

Foreword

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The police are a political lightning rod, especially for the sort of politics, so highly developed in the United States, through which a group carves out a place for itself in the system by recognizing its difference from others, while at the same time organizing to attack discrimination against it. It is easy to see why. In New York City, as in practically every other municipality larger than a village, the police are local. We have more than ten thousand police departments in this country, and even though employment in many of them is governed by civil service, they are sensitive to the society and the political structure in every place, big or small, where they work. Moreover, their work is structured so that they come in contact with the poorest and most marginalized people, even when other political actors do not. The common crimes that are at the heart of our penal codes—the assaults, thefts, and burglaries—as well as the category of “deviance” offenses, from disorderly conduct to narcotics, are given to the police. The white-collar crimes are rarely given to the police, and even when they are, most police rarely encounter them.

For a great many people—the poor and the dispossessed, the minorities, immigrants, and the thousands of others who are victims of crime, violators of city ordinances, as well as perpetrators of crime—the police are the cutting edge of government. They are the government agents who give orders in the street, divide people into those who are acceptable or suspicious based on their behavior and sometimes their appearance, and, as every child knows, have the power to make their orders stick, by force if necessary. It is inescapable that class relations, discrimination, and basic issues about rights, such as the right to free

expression and the right to be free of arbitrary arrest and search, are embodied in police-community relations. It is little wonder that people who for one reason or another are treated by society as pariahs—either permanently as part of a suspect minority, or temporarily, for example because they are drunk or are urinating in a back alley (in a city where there are almost no public bathrooms)—are sometimes infuriated by the incursions of the police.

Combined with the rage is a large element of parochialism. Every city dweller sees his or her own police department as the paradigm. Every set of charges of police violence is insufferably bad, except when it is ignored by the citizenry. There are no better or worse departments, or more or less effective bureaucracies, because the police are almost totally local.¹ The local media hardly ever report scandals among out-of-town police, unless the events make it onto a network videotape. For example, suppose a terrible police scandal involving corruption and violations of civil rights were raging in, say, Los Angeles; preoccupied as we are with the dramatic incidents of police violence in New York City, we would probably be scarcely aware of it. *Mirabile dictu*, such a scandal does exist in Los Angeles as this is written, involving a cold-blooded shooting, a frame-up, and the reluctant review of thousands of convictions. That scandal may become familiar to people on the East Coast by the time this book sees print, but at this moment it is obscure here.

Knowledge about police abuses remains local also due to the fact that it is difficult to get nationwide information that compares cases or departments with one another. Until recently, the federal government made almost no effort to coordinate knowledge from different cities, and it made very little effort to enforce federal standards of civil rights against local law enforcement agencies. Since its powers were increased in 1994, the federal government has begun to try to draw minimal federal standards for police accountability, and to bring them to a few cities, but the project is still in its infancy.

The belief that each local scandal is the absolute worst is fed by the fact that systems of accountability, in New York City as in most other cities, are quite inadequate. We are free to draw our own conclusions about the prevalence of police abuses because we cannot have faith in decisions on cases of abuses by individual officers, and we cannot get reliable statistics about groups of cases. So people, even the police themselves, believe whatever they think is true about the police: that the number of civilian complaints is low because the police are either

doing a good, clean job, or, on the other hand, because they are intimidating people to keep them from filing complaints; that the number of civilian complaints is high because police violence is on the rise, or, on the other hand, because there are more police and they are more proactive; that the percentage of substantiated complaints is low because the review agency is applying too high a standard of proof, or, on the other hand, because the complaints are the exaggerated rants of peevish malcontents. Police departments, including the NYPD, have resisted effective systems of accountability that would be transparent to the public in their procedures, evidence, and results. To a naive observer, this may seem puzzling; it would seem to be in the interest of the police to have the best possible relations with the residents of the city, and better accountability would seem to contribute to better relations. But perhaps the police are right, by their lights, to be leery of accountability because it is, as they fear, a proxy for control. Those who want accountability want change.

Some of those who most want change are the contributors to this volume of essays. The collection is sprawling and diverse, like the image of the city that is its model. Andrea McArdle and many of the writers here believe that some “disorder” is both useful and creative, meaning disorder, of course, in the sense of the diversity that supplies some of the energy to the city. A theme in this collection is that those proponents of the “broken windows” approach to law enforcement who think that disorder is criminogenic always run the risk of confusing diversity with disorder and of discouraging, even punishing, the racial, economic, and cultural abundance that makes New York what it is. There is a host of approaches to police reform here, almost all from the bottom up—from the point of view of the denizens of the city, whether they are police or not. There are some exceptions. Paul Hoffman’s piece about international human rights, and even Andrea McArdle’s chapter about police prosecutions concern top-down measures against police abuses. But even these are meant ultimately to supply ammunition to activists, to tell them where they can look for help. Most of the other essays are about the police at street level, about attitudes of the police themselves, about the work of the police or the media’s representations of that work, or finally, about protests against the way the work is being done. A great strength of the collection is that proposals, however new or tentative, are being heard from groups who rarely get a hearing.

Police work has changed in the last generation through community policing efforts and the current fashion for quality-of-life or zero-tolerance policing. Through it all, however, the dynamics of ordinary police abuse—"street justice"—have not greatly changed. Most incidents of street justice—violent acts by police against people in the streets—are the result of incidents that police perceive as threats to their authority; in general, the police do not intend for the confrontation to end in violence but find that they cannot control the situation. Like so many acts of violence, these are cases of two people, usually men, each of whom has been challenged by the other, neither of whom feels like backing down; the nonpolice individual virtually always comes out the loser, even if he decides, too late, to back down. In light of these patterns, the essays about gender are welcome in this volume. The chapter by Amy Green is particularly suggestive that some conflicts might be different if more of the police officers were women instead of men, or if more officers tried strategies that the women Green interviewed used successfully.

