The Neighborhood Academy

The War on Drugs and its Effect on Policing Today

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4,653 police killings happened in the United States between the years 2015-2020. In 2021 alone, 1,039 people were killed by law enforcement officers. These killings have spanned the breadth of ethnicities and race. The black race makes up 13.6% of the United states population. 27% of these killings were black people. That is two times the percentage of black population in the country that are killed in a police interaction. Black unarmed men were 20 more times to be shot and beaten compared to a white person (Jenkins et al., 2020). Together, these data show the danger that law enforcement presents to people of color in America.

Racism in law enforcement--particularly in police departments—has been a critical flaw in America's system of law and order that has always been part of law enforcement in the United States. The reasons for the tragic persistence of police brutality, racial profiling, and racial harassment have all been hotly debated. Why, given the advances that American society has made in addressing and actively responding to a wide variety of social and racial prejudices, have America's law enforcement agencies continued to approach black and brown bodies with significantly more scrutiny, hostility, and rapid escalations of deadly force than those of other racial or ethnic categories? Why, ultimately, are these agencies so often permitted to act with little oversight or accountability to the public that they all claim to serve?

Researchers have identified multiple methods to spread awareness of this issue, as well as ways to perhaps put an end to it. Racial prejudice isn't only experienced by black people. One study shows 42% of immigrant people said they have felt discriminated against by police and 62% people of color (POC) said the same thing (Abdul-Rahman, 2020). Though this conducting research paper will not touch in detail about other non-black POC experience, it is important to let it be known this issue is wider than black experience. The value of lives of those who are not white are at peril and it is necessary for America to take action as long as this reality persists.

This paper addresses the issue around three main points. The first section looks at the police connection to drugs and incarceration, examining the development and continued reliance on the so-called 'War on Drugs,' and how that led to mass incarceration of mostly black people and how that policy targeted black neighborhoods and harassed their residents. The second section takes a look at police brutality and abuses of authority. Sources and statistics are provided as well as specific examples of several black victims that have been harassed by police officers. Finally my paper proposes a list of recommendations that should be brought into consideration in

order to stop racism in law enforcement, that way it'll lead to a better policing system and equality amongst all races.

Section I: The "War on Drugs" & the Black Panther Party. A Case Study

Richard Nixon, the 37th president of the United States, played a weighty role when it came to the government's response to drugs—and, not coincidentally, the rise in incarceration—especially among people of color. In 1971, President Nixon introduced his policy addressing the drug crisis, which he termed the 'War on Drugs'. As quoted by law enforcement scholar Stephen Underhill, President Nixon said, "America's public enemy number one in the United States is drug abuse. In order to fight and defeat this enemy, it is necessary to wage a new, all-out offensive," (Underhil Include Date 3). Nixon's total commitment to this new 'war' led his administration to pursue strategies for drug enforcement that were significantly more aggressive than anything seen before on the federal level. Tom LoBianco, a writer for CNN News, observes how this policy was purposely used to investigate black people in their neighborhoods, arrest people of color, and put them in jails. LoBianco provides a direct quote from John Enhrlichman, who served as the White House Counsel and assistant to President Richard Nixon:

The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and Black people. "You understand what I'm saying? We knew we couldn't make it illegal to be either against the war or Black, but by getting the public to associate the hippies with marijuana and Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did (As cited in LoBianco 1)."

This policy was purposely intended to target people of color, to incarcerate them and leave the black community leaderless and ineffective.

This policy has led to many black civilians being arrested for actually either using drugs, or for the suspicion of selling or using drugs. An excellent example of ways that police departments and government officials pursued this systematic approach to targeting black communities would be during the prominence of the Black Panther Party (BPP), a radical organization dedicated to advancing the interests of black people by whatever means they thought were necessary. Police officers and the FBI tried dismantling the group and communities

where this group settled. As the BPP continued growing their numbers, they were now looked at as a threat and needed to be taken down. FBI director J. Edgar Hoover said "the Black Panther party [sic], without question, represents the greatest threat to the internal security of the country." When Hoover was asked again what the biggest threat to the United States was, he said "negro unity" (Vercellone 1).

Wanting to discourage black unity, the California State Legislature started by creating a bill that would disarm the BPP members from their weapons, called bill AB-1591. On July 28, 1967, then-Governor Ronald Regan signed this bill into law, which then effectively barred BPP members from being able to carry loaded guns in California (Vankin 1). Despite this setback, the BPP were still able to function and continued to be looked at as a threat. So the FBI began to target them by using black informants to betray their own race, often for only small financial benefit.

