

Racial Profiling

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Abstract

This paper will provide the reader with a definition of what racial profiling is. Readers will be provided with evidence and statistics of racial profiling in the United States. This paper goes into depth discussing the traumatic effect racial profiling has on people, by using results from test provided by the American Psychological Association. Racial profiling is morally and ethically wrong, I will discuss how police officers should be held to high disciplinary actions for performing this hate crime. In this paper readers will also be able to analyze the stories of racially profiled victims and reflect upon their experience. The stories of Montray Little and Jared Clinton, Lolade Siyonbola, Sterling Brown, and Lawrence Crosby. In conclusion this paper will inform readers on what racial profiling is, how to avoid it, and will provide an opinion based solution to help solve this racial profiling controversy.

The definition of "racial profiling" says it is the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin. In much more simplified words racial profiling is about racism and stereotypes and assuming the worst of people based on a biased perception of reality that is then projected and multiplied, affecting and endangering everyone of that same race, ethnicity, nationality or religion. When thinking of racial profiling people tend to point the finger at police officers, when actually everyone has racially profiled someone in their life. Recently the light has been shone upon law enforcers and employers for racial profiling, but these authorities are not the only two at fault. Just like every other habit, racial profiling is taught and learned at a young age. Many children begin acquiring prejudices and stereotypes at a very young age without anyone realizing what they are being taught. Racial profiling is an act of hate whether you are intentionally or unintentionally doing it. Racial profiling is usually thought to be whites always stereotyping another minority, which in more situations this is the case, but the caucasian race is just as susceptible to being racially profiled as any other race. Racial profiling doesn't include just police officers, anyone can racial profile another person. Examples of racial profiling include thinking a black person in a white neighborhood must be causing trouble, or assuming a Hispanic person must be illegal or have no documents. Racial profiling comes down to stereotyping people. Assuming all white people have it easy. Assuming all black people are criminals. Assuming all Hispanics are illegal immigrants. Or assuming all Asians

can't see. Racial profiling diminishes someone's self value and obstructs their outlook on the world around them.

Racial profiling is patently illegal, violating the U.S. Constitution's core promises of equal protection under the law to all and freedom from unreasonable searches and seizures. After the civil rights movement of the 1950s and 60s dismantled explicitly racist laws, racism became colorblind to survive. Today, although no law explicitly allows for racial profiling by law enforcement, it still happens at an institutional level. Just as racial profiling is wrong, it is also ineffective. Racial profiling puts a division between the communities and law enforcement officers, hinders community policing efforts, causes law enforcement to lose credibility, and trust among the people they are sworn to protect and serve. Although it seems that racial profiling is illegal throughout the United States there are at least 20 states that haven't specifically outlawed racial profiling by police. Even though racial profiling is widely condemned, it is rarely punished. For example, in Des Moines on August 15, 2018 two African American men were racially profiled by police officer Kyle Thies. Montray Little and Jared Clinton were stopped and interrogated by Thies, who acted aggressive, unprofessional, and accusatory. throughout the whole interrogation Little and Clinton kept both hands visible and cooperated with the officer. After the interrogation Officer Thies accused Little and Clinton of being in possession of a weapon and marijuana. Soon after this Thies coercively pulls Little out of the car and forces handcuffs on him. Little confused on to why he is being detained, Thies

continues to badger him with questions and threatens him with jail. Little, Clinton and their attorneys have accused the police of racial profiling as part of their civil rights violation.

However, racial profiling cases are difficult to win, and they often hang on the reason someone was pulled over. This police officer will more than likely get off with a 'slap on the wrist' or little punishment, even though Thies diminished the quality of life for Little and Clinton.

Interactions like this happen every day and when victims decide to come forward they rarely get justice for what has happened to them (Finney).

