

City University of New York (CUNY)

CUNY Academic Works

Publications and Research

John Jay College of Criminal Justice

2022

Enhancing Police Accountability and Legitimacy

Daniel L. Stageman
CUNY John Jay College

[How does access to this work benefit you? Let us know!](#)

More information about this work at: https://academicworks.cuny.edu/jj_pubs/506

Discover additional works at: <https://academicworks.cuny.edu>

This work is made publicly available by the City University of New York (CUNY).
Contact: AcademicWorks@cuny.edu

Enhancing Police Accountability and Legitimacy

Daniel L. Stageman ¹✉

Email dstageman@jjay.cuny.edu

¹ Office for the Advancement of Research, John Jay College of Criminal Justice, New York, NY, USA

Abstract

As the institution responsible for exercising the *state monopoly on violence* within US borders, the *legitimacy* of policing depends on its *accountability* through the democratic process. Ideally, police in a democracy are authorized by the voting public to use force in a manner that is limited, justifiable, and clearly in service of the aims of public safety and law enforcement—in other words, to prevent the social harms associated with criminal behavior. A combination of factors including structural inequality, historical associations with white supremacy, and hyperlocal oversight structures present significant challenges to police legitimacy, especially in highly policed communities of color (Stoughton et al., 2020). Despite the existence of various models and mechanisms that provide the potential for meaningful community oversight of police activity, *abolitionist* perspectives that argue for a radically different approach to public safety are gaining strength. Enhancing police legitimacy and accountability therefore depends on reducing broader race-based social, political, and economic inequities; establishing consistent national standards for police practices; ensuring strong civilian oversight across jurisdictions; and promoting *procedural justice* as the fundamental guiding principle for police interactions with the communities they serve.

Keywords

Police reform

Law enforcement

Public safety

Civilian oversight

Police abolition
Race and policing
Police misconduct
Police violence

Introduction

Next to the military, police are the contemporary institutional actor with the most important role in exercising what the seminal social theorist Max Weber called *the state monopoly on violence* (Weber & Owen, 2004). This concept is key to understanding the importance of *police legitimacy* and *accountability*: In Weber's theory, humans give up the right to exercise interpersonal violence in the pursuit of their own interests, in exchange trusting in a social contract that mandates the government as the only body authorized to exercise force, coercion, and violence. The government, in turn, must have legitimacy in the eyes of the governed and must be constantly accountable to the body politic through electoral and other democratic measures. The government must further commit to utilizing violence only in extremis—when absolutely necessary, and in most cases, following a set of commonly agreed procedures and principles codified in law.

In the US context, the military achieves this legitimacy largely by adhering to a short list of core principles: remaining entirely beholden to civilian leadership and (per the Posse Comitatus Act) abstaining from military action on US soil being chief among them (18 U.S.C. § 1385, 1878). American policing, with its focus on domestic security and its supervising authority resting with nearly 18,000 departments with an equally vast array of sizes, service areas, and leadership structures, has no parallel principles to ensure its legitimacy. The guiding principles available to policing are traditions and norms, haphazardly codified in law in many jurisdictions, but by no means universally binding to the institution as a whole. The most widely accepted of these norms, of *public safety* and *law enforcement*, guide the functioning of American police agencies by providing the appropriate parameters for the exercise of the state monopoly on violence: Proportionate force is legitimate when used for the narrow functions of protecting the safety of the general public and enforcing widely agreed upon laws. Police agencies are, in turn, accountable to the public in the jurisdiction they serve and should be able to justify both the necessity and proportionality of any use of force accordingly.

This ideal is, however, rarely attained by contemporary American police agencies and is arguably unattainable absent massive structural changes to the nation's overall social, political, and economic organization (Vitale, 2017). The legitimacy

of contemporary policing is currently being broadly questioned primarily because the legitimacy of American democracy and governance is itself in question, especially in the context of the multiracial, multiethnic society America is quickly becoming. America's historical legacy of *white supremacist*¹ governance—in which the White² majority was privileged over Black and other minority residents, who were denied full citizenship and full social membership through a wide range of legal mechanisms, including slavery and Jim Crow³ segregation—has proved extraordinarily difficult to dislodge (Gates, 2019; Gordon-Reed, 2018). If police legitimacy is dependent on broad, democratic consensus that police use of force and coercion—its exercise of the state monopoly on violence—is just and beneficial to society, then legitimacy among communities that have historically been denied full membership in that society may be impossible to achieve outside the context of broader social change (Tankebe, 2012).

The importance of full social membership for Black Americans and other communities of color to police legitimacy cannot be overstated; indeed, it is the crux of the national discourse around policing and racial justice that arose in the wake of George Floyd's killing by Minneapolis police (Serwer, 2020). Additional factors, however, complicate the role of police as agents of the state monopoly on violence in the American context. Americans are outliers—for all practical purposes unique—among developed nations for their unwillingness to cede their right to engage in interpersonal violence in pursuit of their individual, private interests: Some 20 million Americans regularly carry firearms in public, a right that has largely been upheld—and even expanded—in recent Supreme Court jurisprudence interpreting the second Amendment (Herman Peck, 2019). Further rights to engage in deadly interpersonal violence are enshrined in numerous state “stand your ground” laws that decriminalize the use of force in confrontations between private individuals; the fact that white Americans are more likely to be successful in claiming this right—particularly in cases where they are confronting people of color—further speaks to the reality of racial stratification in the social contract (Lathrop & Flagg, 2017).