A prime example of this would be the murder of Fred Hampton. Fred Hampton was a BPP member who played a large role in the party. His influence was so large that J. Edgar Hoover personally wanted him closely watched. He was placed on the FBI's agitator index, a list kept by the Bureau of suspected agitators, particularly activists of color. Hampton's murder took place on the morning of December 4, 1969. The Chicago police department staged a pre-drawn raid on the apartment of Fred (Walker et al. 133). There were nine panthers in the house, including Deborah Johnson, who was his pregnant girlfriend at the time. Deborah heard knocks at the door and she tried waking Fred up. Gunshots begin to be fired into the home while Fred was still "asleep" and Deborah still couldn't wake him during the shots being fired. The police officers, after firing about 100 shots, went into the home of Fred where they then shot and murdered Fred while he was asleep. During this shootout another member, Mark Clark, was killed and four of the nine members were shot by police gunfire. The police claimed to be acting on suspicion that Fred's home was filled with drugs and weapons (Walker et al. 138). Edward Haranah, Illinois state attorney, has told the story that Hampton and the other BPP members opened fire first on the police, which was not true. The police officers were using machine guns and were not in police officer clothing, instead wearing plain clothes.

The truth is, that Fred Hampton never woke up that morning. "Evidence indicates that Hampton had been drugged earlier in the night, rendering him unconscious as the police raided his home (Walker et al. 2021 140)." As time went on the truth was that William O'Neal, who

served as chief security for the Panthers and also was Hamptons bodyguard, was a paid informant for the FBI. He provided a detailed map of Fred's home to the FBI and is said to have drugged him as well. He was paid \$300 for Hampton and Clark's death (Walker et al. 141). This example shows how far the FBI were willing to go in order to stop black power from growing—by taking away their leaders in any way possible.

Hoover's plan of taking apart the party was becoming a success, and the War on Drugs policy only made his job easier since drugs were heavily penalized by the justice system. This made it easier to then begin the wide-scale arrest of BPP members and other black people, due in part to the fact that they indeed were using drugs. Leaders like Eldridge Cleaver, who became addicted to cocaine. Black Panther Party founder Huey P. Newton was shot and murdered—by a person many believe was an informant working for the FBI—during a drug dispute in 1989 (Rafferty 1). The FBI used this War on Drugs policy as a reasonable explanation to explain why incarceration rates were so high for Black African Americans. The War on Drugs was not just targeting the BPP, however, as this policy affected black communities nationwide. Drugs were spreading quickly throughout the country in black neighborhoods, and the policy worked out just as it was intended to work: by dismantling black power movements and increasing incarceration rate for people of color.

The War on Drugs policy increased incarceration rates dramatically as years went by. According to the Equal Justice Initiative "After President Richard Nixon declared a "war on drugs" in 1971, the number of people incarcerated in American jails and prisons escalated from 300,000 to 2.3 million. Half of those in federal prison are incarcerated for a drug offense, and two-thirds of those in prison for drug offenses are people of color." These statistics show the massive impact of the War on Drugs policy, especially amongst people of color. The rapid growth in incarceration has brought with it a new relationship between police officers and the communities they claim to serve. The War on Drugs has left communities throughout the country at risk of arrest and harassment, and has encouraged police departments to behave in ways that are contradictory to their roles as public servants. However, these features are not surprising. They stem from the original intention of President Nixon and of every following administration to use the War on Drugs as a means of criminalizing and harassing black communities, using the full extent of law enforcement.

Section 2-Policing Today: Institutional and Structural Barriers to Progress

The question remains, why do police officers and police departments so consistently target black people and other minorities? One answer which has become increasingly popular is the existence within police departments of deeply embedded structural racism. According to Cornell University scholars Rebecca Slayton and Jason Ludwig, structural racism is the "institutionalized discrimination against racial and ethnic minorities in a society—something that goes beyond the implicit or explicit biases of individuals, to be embedded in the routinized practices of organizations and the policies they uphold (Slayton et al.). Essentially, the problem of racism aligns with the police department's structure and not necessarily the individuals themselves.

