern regarding disproportionate and excessive use of force towards racialized and marginalized groups, specifically Black Americans. This includes, unarmed victims, that highlights a pattern of police brutality that requires urgent reform. [6]. While the number of cases that involve Black Americans being victims of police use of excessive force tends to go up, many people in society have questioned the reasoning as to why Black people experience Human rights violations within the legal justice system. There is also concern why little accountability is taken to account when these cases are being reported. The statistics analyzed show that police in the USA disproportionately kill black people. With the evidence provided in this paper, the relationship between the lack of accountability and white supremacy can be an explanation as to why Black people in the United States are the highest racialized groups who become victims and at times lose their lives when involved with police officers.

POLICE BRUTALITY AND ITS EFFECT ON THE COMMUNITY

As mentioned earlier police have always resorted to forms of violence when it comes to the Black community especially males and fell victim to racial profiling and policing [3]. There is also a huge problem with the responsibility and accountability that officers fail to make. The lack of accountability regarding police officers and excessive use of force against black people most times go without any indictments. There are too many cases where Black Americans have been unjustifiably shot and killed when unarmed, non-violent and law-abiding and many times don’t receive justice [7]. In twelve cases that happened in the United States, the officer was indicted or charged which’s 15% percent of fatalities that occur and in 49 cases that is 63% percent, the officer was not indicted or charged that involved a black victim. The committee against torture has acknowledged that there are a concern and lack of

accountability regarding cases of excessive force by law officials in the United States. It has shown that the federal department has no intent on fixing the problem of excessive force against Black people and although there was recognition, no changes have been brought to make a difference in the system. There are limited efforts when it comes to investigating incidents and prosecution where misconduct involving police take place. There is an issue of these systems that are unwilling or unable to put forth federal criminal charges against police officer who commit acts of excessive force and abuse [7].

In a case that was reported involving a Black male and a white police officer, the Black male was shot in the head and killed. Although there was footage of the encounter submitted as evidence, the officer was only suspended for 30 days and shortly after was promoted to detective. This incident shows the lack of accountability that officers experience, how officers hide behind their badges, and how power has a significant impact on minorities' human rights in the justice system. The lack of accountability also undermines the Human rights standards on the use of force by police. "Governments and law agencies should certify that senior officers are held responsible when violating their power and usage of force in incidents that do not require them to. Human rights amongst Black individuals are often violated through police culture and practices.

The fourth Amendment of the United States constitution protects citizens of their privacy and property rights. It states that individuals have the right to be free from unwarranted intrusions by the government regarding their personal spaces, belonging and documents. Officers must receive warrant based on probable cause, oath and detailing the information before a search can be completed. This Amendment helps to ensure that citizens are being protected and the laws aren't being used against arbitrary invasions of privacy by law authorities [2]. However, police have violated this amendment for many years. A study conducted in New York showed that 82-90% of Black individuals have been stopped and searched and 94% of the individuals stopped have not committed an offense [2].

Article 5 states that "No one shall be subjected to torture or cruel inhumane or degrading treatment or punishment" [13]. Many of the youth noted that the officers frequently used excessive force during arrests. For example, a young African American male that had stated his interactions with the police, he said "I was forcibly brought to the ground, struck with kicks, and subjected to choking" [9]. This study was conducted by Brunson, an ethnographer that focused on the discriminatory policing towards Black male Americans [14]. Article 9 "States that no one shall be subjected to arbitrary arrest, detention or exile" [13]. In addition, Article 7 of the Universal Declaration of Human Rights affirms that; "All individuals are equal in the eyes of the law and have the right to equal legal protected without discrimination" [13]. This also means that all rules apply to all citizens, and no one is above the law including law enforcement officers and

government officials. Essentially everyone is entitled to equal protection against any form of discrimination that violates this declaration and any incitement.