Ultimately, the population of Americans who reserve the right to exercise (deadly) interpersonal violence in pursuit of their own benefit represent a sizeable interest group⁴ that has “opted out” of the social contract as it applies to the state monopoly on violence. The fact that this group may (as largely White and wealthy) be *culturally* aligned with the interests of American police is telling: the alignment of White *private* violence with the exercise of violence in the supposed *public interest* speaks volumes about the racialized distribution of political, economic, and social

power—contemporary and historical—across the American populace (Pareene, 2020; Parker et al., 2017; Saad, 2019). Governance structures that protect the power and privilege of private interests and promote White supremacy have historically designed and empowered policing agencies that do the same (Brucato, 2014; Hawkins & Thomas, 1991/2013). Socially harmful actions and deviant behaviors on the part of the wealthy, White, and politically enfranchised are routinely overlooked, while crime and criminality are defined expressly to control the activities of immigrants, the poor, and communities of color—and in particular to facilitate the exploitation of these groups, as laborers and in more novel ways (Stageman, 2019).

No honest discussion of police reform can afford to ignore the structural, systemic, and historical factors that tie police into the larger context of American social organization and governance, the underlying reality of which remains White supremacist despite an increasingly diverse and multiracial populace (Bonilla-Silva & Mayorga, 2011; Huber, 2016). Police legitimacy in this context is meaningful only insofar as it is a consistent concept. If legitimacy is measured solely among the White and wealthy communities whose interests police have historically protected, then the legitimacy of policing has rarely been in question; if it is measured within the highly policed communities of color against whose interests police force and violence has historically been deployed, its legitimacy is arguably irrelevant to its tacit purpose of social control (Beauchamp, 2020). Acknowledging that the narrative of the United States as a fundamentally White supremacist nation elides a more nuanced portrayal of the complicated distribution of power and privilege along racial lines (and other dimensions of group identity), the fact remains that the achievement of meaningful legitimacy and accountability for American policing is largely dependent on the resolution of these underlying structural inequities (McCoy, 2020). The range of models, mechanisms, and initiatives for improving police legitimacy and enhancing civilian oversight in local jurisdictions cannot change where or how police agencies fit into the larger context of governance.

This is not to say that existing models have been entirely ineffective in advancing the cause of police reform. American policing, as discussed above, is not monolithic. While the thousands of hyperlocal and fragmented policing jurisdictions across the nation clearly impede the establishment of nationwide standards for the oversight and accountability of police behavior, they also allow for significant experimentation with initiatives, agency structures, and civilian panels charged with enacting oversight and holding policing agencies accountable,

for both official actions and the behaviors of individual officers. Some of these bodies have become well-established mechanisms for enhanced accountability in individual jurisdictions; newer initiatives have in some cases made great strides in improving the legitimacy of police agencies with the local communities they serve (Jannetta et al., 2019). The problematic reality remains, however, that hyperlocalization is a huge impediment to enacting these models in any widespread or systematic fashion nationwide (Stoughton et al., 2020).

Ultimately, the discrepancy between the real and ideal functions of police in American society has given rise to a discourse which advocates that those ideal functions—providing for public safety, and fairly enforcing widely agreed upon laws—be separated entirely from the legacy, culture, and organizational structures of contemporary policing. This *abolitionist* perspective calls for a reimagining of the functions of public safety through a return to the core tenets of the social contract (Oh, 2020; Richie & Martensen, 2020). A necessary first step toward a renewed social contract is the recognition that the nation's legacy of racial inequity and racial stratification stands in the way of full social membership for Americans of color. Fulfilling the promise of America's contemporary multiracial and multicultural democracy requires the recognition and resolution of the continued harms caused by this racist legacy. From this perspective, *police abolition*⁵—whether through defunding or other mechanisms—is a necessary step toward addressing these harms, as part of a larger program of social investment and improved governance in affected communities.

It is thus increasingly possible to imagine a future for public safety and law enforcement in which the legitimacy of these functions is ensured by separating them wholesale from the organizational structures, culture, and historical legacies of what we now call policing (Duffy Rice, 2020). In order to preserve its existence in the face of a growing movement calling for radical change, policing itself may need to take an equally radical approach to establishing a broad-based legitimacy that it has not historically held, and accepting mechanisms of accountability that have long been anathema to police leadership and line officers alike (Fisk & Richardson, 2017). If it is possible to achieve, the path to radically enhanced police legitimacy and accountability depends on the active engagement of the whole range of institutional actors in policing—including agency leadership, unions, professional bodies, and individual officers alike—with the resolution of several key factors: reducing broader race-based social, political, and economic inequities; establishing consistent national standards of practice; ensuring strong civilian oversight across jurisdictions; and promoting *procedural justice* as the fundamental

guiding principle for interactions between police and the communities they serve (Meares, 2017; Nagin & Telep, 2020; Tankebe et al., 2016). Policing intersects with other institutions of the criminal legal system at a wide range of touchpoints, making it a vital part of the larger project of criminal justice reform.

Legitimizing the State Monopoly on Violence: What Policing Is for (and What It Isn't)

In Weber's original conception, the availability of violence as a means to achieve specific ends was the key distinguishing feature of the modern nation-state: "the state is the form of human community that (successfully) lays claim to the *monopoly [on] legitimate physical violence* within a particular territory" (Weber & Owen, 2004, p. 33; italics original). The idea of legitimacy is thus essential to the concept. This is particularly true in a democracy, where legitimacy is ostensibly conferred through citizen consensus, and periodically withdrawn or reinforced via the electoral process. In a democratic society, those entities, institutions, or organizations tasked by the state with using violence as a tool—with exercising the monopoly—do so *legitimately*, or with the approval of the body politic, and for the purposes upon which the state's various constituencies have agreed. In a democratic state—in which all citizens of legal voting age ostensibly hold an equal interest—a further key to ensuring legitimacy is *accountability*: the necessity that the agents of state violence answer to the citizenry for its application, promptly and thoroughly, when called upon to do so.