A compelling recent example of this would be the death of Tyre Nichols that happened January 7, 2023. Nichols, a 29-year old black man, was pulled over by a group of Memphis police officers for what they said was a traffic violation. A video quickly surfaced around the internet showing five police officers who chased Nichols down and began repeatedly punching and kicking him as well as beating him with a baton. During this, Nichols can be heard screaming for his mother. He died three days later from injuries. The five police officers, all of whom are black, have been fired and charged with second degree murder in Nichol's death (Sainz 2023).

Although these five officers were all black, as well as Nichol's being black, this does not mean that racism was not a motivating factor. According to Jelani Cobb, an American writer and dean of the Columbia Journalism School"The most pernicious effects of American racism were to be seen in what happened in the absence of white people, not in their presence." These five black officers are a part of the structural racism exhibited by police departments, because racism is embedded into policing and has been that way for a long time. Even the practices taught in policing have some elements of racism included in them, such as pulling someone over for the suspicion of having drugs. Ravi Shroff, an assistant professor at New York University's Center for Urban Science and Progress, conducted a study where he found that black drivers are 20% more likely to be stopped than white drivers. The study also tells how "black drivers were 1.5 to 2 times more likely to be searched by an officer for carrying drugs, guns, or other illegal contraband compared to their white peers (Bennett 2020)."

Another common tactic involves Orthatmany officers claiming the victim was "resisting arrest," which is what the five officers accused Nichols of doing. According to Paul Bergam, a UCLA Law School Professor, "Police officers are generally allowed to use reasonable force to take a person into custody (Bergam 1)." Since what is reasonable is open to interpretation, this has allowed many officers to justify acts that were clearly wrong as long as they claimed they feared for their lives. What an officer would describe as "reasonable" can be something as little as an arrestee not complying with officers immediate demands or an arrestee making slight movements while being arrested. At moments like that the officer will be able to use force if they have a reasonable explanation on how the arrestee was resisting arrest.

This structural, institutional form of racism does not even spare black police officers from harassment. Christopher Williams, a black officer for the Detroit Police Department, was harassed by another member of the police department. Thomas Michael Joseph, an 18-year veteran white officer was arrested and found guilty for racially profiling Williams for a reason Williams described as "bogus." Williams was seen with a large amount of cash while he was in the bathroom of the training center. Officer Joseph suspected him for wrong doing because he was a black man with a lot of money in his pocket. Officer Joseph chased Williams and shoved him into a fence and used excessive force to arrest him (Wimbley et al. 2022). Attorney Todd Perkins has said "The element of race doesn't escape me either, that this white officer saw fit to tell this Black man, that you're not supposed to have this kind of money on you" (Wimbley et al. 2022)." This incident was seen as racial profiling by Williams and his attorney. Williams also had this to say, "For him to work the street, what would he do to my grandmother, to my mother," Williams said. "I hope he wouldn't put them in cuffs for having money on them (Wimbley et al.)." Although Officer Joseph was removed from patrol, he continues to work for the Detroit Police Department in an office setting. Although Officer Joseph was convicted for his crime, this incident shows how pervasive structural racism is in police departments. Not even being an officer can protect you from being racially profiled by another officer of the department.

Even more problematic than the unchecked racial hostility and violent tendencies seen in many police departments is the fact that many of those same departments increasingly have easy access to super powerful, military-style weapons and equipment. This is due to a trend called militarization, or the act of equipping police departments with military resources such as guns,

explosives, armored personnel carriers, batons, etc. As Radley Balko, author of the book *Rise of the Warrior Cop* and a criminal justice researcher who has been examining police militarization for over 20 years, explains: "Militarization of the police goes back to the Regan-era war on drugs when one program informally began giving surplus military equipment from the Pentagon to the police departments across the U.S. The initiative, known as the 1033 program, was formally implemented when Congress passed a law in the 1990s," (Balko et al. 2021). According to Stephen Underhill, "Every president since Ronald Reagan has expanded the war on drugs, from programs that equipped police with military gear to patterns of enforcement that disproportionately policed people of color. Such outfitting dressed officers as soldiers and cast Black people as combatants," (Underhill 2020). The result has been that black communities are often seen and treated by police, not as citizens or as people in need of protection, but as quasi-soldiers in an enemy army who require extremely violent and visible methods to control them and their communities.