The right is violated in many incidents regarding police culture and policing because they hold animosity towards blacks and discriminate based on race and prejudice perceptions statistical analysis indicates potential racial disparities in policing practices, with facts that show the disproportionate treatment of Black individuals compared to white individuals [14]. The Universal Declaration of human rights provides insight into the rights that are being violated through police practices.

MOVING FORWARD TOWARDS CHANGE

There have been a few ethnographers who have conducted different qualitative and quantitative studies suggesting how the police can develop their relationship with vulnerable communities [15]. The advocacy for defunding the police and reform has also been a huge debate regarding police brutality, stop and searches and wrongful arrests. Addressing police brutality and systemic racism requires a multifaceted approach that includes policy reform, community engagement, and education. It is essential to recognize the historical context of these issues and work towards creating a more equitable society. This involves not only holding law enforcement accountable but also addressing the broader social, economic, and political structures that support and perpetuate racial injustice. Police brutality creates a distrust in police culture and does more harm than good. It erodes the community's trust in law enforcement.

When people fear or distrust the police, they may be less likely to report incidents, cooperate in investigations, or seek help when in need. This breakdown in communication and collaboration between the community and law enforcement can lead to increased crime rates and a general sense of insecurity. Additionally, the psychological and emotional trauma inflicted on victims and witnesses of police brutality can have long-lasting negative effects, further deepening the divide between the police and the community they are meant to serve. The first step is Advocacy, The Black Lives Matter movement was an impactful movement in the Black community and other groups to force change in the police system. This has worked to raise awareness about systemic racism and advocate for policy reforms to address racial disparities in policing and beyond.

In the case of Sonya, Massey she also had a mental illness and Lupus which has the potential to cause deficits in your brain function, impacting your memory and may result in confusion. Due to this many activists and researchers suggest for police officers to not answer calls when dealing with those who do not have the same mental capacity as the average person and workers such as social workers or therapists should also be notified. It has been discussed that police officers need to continuously do ongoing training to better understand and be well equipped to handle such matters. When officers are called to handle these situations, they often

become frustrated, lack patience and resort to violence instead of trying to understand the victim, and using other mechanisms to calm down the victim.

Just as I write many abstracts regarding different topics and have been accepted and had the ability to present across the world, including, Canada, UK, Germany and more. By taking my research and presenting I am advocating for change in Black lives. Research is also very important, when we conduct research, we can understand fact patterns within the legal and criminal justice system. This also helps us identify which states and cities are most impacted by police brutality as well as how many victims are impacted each year. With the research that is conducted, policy makers and researchers can identify ways in which police reform is possible. Accountability must be taken not only for the officers at hand, but the departments who hire these individuals without doing background checks and hiring knowing they have a history of misconduct especially towards the Black community.

CONCLUSION

In conclusion, this paper has addressed several important topics, the historical context of policing, police brutality, systemic racism, white supremacy and what can be implemented moving forward. The tragic killings of individuals such as George Floyd and Sonya Massey are examples of how our criminal justice system has been fundamentally flawed for many decades, however their stories are only two of many. These incidents are not isolated, but rather symptomatic of deep-rooted issues that have persisted throughout American history. By examining the historical context, including the evolution of slave patrols and the implementation of Jim Crow laws, we can trace a continuous thread of systemic racism and oppression that has disproportionately affected Black people in the United States.

This research into the historical and contemporary manifestations of racial injustice is not the end to racism, but rather the beginning of a journey towards a more just society. It serves as a tool for change, opening the door to deeper understanding and more effective solutions. The work to address these systemic issues must continue until justice is served and equality is achieved for all members of our society, regardless of their racial background.

By acknowledging and confronting these serious issues, our community takes a crucial step towards creating meaningful change. This process involves not only recognizing the problems but also actively working to dismantle the structures and practices that perpetuate racial inequality. It requires ongoing education, policy reform, and a commitment to fostering a more inclusive and just society for all. Through these collective efforts, we can hope to build a future where such tragedies become a thing of the past, and where every individual is treated with dignity and respect under the law.

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