The state monopoly on violence works best as a description of the *structure* of policing. As to policing's *function* in a democratic society, it tells us more about the institution's *tacit* function than it does about its *ideal* function. Positivist academic works on policing tend to take these ideal functions—namely, the provision of *public safety* and the enforcement of widely agreed upon laws—as the appropriate framework for measuring police performance (Moore & Braga, 2003, 2004). Critical analysts, in turn, focus on the tacit functions: the maintenance of a racially stratified neoliberal economic structure, and the White supremacist social structure that sets its underlying assumptions (Vitale, 2017). A wide range of discourses on legitimacy—in the media, in the policy realm, in professional and practitioner venues—thus generate tension from the discrepancy that exists between policing's official or ideal constituencies and its actual or tacit constituencies. In the American context, the former should consist of the entire community under a particular police agency's jurisdiction, regardless of race or other demographic characteristics; the latter arguably include corporate interests, individual holders of wealth and capital,

and individuals possessing racial privilege (*White privilege*), while excluding racial minorities (especially Black Americans), the poor, immigrants, etc. Official legitimacy, in this case, would be conferred by application of state violence in the interests of all citizens; *actual* (or *tacit*) legitimacy, however, is conferred by the application of state violence in the interests of corporations, individual holders of wealth and capital, and White Americans (Pareene, 2020). In such cases, systems of accountability are set up to give the appearance of answering to the full citizenry. When the results of accountability processes favor the state's *actual* constituencies, cognitive dissonance inevitably results, especially for members of those groups officially included in—but tacitly excluded from—social membership (Johnson, 2020). As a result, “[t]hose communities where policing is most violent, where surveillance is most intensive and from which considerable populations are extracted to fill the growing prison complex are where legitimacy is lowest” (Brucato, 2014, p. 34).

Hyperlocalization and Institutional Self-Interest

Hyperlocalization describes the highly decentralized and fragmented administrative structure of American policing (Stoughton et al., 2020). The United States has nearly 18,000 independent, local law enforcement agencies nationwide, and no universally applied federal standards—nor any clear state or federal chain of command—to govern them. The leadership for many of these departments—particularly those in large municipalities—are appointed by a mayor, city manager, city council, or some combination thereof, while *county sheriffs*—the leaders of county-wide law enforcement agencies called *sheriff's departments*, who are often responsible for patrolling unincorporated areas, operating county jails, etc.—are generally elected to four-year terms. Regardless of whether their leadership is elected or appointed, hyperlocal institutions have a significant potential to become *self-interested* and *self-sustaining* over time, allowing re-election or the continued approval of local political leadership to drive departmental decision-making, rather than the mission-driven public safety and law enforcement interests of the communities these agencies serve (Schrader, 2019).

Self-interest in law enforcement agencies is by no means limited to leadership; however, both *police culture* and *police unions* have the potential to reinforce self-interested dynamics among rank and file officers of a given department, by allowing mutual loyalty (the “blue wall of silence”) or conditions of employment to eclipse a given department's primary missions of law enforcement and public safety in their individual decision-making. Police culture and police unions are often

mutually reinforcing in their promotion of officer self-interest, especially in the context of *police valorization*: a dynamic—especially prevalent on the American political right—that proscribes criticism of police officers by casting their fight against crime in Manichean terms, with the police as an unerring force for good, and the criminals ostensibly arrayed against them as an undifferentiated force of evil (Karpiak & Garriott, 2018).

Police Culture and White Supremacy

All of these problems arguably co-exist in the context of American policing and are therefore mutually compounding in presenting roadblocks to meaningful improvements to the legitimacy and accountability of individual agencies. In agencies where, for instance, violence is tacitly deployed in service of sustaining wealth and White privilege, a majority-White police force might acculturate to the idea of deploying violence to sustain its own privilege, individually and collectively, and elect union leadership that embodies and advances this mission (Giroux, 2017).

Issues of white supremacy are, however, deeper and more pervasive in the institution of American policing than simply supporting structural racism without racist intent. Many police forces in the nation—from rural sheriff's offices to large urban police departments—have long, largely unbroken and unchallenged histories of racist cultures and practices dating back to the civil rights era, the era of Jim Crow segregation, or even further to their founding for the purpose of slave catching or suppression of immigrant communities (Hansford, 2015). *Police culture*, defined as the belief systems, attitudes, practices, and relationships brought into the institution by individual officers through their traditions, modes of interaction, and legacies, has for most of the history of American policing been explicitly dedicated to enforcing White supremacy and degrading members of racial minorities, particularly the Black American community (Forman Jr., 2017; Gates, 2019; Vitale, 2017). Symbols of support for the police, such as the “Thin Blue Line” flag and the “Blue Lives Matter” slogan, have been deployed by White nationalists to express their ideological support for police, whom they view as, in turn, supportive of their movement or larger goals (Chammah & Aspinwall, 2020; Solomon et al., 2019).