Section 3: Pattern of War on Drugs and ways to end it

Law enforcement in the United States comes with many problems, and in order to enact change it is necessary to understand the larger patterns that have blocked progress up to now. One such pattern of explanation can be found in the concept of "the chain of destruction." This theory, according to Richard Miller of Lincoln University, shows how society can identify and oppress a minority community. The chain contains five differents stages: identification, ostracism, confiscation, concentration, and annihilation:

Chain of destruction begins with identification in which a group of people is identified as a cause for problems in society, people start to perceive as bad or evil. The second link in this chain of destruction is ostracism by which we learn how to hate these people, how to take their jobs away, how to make it harder for them to survive. The third link is confiscation, people lose their rights, civil liberties... The fourth link is concentration, concentrate them in facilities such as prisons, camps... The final link on the chain of destruction is annihilation. Now this might be indirect, say withholding medical care, withholding food, preventing further birth. Or it might be direct where death is inflicted where people are deliberately killed. (Miller)

The war on drugs is seen as an example of this pattern because of its original intentions, which as described earlier in the paper was to criminalize and harass black communities, using the full extent of law enforcement. The first link, identification would be black people and minorities. This group of people were accused of being a problem of society. Because they were looked at this way, they were perceived as bad and evil people. People perceived as ignorant, uneducated, poor, etc. This group of people were the drug users and dealers. The second link. ostracism, is the beginning of hating this group of people. Hatred towards black people and minorities has been a thing for an extremely long time, and this pattern has continued and still does. During the war on drugs era this group of people were hated amongst the law enforcement and not all, but most whites. This group was viewed as not being a part of society, not treated as humans. Job employment rates for this particular group of people were very low. Coming straight out of jail didn't put you in a position for a job, certainly one that doesn't pay well enough to survive. Also because people from this group were in jail a lot more times than none, that means there was no need to employ people of this kind since a great deal of them were in prisons. This practice of ostracism has made it hard for this group of people to survive, because they either had no good jobs with good pay, no job at all, in prisons, and overall weren't viewed deemed necessarily to be a part of the society.

This pattern of the chain of destruction is still ongoing today. It is heavily racially motivated. You see a lot of the five links talked about everyday. The problem is that although there are leaders in the law enforcement, not enough effort is being made to stop this chain of destruction. Not too many of these leaders are doing their job to the degree to stop this issue.. Most can make the change, but they simply will not and that is why recommendations need to be put forth and considered. Recommendations have been made in the past and they haven't been taken too much into consideration, but that is about all the people of this country can do. Especially minorities who have no voice in what society truly needs. Recommendations aren't enough, but it is a great start to begin putting forth change. Recommendations from the people of the country need to be heard and taken deeply into consideration. There are more than enough recommendations that can be made to start a change of this pattern and decrease the negative statistics and negative

perspectives of the law enforcement. A big recommendation such as addressing sentencing laws and decriminalizing marajuana.

Due to the war on drugs, the law began to really crackdown on drug crimes. Being caught with drugs puts you in a very bad position of facing unfair sentencing laws, especially if it was crack, cocaine, or powdered cocaine. No matter how much of whatever drug you were caught with, you were immediately facing a minimum mandatory sentencing. Even if it was a first offense and a lot of these crimes minimum sentencing were 5 years or more just for possession.

The Government has spent over a trillion dollars during the war on drugs, to make it a success. A lot of that money was spent for jail facilities. To increase the number of beds in prisons, because they knew that more people would fill those beds quickly with the spread of drugs happening. These mandatory minimum sentences were keeping people in jails for a very long time and that was looked at as a successful part of the war on drugs because the money wasn't being wasted and with the sentences being high those jail beds would be occupied for quite some time. Sentences even got as harsh as serving life sentences for the possession of drugs; marajuana, meth, crack, any types of cocaine. Still till this day there are people who are still in jail facing time from drug crimes they committed during the war on drugs era. That to prisoners and people throughout the world is unfair and extremely harsh, because the law was treating drug crimes as if they were violent crimes such as murder. In 2010 "the Fair Sentencing Act, which reduced the disparity between the amount of crack cocaine and powder cocaine needed to trigger certain federal criminal penalties from a 100:1 weight ratio to an 18:1 weight ratio and eliminated the five-year mandatory minimum sentence for simple possession of crack cocaine, among other provisions (Jared O. Bell et. al)." Though this change has happened, minimum mandatory sentencing is still a thing and they are still unfair. "In addition to unfair sentencing laws, many have been subject of wrongful convictions, which still persists through unfair arrests and stops by law enforcement due to racial profiling (Jared O. Bell et. al)." The innocence project- a group who works to exonerate people based on DNA who have been wrongfully convicted and charged of a crime they didn't commit, shows that 63% of freed people based of Dna were black people. It states that a majority of that percentage were misidentified or were simply at the wrong place at the wrong time and when they were arrested, they faced a number of years for crimes they didn't do. A fundamental revision of sentencing laws is the solution to mass incarceration. There is an alarming rate of many individuals being