Rather than focusing on the familiar old problems of street justice, the authors take a broad, radical view of the meaning of "police brutality"; for them it is on a continuum with other forms of police harassment, including those that are under the umbrella of "zero tolerance." Some commentators would take a narrower view. Jerome Skolnick and James Fyfe draw a distinction between "brutality" as a deliberately vindictive act to violate someone's rights, and "excessive force," which may be an error of judgment.² Others have distinguished between street justice, which is typically the excessive assertion of authority with a nightstick against those who defy it, and actual shootings, which are rarely deliberate violations of the rights of the person shot, but are terrible errors of judgment at worst. But those are lawyers' distinctions, made for the purpose of disciplinary proceedings or lawsuits. These essays, particularly those in the first part of the book, are from the consumer's perspective, and from this point of view those distinctions are almost arbitrary. If you are in the emergency room having your head stitched, it does not make much difference to you if the source of the blow was vindictive or an error of judgment.

Moreover, all the indignities that the police can visit on the denizens of the city are fuel for conflict with government, whether or not they result in physical injury; a sense of insult or discrimination can be an injury, and may well be experienced as "brutal." Those injuries

may come from persistent patterns of stops and frisks against minority youths. They may, unfortunately, come also from actions that are perfectly legal and enforceable from the point of view of the police, from city ordinances or regulations that have been drafted to have a special impact on the poor, such as limitations on peddlers or automobile-windshield squeegee men, or that are enforced in a discriminatory manner, such as restrictions on trespassing. Here the police are again the lightning rod; they are getting blamed for enforcing policies that are not theirs but are those of the politicians who run the city. The important point for the authors of the essays is that the police take actions that hurt people, in the spirit and the pocketbook, if in no other way, and we must accept that the police will be the targets of rage whether an act is their own policy or not. The police are already facing that fact; as Jennifer Wynn's essay shows, some police are hesitant about supporting zero-tolerance policing.

The editors' and authors' perspectives are especially important during our present stage of neoliberal policies, including reduction of assistance to poor and disabled people and increasing economic inequality. The unskilled are increasingly ignored in the economy, and rentals in the city, when they are available, are more and more out of reach for the poor. Some say that the incarceration of nearly two million people, predominantly minorities, in the United States is an effort at social control of those who are viewed as refuse by society.³ It is clear that other features of the criminal justice system, especially the efforts in the streets, have parallel purposes. Quality-of-life policing, including stops and frisks as well as the vigilant enforcement of minor infractions, is a form of surveillance, not only to obtain information, but to create a prevailing sense of police presence as a deterrent to crime as well as to "disorder." In this volume, we see this clearly in the essays by Tanya Erzen, by the Committee Against Anti-Asian Violence: Organizing Asian Communities, and by Jennifer Wynn. So it is natural—in fact, practically required—that those affected should see all the police tactics, whether physically violent or not, as dedicated to the same purpose: the control of the poor and marginal in the interests of the "orderly."

This volume may be seen as a tribute to, or at least a hope for, the failure of current police tactics and the repressive policies they advance. The authors remind us that the tactics are not working well to intimidate those at whom they are directed; instead, they are causing protest

and grassroots calls for police accountability and reform. It is natural that those who are victimized by repressive tactics should be alarmed and want them to end; their protests, however, are not likely to change police-community relations much without support from the larger society. That should remind us that government policies of heightened personal security—the fear of crime, the blame placed on the alleged leniency of the courts, the demand for more police presence, the media support for tougher law enforcement, the longer prison sentences, the drive to build prisons, the death penalty—are directed just as much, if not more, at those who are unlikely to be the victims of police harassment as to the poor and marginalized.

Indeed, the policies have been much more successful with the “establishment” than with their actual targets. Heather Barr’s essay about the treatment of mentally ill people as criminals is indicative of this effect in a particularly subtle way. She tells the familiar story about how the mentally ill were released from hospitals in the past few decades, with the assumption that they would receive other, more rehabilitative care. What they got instead, as Barr tells us, were charges of crime and incarceration; a large percentage of those incarcerated as criminals today are mentally ill. This change in policy has done nothing for the social control of the mentally ill. Besides sending them into situations that are bound to make them sicker, it has raised the crime rate and frightened the supposedly sane and respectable with the depredations of criminals. Thus the change has also prompted calls for more security through the criminal justice system, while facilities for the mentally ill remain too few. Voters do not support expenditures for the mentally ill; they want to spend money to protect themselves. So if the politicians can call mental illness a crime and frighten us with it, we will vote for them and pay for the programs they endorse on behalf of our security, which we consider money well spent.

The politicians and the media have persuaded us, and indeed we have persuaded ourselves, that crime is dangerous and out of hand, that we ought to stop handcuffing law enforcement, that rights are standing in the way of security, that more repression will make us safer. The politicians have competed with one another in frightening us with the seeming depredations of the poor, the dispossessed, and even the mad, and have promised us safety. And in fact we have been rewarding the politicians who are the most flamboyant in pushing the promise of repression. We are responsible for the policies which many of the au-

thors here protest, and we can help put a stop to such measures. The targets of police abuse in the city cannot do it by themselves.

NOTES

1. See Henry Weinstein, "Rampart Police Probe May Now Affect 3000 LA Cases," *Los Angeles Times*, December 15, 1999, just one of many stories in this newspaper.

2. Jerome Skolnick and James Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York: Free Press, 1993).

3. See, generally, Joseph Davey, *The New Social Contract: America's Journey from Welfare State to Police State* (Westport, Conn.: Praeger, 1995).