Ongoing movements to improve the legitimacy of policing in the communities they serve and hold accountable police officers whose actions betray community trust, need to thread an increasingly difficult path between abolitionist advocates on the left and police unions and their largely white supporters on the right. In order to

justify the state monopoly on violence, police need to have widespread support in the communities they serve. Principles of procedural justice are widely shared, and communities and individuals who view the actions of police as adhering to these principles tend to consequently view police as more legitimate (Meares, 2017; Tankebe, 2012).

In order to attain legitimacy, however, policing must contend with three major factors: (1) its nature as the institutional holder of the state monopoly on violence in the context of a state whose own legitimacy is questionable in many highly policed communities; (2) its own history as an instrument of discipline, punishment, and control of the underclass and racial out-groups, particularly Black American slaves and their descendants in the American South, and immigrant and organized labor groups in the North; and (3) the contemporary role of police as protectors of property rights in a society where property is increasingly consolidated in the hands of the wealthiest and most privileged Americans, in the context of decades of increasing wealth and income disparity, and increasing precariousness on the part of the poorest segment of Americans in terms of housing, health, and education. Advocates and scholars of the increasingly influential *abolitionist movement* contend that these obstacles are in fact insurmountable, and that policing should be abolished in favor of alternative public safety strategies. These advocates see police as one institution in a constellation of tools dedicated to punitive social control, which includes prisons, jails, prosecutors' offices, the criminal court system, and others whose net effect is to reinforce the structures of White supremacy that organize American society by a racial and class hierarchy.

Enforcing Race in the History of American Policing

The history and origins of American policing, especially in regard to race, are an important factor in standing in the way of legitimacy particularly in communities of color. The origins of police departments and sheriff's departments in the US South lie with slave patrols—groups of men deputized by county courts to capture and return runaway slaves, generally for a monetary reward from slave owners (Stoughton, 2017). That such patrols were indeed a transitional institution to contemporary police agencies and policing practices in this region is well documented: “unlike the constable, watchman and sheriff, the patrollers had only policing duties, rather than accompanying expectations of fire watch and/or tax collection” (Reichel, 1988, p. 66). The legacy of slave patrols in police departments and sheriff's offices extended largely unbroken into the era of southern Jim Crow segregation, with many such agencies working actively to suppress Black

communities, ignoring and even abetting the depredations of extragovernmental organizations such as the Ku Klux Klan, and willingly giving up arrested Black suspects to horrific torture and murder by White lynch mobs (Pfeifer, 2004). Indeed, iconic images from the Civil Rights Movement include a wide range of police brutality visited upon peaceful Black protesters, including savage maulings by police dogs.⁶

These historical practices represent a clear demonstration of the tension between tacit and official legitimacy of the state monopoly on violence. Though police forces in the segregated South were ostensibly charged with providing public safety to Black and White communities alike, these exclusively White law enforcement agencies dedicated the vast majority of their capacity to enforcing the social arrangements of Jim Crow segregation, actively supporting official government policies of White supremacy in the process (Forman Jr., 2017). The vast majority have since made no official efforts to reckon with this legacy, condemn their historical abuses, or make an official break with the White supremacist culture handed down from veteran officers whose tenure overlapped the pre- and post-Civil Rights Era and the end of Jim Crow segregation (Seigel, 2017).

The origins and subsequent history of policing in America's urban North was not officially tied to the enforcement of government-mandated racial segregation. Nevertheless, ideas of race and national origin were foundational to the motives that drove the formation of these institutions, as well as the missions with which they were tasked. Northern "politicians [...] feared a 'dangerous class' composed not of a majority of their fellow citizens but of a minority—albeit a large one—consisting of much of the immigrant population" (Lane, 1992, p. 18). Largely in response to this fear, they formed and funded law enforcement institutions such that "the whole police organization [...] involved control of what was then called the 'dangerous class'" (Monkkonen, 1992, p. 557) as one of its primary missions. As a *raison d'être*, this racialized approach to social control was used to successively define the borders of whiteness. As Irish and other immigrants became voters and began to accumulate political capital, they became a large and important segment of Northern policing's officer corps, establishing their own "whiteness" in the process (Ignatiev, 1995/2009). By the twentieth century, the whiteness of these first and subsequent generation immigrant police forces was well established to the extent that they became integral to the Northern project of establishing the racial categories and hierarchies that should be familiar to contemporary readers: "During World War II, vicious race riots in several cities took the lives of African Americans and Mexican Americans. More to the point, the police not only failed to

control the riots but were in many cases part of the problem. Thurgood Marshall compared the Detroit police to the Gestapo; some police officers saw the riots as providing fuel for Nazi anti-American propaganda” (Monkkonen, 1992, p. 567).

In the context of a historical legacy in which communities of color were the targets of police force rather than recipients of police protection, legitimating the work of police in these communities will require a definitive reckoning with that legacy—and a clear break from it.

Existing Mechanisms for Holding Police Accountable

Existing mechanisms for enforcing police accountability in the US context generally revolve around the idea of *civilian oversight*: as a functionally paramilitary organization, the police (like the military) in a democratic society must ultimately be directed by civilian political leaders, who are themselves directly or indirectly accountable to the democratic process. A self-directed military or paramilitary organization is no longer a tool of governance, which raises the danger that it will use the state monopoly on violence to advance its own self-interested ends, along with those of its leadership (Ba & Rivera, 2019).