arrested on marijuana offenses, so decriminalizing marijuana on a nationwide basis is reasonable and logical. "Possession of marijuana, the rate of arrest for a black individual is roughly four times that of a white person, and one research found that 89% of those jailed for marijuana are Black (Jared O. Bell et. al)." The United States may begin to eradicate systemic racism in the justice system by reevaluating sentencing rules and decriminalizing marijuana.

Police officers are protected by a practice that doesn't hold them accountable for violations of laws. This practice is called qualified immunity. This has led to officers being protected for even committing murders. Qualified immunity is manipulated in a bad way amongst police departments. It doesn't take much for an officer to be able to have this protection, if they feel their life is in danger then this practice of qualified immunity will protect them. Qualified immunity has been seen in many cases where officers are let off with some small consequence, but ultimately free from committing crimes such as murder. A prime example of this can be; Breonna Taylor, who at the time was a 26 year old black medical worker, was shot and killed in March of 2020 by a Louisville police officer, accompanied by 6 more officers. "In April, Ms. Taylor's mother filed a wrongful-death lawsuit. But to get justice, her lawyers say. they will have to overcome an obstacle known as "qualified immunity," a legal doctrine that, in the words of Justice Sonia Sotomayor of the Supreme Court, has become "an absolute shield for law enforcement officers (Lindell 1)." The officers involved in the killing of Breoona Taylor initially weren't charged with any crimes related to her death. After some time passed one officer was charged with wanton endangerment for firing shots that entered a neighboring apartment. The charges against the officers were dismissed and this caused a lot of controversy and has led to wanting a police reform and more accountability for law enforcement. These officers weren't held accountable because of qualified immunity. Beronna Taylor has no justice and is gone too soon and there are and has been many deaths just like Mrs. Taylor's that have happened and justice wasn't served for the victim who in many cases are black. Qualified immunity must end so that police officers can be held accountable for taking lives and overplaying their initial role, which is to serve and protect the community. Qualified immunity has been criticized for making it difficult for victims of police misconduct to obtain justice, since they must prove that the police officer violated law, which can be a high bar to meet. For this reason, many advocates argue that qualified immunity should be reformed or abolished, in order to increase police accountability and improve trust between law enforcement and the communities they serve.

Law enforcement, specifically within the police department, has a long way to go before reaching its max potential of serving the community for the better good, including equality, justice, and freedom. After taking a look at the War on Drugs and its intention on trying to criminalize and harass black communities by increasing the incarceration of black individuals you can conclude that president Richard Nixon was one who looked at the black community as a threat that shouldn't be treated as a citizen or part of the society. Because of this factor, which included racism as the main motivator, it led to Nixon abusing his power within different levels of policing, such as the FBI and local police departments trying to extinguish black communities and groups like the Black Panther party. Nixon's War on Drugs in some ways were a success from his true intentions to take down black communities, as incarceration rates were rising through the roof. Especially for POC. The War on Drugs ultimately made it almost impossible for black people to live and survive their day to day lives. Policing today has similarities to then with the War on Drugs, at least when it comes to racism and it's not just with white people. As talked about earlier, police departments have become deeply embedded with structural racism. Due to this black communities are often seen and treated by police, not as citizens or as people in need of protection, but as people who are hated and not looked at as part of this country. This embedded racism has been around for so long it even affects black officers part of the department, as they would commit crimes amongst black people as well, as seen with the murder of Tyre Nicholes. A 29 year old black man was beaten and killed by 5 black Memphis police officers. Though these men were black as well, the racism embedded in policing has been there for so long these officers are almost blind to it and are cooperating with this racist structure without even knowing. With all the injustice and inequality of POC amongst the country, we can almost connect these factors to a hate crime or the Chain of destruction which has five different stages: identification, ostracism, confiscation, concentration, and annihilation. This chain can be seen in events such as the War on Drugs and the Holocaust, and this chain is still ongoing when it comes hate against POC and in order for it to end recommendations such as ending qualified immunity, addressing sentencing laws, making marajuana legal, and a huge number of more recommendations must be put forth and seriously considered by the government, for the better of the country and its citizens.

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