Many children of minorities have suffered traumatic instances where they have been assumed to be up to no good by law enforcement officers. For Yale student Lolade Siyonbola, the day she was profiled left her enraged. According to Siyonbola, she was working on a paper in the Hall of Graduate Studies when she fell asleep in a common room. Another female student came in, turned on the lights and told her, "You're not supposed to be sleeping here. I'm going to call the police"(Griggs). A few minutes later she was questioned in the stairwell by two white police officers. The 34-year-old grad student in African studies unlocked her dorm-room door in front of police to show that she lived there, but they still asked for her ID. "You're in a Yale building and we need to make sure that you belong here." Two more officers arrived when there was confusion about her ID, which had her legal name not preferred name. Although Lolade wasn't detained this situation could've escalated quickly. This is what many people of color fear the most, being wrongly accused of something because of their skin color.

Some situations don't end as peacefully like Milwaukee Bucks player, Sterling Brown.

Sterling Brown was brutally detained by police officers for a parking violation. Sterling Brown was approached by Milwaukee Police Officer when leaving Walgreens store, Brown was parked in a handicap spot which should have been a simple parking ticket, but escalated to so much more. Officer Grams quickly approached Brown when he walked out of the store, the officer stood in between him and his car door, witnesses say Grams even started the conversation with an aggressive shove. Additional officers arrived just three minutes later, according to the report. When Brown came out of the store, he gave Grams his name and showed an identification card. Grams apparently did not recognize him as a player with the Bucks. Grams called for assistance and half a dozen squad cars showed up. After the additional officers arrived, the situation became more tense, with police standing in a circle around Brown, yelling at him. Brown was taken to the ground within 14 seconds, according to one of the police reports. He was then tased in the back. As he lay there, one officer held his shoulder and another stood with a foot on Brown's right ankle (Barton & Spicuzza).

To those who have not experienced racial profiling or do not know someone who has, it may seem to be nothing more than a mere inconvenience. However, racial profiling is much more than a hassle or an annoyance. It has real and direct consequences. Those who experience profiling pay the price emotionally, psychologically, mentally and in some cases even financially and physically. The American Psychological Association researched and studied the

psychological effects of racial profiling, they found that victims of racial profiling have often been left with post traumatic stress disorder, or other forms of stress disorders. Many participants noted that the psychological impact of racial profiling on their children has led to anti-social behaviour, even in young children. As well, concern was expressed that a potential long-term impact of profiling is an increased risk of criminalization. Several parents commented that one of their main fears was that racial profiling will lead their children, especially their sons, to view themselves as troublemakers and that this, in turn, will result in them behaving badly. Other parents described being terrified that their child will eventually get frustrated with incidents of profiling and react in a way that could lead to a confrontation with the authorities and criminal charges (American Psychological Association).

On October 10, 2015, Ph.D. student at Northwestern University, Lawrence Crosby was detained and harrassed by police officers for approaching his own car. The record is on the dash-cam footage: It's nighttime, Crosby stepped out of his car, bewildered at being pulled over and surrounded by police vehicles in the college town he had lived in for years. With hands up high and shocked to see several guns pointed at him. It turns out a fellow student had called the police to report that someone was trying to steal a car, that someone was Lawrence Crosby. The car was his, and Crosby had a key. The woman had told the 911 dispatcher "I don't know if I'm, like, racial profiling,". To her and to the police, Lawrence Crosby was a black man in a hoodie. After the cops arrived, after they tackled Crosby, and while resisting arrest a cop jokes to another that Crosby "should feel lucky" he didn't shoot him, and after they determined that the car was,

indeed, his, they charged Lawrence anyway. In an interview Lawrence Crosby said *“I don't feel lucky. Every time I see the video from that October 2015 encounter, I experience fear, anger and terror. Fear that the color of my skin will make me out to be a criminal when I have broken no laws. Anger at the blatant disregard for human life and rights that the Constitution is supposed to guarantee to all citizens. Terror to have come — perhaps — within seconds of being shot by people sworn to serve and protect.”*(10)

According to a report on The Impact of Racial Trauma on African Americans, Dr. Walter Smith notes the following effects of racial trauma, increased vigilance and suspicion, increased sensitivity to threat, increased psychological and physiological symptoms, increased alcohol and drug usage, increased aggression, and narrowing sense of time. Victims of racial profiling began to have suspicions of social institutions (schools, agencies, government), avoiding eye contact, only trusting persons within our social and family relationship networks. They also become very defensive, showing defensive postures, avoiding new situations, heightened sensitivity to being disrespected and shamed, and avoid taking risks. Unresolved traumas increase chronic stress and decrease immune system functioning, shift brains to limbic system dominance, increase risks for depression and anxiety disorders, and disrupt child development and quality of emotional attachment in family and social relationships. For these racial profile victims who haven't coped with this trauma this stress takes a toll on their mental and physical health. Drugs and alcohol are

initially useful in managing the pain and danger of unresolved traumas but become their own disease processes when dependency occurs (Turner & Richardson).