There are a number of contemporary models for holding police formally accountable, ranging from the purely internal (*internal affairs offices*) to direct citizen participation (*citizen complaint review boards*) (Finn, 2001). Between these poles are bodies including *inspectors general*, *ombudsman’s offices*, and the various oversight mechanisms set in place by *federal consent decrees*. Other systems that are not policing-specific but are nonetheless used to keep police agencies and individual officers accountable for their actions are *civil liability* and *criminal prosecutions*. Each of these approaches to accountability has its benefits and drawbacks. Internal and otherwise agency-related bodies (internal affairs offices, inspectorates general, ombudsman’s offices) ultimately answer to uniformed police leadership or civilian political officials, leaving their motives vulnerable to agency self-interest and other forms of corruption; however, they arguably possess the requisite professional expertise to undertake complex investigations and may have better access to data establishing patterns of abuses than parallel civilian agencies. External bodies, such as civilian complaint review boards and the oversight structures mandated by federal consent decrees, may be insufficiently resourced to address patterns of behavior, or poorly designed for addressing individual incidents. Criminal courts have a notoriously poor track record for sanctioning police actions and behaviors, in large part because they are heavily reliant on police to handle the enforcement necessary for them to serve their core function (Robertson, 2017).

Civil courts, while frequently providing direct recompense to individuals harmed by police misconduct in the form of monetary damages or settlements, are a deeply flawed accountability mechanism, since civil penalties are generally paid out by municipal insurers rather than individual officers⁷ or offending agencies (Schwartz, 2016).

Fundamentally, accountability is about answering for actions and behaviors, and facing proportional consequences for those actions and behaviors that cause measurable harm. According to this definition, holding individual officers accountable for harmful actions requires a similar calculus to that undertaken in the criminal legal system when judging a subject's responsibility—and appropriate punitive sanctions—for criminal behavior, with the same assessment of factors: incapacitation, rehabilitation, specific and general deterrence, retribution. Institutional accountability requires an altogether more nuanced and complex set of calculations, particularly when addressing historical abuses that may significantly predate the involvement of any current individual personnel. Fledgling efforts to support police agencies in undertaking what is effectively a “truth and reconciliation” process, such as the National Initiative for Building Community Trust and Justice, have shown promising results in both promoting an awareness among agency personnel of the lasting impact of historical abuses, and in improving community-level perceptions of police legitimacy (Fontaine et al., 2019; Jannetta et al., 2019). These effects have proved largely ephemeral, however, and in the absence of further federal funding to support their consistent and widespread implementation nationwide, it is difficult to judge their potential for effecting real and lasting improvements to police legitimacy.

Abolition: Engaging with Alternative Approaches to Public Safety

Multiple police killings of primarily Black men in the early decades of the twenty-first century have instigated mass popular movements aimed at fundamentally changing the way that law enforcement and other criminal justice system actors approach people of color.⁸ The most recent, at the time of writing, was the death of George Floyd at the hands of Minneapolis police officers. In the movement that arose in the wake of Floyd's killing, the slogan “defund the police” was widely popularized among progressive activists, and the idea of *abolition* began to receive serious consideration in media discourse and policy conversations (Duffy Rice, 2020).

Originally rooted in the *prison abolition movement*, *police abolition* draws on the ideas promoted by that movement's founders and earliest proponents, in particular the activist scholars Angela Davis and Ruth Wilson Gilmore (Davis & Rodriguez, 2000; Gilmore, 2007). The movement's fundamental position is that “[p]rison needs to be abolished as the dominant mode of addressing social problems that are better solved by other institutions and other means” (Davis & Rodriguez, 2000, p. 215). In other words, it is a call for *imagining* alternative approaches and institutions that prevent, mitigate, and/or rectify the social harms associated with crime and criminality, through parallel or entirely novel mechanisms that are currently served by the prison system: deterrence, incapacitation, and rehabilitation. The justification for this reimagining is rooted in the idea that the US prison system causes as much—if not more—social harm than it prevents.

The prison abolition movement has since evolved into a broader movement advocating for the abolition of a wide range of criminal justice system institutions, including (most prominently in the wake of George Floyd's killing by Minneapolis police) policing, such that the *police abolition movement* can now be viewed as a distinct and highly debated area of activism. While by no means a unified movement, the basic premise from which the logic of police abolition flows is that the historical and contemporary harms caused by police to communities of color render it impossible for policing in its current form to attain legitimacy in these communities, and that in order to be held accountable for these harms, the institution of policing must be comprehensively dismantled.

This is not, however, to say that the police abolition movement discounts the need for public safety professionals as a clear necessity to the continued function of a democratic society; rather, the movement advocates for a complete reimagining of these public safety functions and how they can be fulfilled. In particular, advocates call for the disaggregation of the many (arguably clumsily matched) public safety functions that contemporary police have come to fill. Separating functions such as responding to incidents of mental health crises from the investigation of violent crimes, or oversight of traffic safety from responding to quality of life complaints, is essential in the views of these advocates to carry out these functions in a manner that enhances community safety rather than detracting from it.

Ultimately, however, the movement questions the social value—and social purpose—of investing significant public funds in the conspicuous exercise of the state monopoly on violence. Police legitimacy among communities of color is not achievable if the actual purpose of police is to visibly protect the privileges of

wealth and whiteness and actively suppress the political participation and social membership of Black communities. A legitimate approach to public safety in communities of color, in the logic of the movement, would invest a greater proportion of these public funds in social programs that address the root causes of crime, and actively serve to redress the historical exclusion and suppression of the political, economic, and social participation of communities of color in broader American society. Democratizing public safety, according to the police abolition movement, requires an acknowledgment of the true purpose police have historically served, and a repudiation of that purpose through dissolution. Only this clean break from the legacy of White supremacy, and its continued influence on the culture of policing, will allow new institutions with true and democratic public safety and law enforcement missions to arise.

