



The Unmet Challenge of Fighting Racially Discriminatory Practices in Local U.S. Law Enforcement Agencies

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Images of police violence against black and brown people, well known in communities of color, have recently become better known to all Americans. Despite both anecdotal and scientific evidence of discriminatory policing and institutional racism in law enforcement, most whites are reluctant to acknowledge or address these issues. The path forward remains unclear. A critical first step in the pursuit of reforms that effectively address discriminatory policing is for powerful people and groups to acknowledge that law enforcement agencies exist within a system that permits and perpetuates widespread discriminatory ideas and practices.

Racial Discrimination in Local Law Enforcement

Policing in the United States has a long history of blatant and implicit discriminatory practices. Although contemporary discriminatory practices are more subtle now than in the past, racism arguably remains prevalent. Both in the past and now, institutional racism – the systematic failure of an organization to provide services to an individual or group of people based on race, culture, or ethnicity – distorts the workplace culture of some U.S. local law enforcement agencies. And because local law enforcement agencies often fail to provide fairness and protection to communities of color, they lose legitimacy in the eyes of those communities.

Between 2003 and 2016, the United States Department of Justice investigated discriminatory policing practices in 37 local law enforcement agencies, including police departments and sheriff's offices. In 14 of these agencies, the Department either raised concerns about racially discriminatory policing or determined that the agency had engaged in race-based discrimination. Investigative reports reveal that each agency had developed a complex web of practices, attitudes, and behaviors that led to disproportionate harms and discriminatory outcomes for people of color. Some examples include:

- The East Haven Police Department in Connecticut was found to have intentionally targeted Latino drivers during traffic enforcement. Although Latinos represented 8.3% of drivers in East Haven, they accounted for 19.9% of all traffic stops. Officers additionally used non-standard and unacceptable justifications when stopping Latino drivers, treated them more harshly than non-Latino drivers, and focused traffic enforcement in areas believed to have a high concentration of Latino drivers. The local police did not have an agreement with Immigration and Customs Enforcement to enforce immigration law and were not trained to do so. Nevertheless, police used aggressive enforcement to harass and intimidate Latino residents.
- Deputies from the North Carolina Alamance County Sheriff's Office were between four and ten times more likely to stop Latino drivers than non-Latino drivers. Deputies would also detain Latinos for immigration purposes, even at times when detainees had posted bond. In this case, the behaviors of officers were directly linked to the biases held by the Sheriff, who instructed subordinates, "If you stop a Mexican, don't write a citation, arrest him."
- The Los Angeles County Sheriff's Department in Antelope Valley targeted and discriminated against African Americans with housing vouchers. The Department determined that officers illegally entered homes looking for housing violations in an attempt to evict African Americans – who were also more likely to be stopped and searched than white residents even though the contraband seizure rate was 50% lower for African Americans than for whites.

How to Begin Dismantling Systematic Race-Based Discrimination

The Department of Justice investigates local law enforcement agencies to ascertain whether constitutional violations have occurred based on discrimination by race, sex, color, disability, familial status, national origin, or religion. Because only the most egregious cases of race-based discriminatory policing are investigated, the full incidence of racist behaviors, attitudes, and outcomes is likely much greater than federal data reveal. Uneven data collection limits understanding of the full incidence of discriminatory policing. Departments collect data differently – if they do at all. Without open access to uniform information, there will never be full evidence of the extent to which institutional racism pervades law enforcements agencies in the United States.

The reasons U.S. law enforcement agencies persist in discriminatory practices are long-standing, nuanced, and complex. It is equally challenging and complex to eradicate race-based discrimination within police agencies. Successful efforts require not only research and data, but also cultural understanding and political will. This difficult undertaking must begin with existing leaders, usually white and male, who are prepared to acknowledge the existence of privileged abuses and their impact on marginalized communities. Those in power must explicitly denounce systemic and institutional injustice, and encourage law enforcement to develop practices and processes that foster equity and limit discrimination.

A Recent Turn Back

Recently, the Trump administration Department of Justice, under Attorney General Jeff Sessions, has indicated that it will move away from earlier attempts to root out discriminatory police practices. In his memorandum titled “Supporting Federal, State, Local and Tribal Law Enforcement,” Attorney General Sessions stated that the Department will no longer assume responsibility for managing non-federal law enforcement agencies, despite its constitutional responsibility to exercise oversight to protect the rights of American citizens. In this way, the lead justice agency in the United States has signaled, at best, indifference and, at worst, support for the continuation of institutional racism in local law enforcement.

Mountains of research evidence and daily experience in many communities tell us that discriminatory policing will continue unless and until those in power acknowledge the legacy of white domination and racially poisoned assumptions present within many American law enforcement institutions. Even then, acknowledgement of the seriousness of the issue will be just a start, because many details of policing and criminal justice will have to be critically examined and persistently reformed if the United States is to move toward racially fair justice.

Research for this brief is drawn from Tia Sherée Gaynor and Brandi Blessett, “Legitimacy in Law Enforcement? Racial Discrimination in U.S. Police Agencies,” Transatlantic Dialogue Conference, Ghent, Belgium, June 2016.