Another effect of racial profiling is how people view law enforcement officers. If one has been mistreated by a police officer in the past the likelihood of trusting other police officers in the future is slim to none. Distrust of police has serious consequences. It undermines the legitimacy of law enforcement, and without legitimacy police lose their ability and authority to function effectively. For children this distrust of law enforcement and authority is even more consequential, when a child is traumatized by being racially profiled or has been around others who have been victimized, they began start to undermine authority. This can cause various problems for a child. Kids who undermine authority are usually the kids to be deliberately disobedient to anyone who shows authority, such as a teacher, parent, and even a law enforcement officer. Children who seem to act out often find themselves in situations where they have decided to be rebellious and it backfired. Not only does racial profiling subordinate the entire community civil rights but also it has become a tool that is ineffective in the prevention of crimes. Racial profiling goes to extend of victimizing the people who it is supposed to take care of and protect. For example, in a society that is dedicated to equal ideal justice under the society's law, racial profiling leads to one group in the society to tolerate desperate treatment due to their skin color is abhorrent positive. In relation to effective policing, racial profiling bars and violates the civil rights to be exercised in the community. From data that have been collected up to this moment out of public opinion poll, and testimonies indicates that racial profiling widely

all over the world is the greatest violator of the civil rights, as it warrants the monitoring of agencies and officers in the law enforcement agencies (Peterson). Among the targeted members in a community or nation racial profiling in law enforcement instills distrust and fear, making the people not willing to get involved in the investigation of criminal acts carried out by the police within their community or the nation. The individuals also develop fear to extend of not seeking any police assistance in case they are victimized. Researches indicate that when police are carrying out investigation and they tend to focus on race, they forget to consider the actual criminal behavior. This police behavior is an act that can put into danger the law enforcement agencies effectiveness eventually resulting to endangering the life of peoples who rely on the law enforcement agencies for ensuring justice and protection in their community or nation (Cohen).

So why do law enforcement officers racially profile? Plenty of experiments have been done, and no one can find one scientific answer. Police officers have assumptions, just like any other human does, maybe in the past they've seen common situations, or are just used to the 'typical' stereotype of that race. These assumptions are learned at a young age, just like any habit is. The difference between having assumptions and racially profiling someone is how they decide to act towards this person. As people of the law, police officers are held to a high standard, they should protect and serve all citizens the same. No matter the race, gender, sexuality or any physical trait. Law enforcement officers that do racially profile citizens continue to do it because there are rarely any serious punishments. The official practice, while widely

condemned, actually remains legal under federal law and in about 25 states. And in the wake of the president's remarks, there's a new push in Washington to ban racial profiling. Under Supreme Court precedent, race can be used as a factor in policing, providing that the authorities demonstrate it is relevant to specific law enforcement goals. And many states and cities maintain the option of profiling as a police tactic—though few openly admit it. State law (the “Alvin W. Penn Racial Profiling Prohibition Act”) prohibits police officers and law enforcement agencies from engaging in racial profiling. This means they cannot stop, search, detain, interdict, or treat people differently solely because of their race or ethnicity. Anyone convicted of violating a statute that provides no specific penalty may be fined up to \$100. For traumatizing someone, for belittling someone, and for causing fear for the ones who should protect us. A small fine of \$100 (Melber).