Procedural Justice and Police Legitimacy

The idea of *procedural justice*, as originally conceived by Tyler (1990/2006), is that people tend to accept the legitimacy of their interactions with police as long as they feel they have been *treated fairly*. This is a key finding for establishing legitimacy across the criminal justice system in an ostensibly democratic society. “Democratic societies require normative commitment to function effectively” (Tyler, 1990/2006, p. 65) because direct enforcement of the law through the punitive intervention of criminal justice system actors cannot be sufficiently widespread as to provide significant deterrence against lawbreaking. In other words, a clear connection is required between governance, the will of the people to be governed, widespread social norms, the passage of laws, and the circumstances of their enforcement, in order for a given law and the way that it is enforced to fit the shared sense of “justice” held by the majority of citizens in a society.

Achieving Meaningful Legitimacy and Accountability

The abolitionist perspective laid out above raises the question of whether policing as an institutional category—and, in turn, the thousands of agencies nationwide organized under its aegis—can in fact attain meaningful democratic legitimacy at all, absent a comprehensive reimagining of the role of race in American society. The “policy recommendations” that follow do not presume to answer this basic question. Rather, these recommendations are intended to grapple with this question as directly as possible, primarily by remaining open to the possibility that they might be enacted across a range of potential outcomes. They are sufficiently broad to enhance legitimacy in the context of policing as it is currently defined, or to

ensure accountability in the functions of public safety and law enforcement in a hypothetical future when policing as we know it no longer exists.

Establish Clear and Consistent National Standards for Police Behavior, and a Federal Leadership Structure to Enforce Them

The hyperlocalization of American policing contrasts with the broad nationalization of media and policy discourse on the racialized nature of police violence and misconduct, resulting in a national problem that requires nearly 18,000 separate local solutions. Absent a set of binding national standards for appropriate use of force and other police activities, the vast majority of these jurisdictions will fail to undertake any meaningful problem-solving process—much less a process with the potential to achieve a lasting and significant positive effect on police legitimacy in their communities. The appropriate problem-solving process in the face of a nationwide problem is a process undertaken at the federal level. A set of national standards that positively defines the functions and clearly lays out the fundamental mission of American policing is the necessary outcome of this process, along with a federal administrative leadership structure empowered to enforce these standards.

It is important to acknowledge the questionable constitutionality of a fully federalized agency structure for American policing (James & Harrington, 2020). Indeed, it is arguable that any such restructuring would first require the distinct criminal legal codes of the 50 states to be standardized. While it is beyond the scope of this chapter to speculate on the potential legal avenues for achieving this outcome, the potential for effecting meaningful and lasting reform is severely limited by the disparate nature of police leadership structures. Standardization and centralization are prerequisites to any successful effort to enhance the legitimacy and enforce the accountability of America's public safety apparatus.

Undertake a National “Truth and Reconciliation” Process Addressing the Full Depth and Breadth of Policing’s Racist History

In 1996, 6 years after the capitulation of South Africa's White supremacist Apartheid government, the nation undertook a formal restorative justice process under the authority of a legislatively mandated Truth and Reconciliation Commission (Moon, 2008). While the commission's relative successes and failures have been fiercely debated since the conclusion of its primary work in 2000, it established a model that has been widely followed in the years since, by governments intending to acknowledge and repair the harms associated with past

official policies and practices. It is explicitly a restorative rather than a retributive process although it is generally undertaken with significant investment into potential reparations for making whole existing communities and living individuals who have been harmed by the policies under examination. The process has shown promising results in the work of local police jurisdictions and other institutional actors in the United States that have adopted the model to address specific past atrocities or policies that have caused racially specific harm (Reddock, 2017). An appropriately resourced and congressionally sanctioned truth and reconciliation process encompassing the full history of racialized harm caused by American policing is a necessary step toward establishing meaningful legitimacy for the functions of public safety and law enforcement. Full participation by existing police agencies across the country is a prerequisite for the success of any such process, along with meaningful accountability in the form of official acknowledgment of harm, specific procedural reforms to address any harm that are ongoing, and reparations for the individuals and communities impacted.

Clearly Delineate Roles and Responsibilities for Disparate Public Safety Functions

A common criticism of contemporary police operational structures focuses on the wide range of social functions line officers are expected to serve: the general maintenance of public order in their patrol areas; first response to a wide variety of crisis situations reported by citizens via 911 and other mechanisms, including domestic conflicts and mental health crises; protection of public safety via the confiscation of proscribed tools of violence and the incapacitation of individuals who wield them with malice; the cataloging and investigation of a vast array of property and violent crimes, from petty theft to premeditated murder. While specialization within larger police agencies provides distinctive focus to the everyday work of small groups of officers (e.g., detectives), the vast majority of American police agencies are too small or insufficiently resourced to allow for significant unit-based specialization. It is therefore necessary that police—or any successor public safety professions—clearly define and differentiate these disparate functions and address them with personnel who possess the skills and training necessary to carry them out to a high degree of competence. If police are indeed the domestic holders of the state monopoly on violence, then the limits of violence as a tool for enforcing compliance and promoting public safety must be recognized. Similarly, investment in the services that highly policed communities actually need—such as the clearance of violent crimes through the investigation, arrest, and prosecution of perpetrators—arguably requires the involvement of professionals

unburdened by the culture and history of policing's broader functions, and the community distrust that so often accompanies them (Ferrandino, 2020; Pare et al., 2007).

