

From Enforcers to Guardians: University of Orange Reading Group
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Part 3: Getting to Guardianship

What has been tried so far?

Chapter 8, “Getting to Guardianship”, examines five interventions that have been undertaken in the past to achieve the goal of creating a police force that is dedicated to public safety. The list includes, pursuing legal challenges to reduce or eliminate police abuse, engaging in protests designed to increase public awareness of police excesses, developing consent decrees to identify and correct abuses of authority and power by the police, providing leadership directed towards guiding and promoting guardianship activities by the police, and the Obama administration’s Task Force on 21st Century Policing. While each of these efforts has had some success in changing and limiting police violence, the chapter concludes with the observation that these are in essence “magic bullets,” that is, one -shot approaches to improving policing that are rarely comprehensive enough to solve the complex problems of disordered policing.

The chapter begins with a review of how a focus on the power of law to change the police.

Legal Challenges

Because the police, by definition, are engaged in law enforcement, challenging and seeking to change laws governing police activity have a long history in the US. The most notable have been the efforts on the part of the civil rights movement to change the laws passed to enforce racial segregation. From the dawn of the 20th century, the civil rights movement challenged and worked to defeat many of the laws that created a racially segregated society. While there has been a substantial change in the use of laws and regulation to eliminate much of what has come to be called American Apartheid, many still remain.

Moreover, many of the laws that remain on the books make it possible for unethical and grossly racist elements of policing to be sanctioned by laws that are currently in force. Hence, a number of police killings of Black men have been justly condemned as egregiously unjust, police perpetrators have escaped prosecution because their actions were deemed to be “within the behaviors justified by existing laws.” Legal challenges, in other words, have significant limits.

The authors note that some such efforts that seek to undo laws and policies that are unjust: e.g. stop and frisk in New York City and elsewhere, have had positive outcomes and assist in efforts to educate the public and inspire public actions to push for guardianship. But they also pose the most significant question: is that enough? Their answer? Clearly no.

Protesting

The efforts that gather almost daily headlines to shift public awareness and garner support for a more just approach to policing have taken the nation by storm, so to speak. Sustaining such protests so that appropriate changes in the structure of policing are implemented remains a significant challenge. Protests throughout history have taken many forms: from Black Lives Matter demonstrations, to supporting “runaway slaves” during the 19th century, to the rebellions and uprisings in inner city communities during the 20th (and more recently, the 21st) century in which residents of communities with a history of police aggression and repression rise up, protests have been an ever-present challenge to disordered policing.

Consent Decrees

As noted in the previous chapters, consent decrees have been powerful tools to uncover the mechanics of disordered policing. The authors note that significant changes in police practice have been reported as a result of such decrees, but they rarely go far enough to create lasting, significant change.

Leadership

National leadership on policing is often a significant force for change, but as the authors note, leadership can be an important, significant force for good - President Obama’s efforts at the national level to challenge police policies and practices – or they can be hugely problematic as has been the case with Donald Trump’s often horrific efforts to provide direct and indirect support for disordered policing.

Task Force on 21st century Policing

Obama’s Task Force on 21st century policing is one of the most comprehensive efforts launched by the federal government to address the problems of disordered policing as well as creating initiatives to improve community police relationships. Constructed around six “pillars” upon which effective, community-responsive policing can be built, the Task Force made substantial recommendations that might serve as a blueprint for change. Cooper and Fullilove conclude, nonetheless, that: *We believe that the data we have reviewed so far suggest the problem is much larger than any isolated behavior and cannot be resolved by singular interventions, whether better training for police or lawsuits against stop-and-frisk. The problem we face as a society is the system of distorted policing, a system in service to American apartheid capitalism.*

Magic strategy

The concept of a “magic strategy” to impact and improve police practices follows from the assertion that more than one strategy must be implemented to achieve such a goal. First proposed by Rod and Deborah Wallace, two researchers in human and social ecology, such strategies exist to identify the many levels, from the individual to the societal, that are connected to the objective of achieving public safety. Using strategies that have worked in

public health to confront the complex challenges that drive sexually transmitted diseases, such strategies assume that promoting health requires that working on the social determinants of health must be included in our strategies in efforts to regulate and eliminate individual-level risk behaviors.

The first of these behaviors amplifies recommendations Mindy Fullilove made in her book on improving urban health, *Urban Alchemy*: viz. Find what you are for! The authors note that too much of what drives efforts for social change involves identifying what we are against.

Emotionally, the anger that comes from the practices that hurt us is not sufficient to sustain a drive for social change. Knowing what we don't want, the authors note, does not lead automatically to create effective and durable change. "A large majority wants our society to feel healthy and united. We are for policing that advances these goals. In this book, we have named this guardianship." Significantly, the book explicitly includes the police themselves in this effort. Why? The negative health consequences of being a police officer are so significant, it becomes evident that from a health standpoint, distorted policing has the potential to reduce the life expectancy. Might this become a motivation to join efforts to improve police work?

The authors, thus, recommend the following six objectives as goals that a magic strategy must pursue:

1. eliminate marginality – that is, remove the forces that create marginal communities that policing has worked to oppress and control;
2. change the narrative of policing – that is, change the thinking that asserts "brutal use of police force keeps us safe" and promote a narrative of police guardianship;
3. enforce the Constitution and where necessary fight for new Interpretations – that is, fight to use Constitutional Law as was done to interpret "stop and frisk" as ethnic profiling and against the principle of 'equal treatment under the law';
4. work at the keystone level: the precinct or small police force – that is, begin the struggle to eliminate distorted policing at the local level where the vast majority of police/community interactions occur;
5. activate the public health system – that is, make use of the system of public health in this country by first making disordered policing and its consequences a public health priority; secondly, use the funding strategies that have been directed at a host of public health problems such as the control of HIV/AIDS. In such settings, communities were awarded resources to prevent and treat HIV by funding strategies operating across multiple scales to use community, social service, and medical resources;
6. mobilize community resources – that is, recognize the extent to which disordered policing has generated substantial levels of trauma and pain in impacted communities. We are enjoined to develop and embrace healing strategies that make use of religious, neighborhood, and social service organizations and their resource networks.

CONCLUSION

The book concludes with a simple set of declarations. First, magic strategies exist; three examples are provided that show how concerted, multifaceted efforts to eliminate disordered policing have been undertaken in many local communities. Secondly, the authors note, while there is much to be done, we, each of us, can contribute to these efforts in small ways. Eliminating the horrors of distorted policing and installing a system of guardianship must be the job of all citizens, not merely the work of experts. As the authors note, “Even a small act can contribute to the public health. If each of us takes a piece of the work, we will realize what our ancestors meant when they said, ‘Many hands make work light.’”

Next Steps

Policing is intimately tied to the locations that the police are responsible for observing. In a society that is segregated on racial, social class, and geographic boundaries, our first challenge must be to understand the geographic representations of distorted policing and change the manner in which geography separates guardianship policing from enforcer policing. Mindy Fullilove’s soon to be published book, “Main Street,” begins the conversation that engages us all in strategies to create the urban spaces that promote equality and support health through, among many others, guardianship-oriented policing.

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