Now, more than ever, is there a huge reform for a punishment for racial profiling, or to ban it in general. Many advocates are understandably concerned that because little thought has been directed towards data collection, these efforts may be used disingenuously, to give the impression that no racial profiling takes place, to pin the problem on a few problem officers, or to postpone real reform. Critics exploit this uncertainty, calling racial profiling a "myth," that is either based on "worthless" and incomplete data or the invention of race-baiting crusaders who lack any understanding of real police work. Recent efforts to craft remedies already suggest the outlines of an innovative 'experimentalist' approach towards policing. Lawsuits, legislation, and

settlements with the Department of Justice have begun to create such interactive forms of participation through information-sharing and partnership between police and outside actors.

State laws have convened interdisciplinary groups to evaluate data from police departments.

Informal efforts of police departments have also increasingly led to closer connections with civil rights groups and the community (Garrett). Under the proposed approach, police and key actors-including community groups, advocates, or other organizations facing similar problems-would hold a series of meetings where they would discuss the nature of the problem, collaborate in the design of the data collection process and new traffic stop procedures, implement new training and supervision, jointly measure progress, and engage in problem solving using the data collected. This approach makes policing more flexible and responsive to outsiders and gives police access to solid information to prevent them from falling back on stereotypes. The usual defense of racial profiling has been that it helps detect likely criminals, but these remedies suggest that putting an end to racial profiling can also help police do their work better.

In order to fix such a controversial problem we must have step by step solutions, to reduce racial profiling there are three steps. First we should raise awareness of implicit bias among police leaders and officers, transform the conversation between police and the community, and put police in place to limit the impact of bias.

The awareness training has to begin at all levels within the police organization but the most important level of understanding has to begin with police leadership. There are still a number of individuals in leadership and management positions who don't believe implicit bias is

an issue, and furthermore don't understand what's happened between the police and community, especially with decades of lower crime rates as proof of a functioning relationship. That's why awareness and training needs to start with supervisors—how it can affect themselves as well as their officers and the entire department. The IAT (Implicit Association Test) is another mechanism that can help raise awareness of implicit bias. IAT's can be found online and they are designed to measure the strength between stereotypical associations. They can be used as a supplement to conversational training and often provide more privacy for those who are not ready for a public conversation. The combination of implicit bias introductory trainings/ conversations can begin to ease the tension of being identified as a racist and eventually open up to someone else's experiences. Finally, creating a collective empirical picture of bias at work can raise awareness. The San Jose Police Department faced concerns that officers conducted pedestrian stops in a way that disproportionality affected young men of color. San Jose PD had their data analyzed with the focus on officer interaction, a process that raised awareness within the department of the existence of bias.

To transform the conversation between police and the community police enforcement should create a working understanding of how community and police believe their interactions should go and what safety looks like to them. When a police department cultivates a diverse workforce, preferably hiring from the community it serves, it doesn't just send a message of equality to that community. It also creates the conditions within the department for contact between groups that can reduce negative implicit bias among officers, particularly when the

leadership makes a special effort to facilitate dialogue and positive experiences. “Community policing” can help as well—an approach that encourages officers to build relationships with the people in the neighborhood. This is potentially a two-way street, for it may reduce the biases that residents may hold against the police as well as any police hold against residents. A greater awareness of the role bias plays in their interactions will help move the community-police relationship into a space where cooperation can take root.

This training policy adjustment disrupted the strong emotions that often felt by both the officer and individual being arrested, who might be entangled by feelings of fear or anger that can lead to unnecessary violence. In creating this approach, Las Vegas Metropolitan PD reduced their use of force incidents following a foot pursuit by 23 percent. This this kind of policy evaluation not only reduced use of force but proved to be a safer approach to apprehending the suspect. Of course, some states and departments have implemented policies that simply state that race can’t be a factor, or can only be one factor, in decisions to stop a vehicle, make arrests, and so on. Policies must extend to discipline, and must distinguish explicit from implicit bias. If an officer does show a tendency toward explicitly discriminatory behavior, the issue must be quickly and effectively addressed by a supervisor. However, in cases of possible implicit bias—patterns that might be occurring outside of the officers’ conscious control—it may not be appropriate to formally discipline the officer. Instead, the best response is facilitating positive contact across groups, conversation, and training that aims to raise awareness of implicit bias.

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