Remove White Supremacists and Other Racist Police from Public Safety Professions

Recent investigatory journalism by the Plain View Project⁹ has cataloged the racist social media posts of officers around the country, resulting in a range of disciplinary processes being undertaken by the departments that employ them (Hoerner & Tulsy, 2019; Lou & Jones, 2019), while an extensive recent report from the Brennan Center for Justice argues that the FBI has suppressed extensive knowledge of the degree to which individuals with ties to formal White supremacist hate groups have infiltrated police departments nationwide (German, 2020).

Nuanced discussion of the potential benefits of implicit bias training and concerted efforts to hire racially diverse officers cannot answer the specific concerns raised by these findings—namely, that an institution with a powerful legacy of historical racism and (arguably) a problematic role in enforcing contemporary racial stratification has attracted to its officer corps many individuals who explicitly support these goals. Policing as an institution cannot hope to answer charges of racial bias in its core functions while employing individuals who are openly racist, nor while supporting an organizational culture in which such individuals find themselves comfortable. Training initiatives that address implicit bias and hiring initiatives that aim to increase officer diversity are intrinsically positive and should be pursued as such, but a clean break with the racist legacy of American policing requires an equally clean break with the individual personnel who continue to promote that legacy. A profession-wide zero-tolerance policy is the only appropriate solution. Individual Americans may have a constitutionally protected First Amendment right to express racist beliefs and ideology, but they have no parallel right to serve as an active-duty police officer while doing so.

Establish Multiple Complementary Layers of Civilian Oversight, and Directly Involve Highly Affected Communities

Civilian oversight of police activity is an established reality in most large jurisdictions nationwide. It is an equally established reality that most existing mechanisms for civilian oversight are ineffective at establishing lasting and significant positive changes to police behavior. This includes formal civilian political leadership such as mayors and city councils as well as oversight-specific bodies like civilian complaint review boards. Political leadership hires and fires

chiefs and commissioners primarily as a symbolic response to egregious instances of police misconduct or violence, rather than as part of a comprehensive project of granular reform. Civilian involvement in police policy- and decision-making needs to be more than symbolic or aimed at resolving individual instances of misconduct. Jurisdictions must incorporate members of highly policed communities—those that have experienced the most historical harm from abusive police practices—into formal oversight bodies with a meaningful role in public safety decision-making. Separate bodies might address individual officer misconduct, but only in the context of an overall civilian oversight structure with input into the decisions and negotiations that determine the underlying structure in which officer misconduct takes place. Key decisions requiring community input would include the hiring and promotion of departmental leadership, the negotiation of union contracts, the establishment of minimum standards for education and training, and the codification of a wide range of operational standards and practices. Involving the community directly in significant policy decisions around public safety ensures that the agencies responsible for enforcement cannot become insular and self-interested.

Apply the Principles of Procedural Justice to the Full Range of Mission-Driven Police–Community Interactions

Much of the substance of the above recommendations involves actions and mechanisms that promote procedural justice. “Procedural justice [...] is a comprehensive change to the ways in which police departments do business and a constant work in progress” (Quattlebaum et al., 2018, p. 7), the ultimate goal of which is to better align the manner in which public safety is enforced with the will of the people who rely on it. A democratic society inevitably features a range of beliefs, attitudes, and ideologies among its citizenry; functional democratic governance operates on the basis of *consensus*, with criminal codes that represent the beliefs of a wide swath of these citizens about the proscription of harmful behaviors. It stands to reason, then, that the enforcement of these laws should be equally subject to consensus. Communities need to believe that the law enforcement agencies serving them approach enforcement in a manner that is just and fair, in order for those agencies to have legitimacy. Legitimacy, in turn, relies on accountability. Separate and self-interested institutions are accountable only to themselves. The concept of procedural justice is not therefore limited to a description of individual police interactions with civilians—although operational standards for everything from demeanor to transparency to de-escalation certainly matter. It is the context in which these standards are established that ensures they are one aspect of a holistic reimagining of the community’s relationship with public

safety. A sense of justice and fairness is grounded in a reciprocal relationship between communities, the law, and the institutions that enforce it. Whether policing will be a part of establishing this reciprocity, or stand in its way, remains to be seen.

References

18 U.S.C. Section 1385. (1878). <https://www.law.cornell.edu/uscode/text/18/1385>

Ba, B. A., & Rivera, R. (2019, October 19). The effect of police oversight in crime and allegations of misconduct: Evidence from Chicago. *University of Pennsylvania Institute for Law and Economic*. Research Paper No. 19–42. <https://doi.org/10.2139/ssrn.3317952>.

Beauchamp, Z. (2020, July 7). *What the police really believe*. Vox. <https://www.vox.com/policy-and-politics/2020/7/7/21293259/police-racism-violence-ideology-george-floyd>

Bonilla-Silva, E., & Mayorga, S. (2011). On (not) belonging: Why citizenship does not remedy racial inequality. In M.-K. Jung, J. Costa Vargas, & E. Bonilla-Silva (Eds.), *State of white supremacy: Racism, governance, and the United States* (pp. 77–92). Stanford University Press.

Brucato, B. (2014). Fabricating the color line in a white democracy: From slave catchers to petty sovereigns. *Theoria*, 61(141), 30–54. <https://doi.org/10.3167/th.2014.6114103>

Chammah, M., & Aspinwall, C. (2020, June 8). *The short, fraught history of the “Thin Blue Line” American flag*. The Marshall Project. <https://www.themarshallproject.org/2020/06/08/the-short-fraught-history-of-the-thin-blue-line-american-flag>

Coleman, N. (2020, July 5). Why we’re capitalizing Black. *The New York Times*. <https://www.nytimes.com/2020/07/05/insider/capitalized-black.html>

Darity, W. A., & Mullen, K. (2020). *From here to equality: Reparations for black Americans in the twenty-first century*. UNC Press.

Davis, A. Y., & Rodriguez, D. (2000). The challenge of prison abolition: A conversation. *Social Justice*, 27(3), 212–218.

- Duffy Rice, J. (2020, August 25). The abolition movement. *Vanity Fair*. <https://www.vanityfair.com/culture/2020/08/the-abolition-movement>
- Ferrandino, J. (2020). Getting away with murder: Homicide clearance by arrest in Chicago and its community areas. *Homicide Studies*. Advance online publication. doi:<https://doi.org/10.1177/1088767920941563>.
- Finn, P. (2001). *Citizen review of police: Approaches and implementation*. U.S. Department of Justice, Office of Justice Programs. <https://www.ncjrs.gov/pdffiles1/nij/184430.pdf>
- Fisk, C. L., & Richardson, L. S. (2017). Police unions. *George Washington Law Review*, 85(3), 712–799. <http://www.gwlr.org/wp-content/uploads/2017/07/85-Geo.-Wash.-L.-Rev.-712.pdf>
- Fontaine, J., Esthappan, S., La Vigne, N., Lawrence, D. S., & Jannetta, J. (2019, November). *Updated: Views of the police and neighborhood conditions*. Urban Institute. https://www.urban.org/sites/default/files/publication/100706/2019.11.11_ni_community_survey_brief_final_0.pdf
- Forman, J., Jr. (2017). *Locking up our own: Crime and punishment in Black America*. Farrar, Staus and Giroux.
- Gates, H. L. (2019). *Stony the road: Reconstruction, white supremacy, and the rise of Jim Crow*. Penguin Press.
- German, M. (2020, August 27). *Hidden in plain sight: Racism, white supremacy, and far-right militancy in law enforcement*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/hidden-plain-sight-racism-white-supremacy-and-far-right-militancy-law>
- Gilmore, R. W. (2007). *Golden Gulag: Prisons, surplus, crisis, and opposition in globalizing California*. University of California Press.
- Giroux, H. A. (2017). White nationalism, armed culture and state violence in the age of Donald Trump. *Philosophy and Social Criticism*, 43(9), 887–910. <https://doi.org/10.1177/0191453717702800>
- Gordon-Reed, A. (2018, January/February). America's original sin: Slavery and the

legacy of white supremacy. *Foreign Affairs*. <https://www.foreignaffairs.com/articles/united-states/2017-12-12/americas-original-sin>

Hansford, J. (2015). The whole system is guilty as hell: Interrupting a legacy of racist police culture through a human rights lens. *Harvard Journal of African American Public Policy*, 2015, 13–18. <https://hjaap.hkspublications.org/wp-content/uploads/sites/14/2018/02/HJAAP-2015.pdf>

Hawkins, H., & Thomas, R. (2013). White policing of black populations: A history of race and social control in America. In E. Cashmore & E. McLaughlin (Eds.), *Out of order? Policing Black people* (pp. 65–86). Routledge. (Original work published 1991).

Herman Peck, S. (2019, March 25). *Post-Heller Second Amendment jurisprudence*. Congressional Research Service. <https://fas.org/sgp/crs/misc/R44618.pdf>

Hoerner, E., & Tulsy, R. (2019, July 19). *Cops around the country are posting racist and violent comments on Facebook*. Injustice Watch. <https://www.injusticewatch.org/interactives/cops-troubling-facebook-posts-revealed/>

Huber, L. P. (2016). “Make America great again!”: Donald Trump, racist nativism and the virulent adherence to white supremacy amid U.S. demographic change. *Charleston Law Review*, 10(2), 215–249.

Ignatiev, N. (2009). *How the Irish became white*. : Routledge. (Original work published 1995).

James, N., & Harrington, B. (2020, June 1). *What role might the federal government play in law enforcement reform?* Congressional Research Service. <https://fas.org/sgp/crs/misc/IF10572.pdf>

Jannetta, J., Esthappan, S., Fontaine, J., Lynch, M., & La Vigne, N. (2019, August). *Learning to build police-community trust: Implementation assessment findings from the evaluation of the National Initiative for Building Community Trust and Justice*. Urban Institute. https://www.urban.org/research/publication/learning-build-police-community-trust/view/full_report

Johnson, M. (2020, November 1). *Breonna Taylor grand juror remarks underscore system unfairness, say critics*. The Hill. <https://thehill.com/homenews/state-watch/5>

23660-breonna-taylor-grand-juror-remarks-underscore-system-unfairness-say

Karpiak, K. G., & Garriott, W. (2018). *The anthropology of police*. Routledge.

Lane, R. (1992). Urban police and crime in nineteenth-century America. *Crime and Justice: A Review of Research*, 15, 1–50. <https://doi.org/10.1086/449192>

Lathrop, D., & Flagg, A. (2017, August 14). *Killings of Black men by whites are far more likely to be ruled “justifiable”*. The Marshall Project. <https://www.themarshallproject.org/2017/08/14/killings-of-black-men-by-whites-are-far-more-likely-to-be-ruled-justifiable>

Lebron, C. J. (2017). *The making of Black Lives Matter: A brief history of an idea*. Oxford University Press.

Lou, M., & Jones, J. (2019, June 19). *Philadelphia, St. Louis Police Departments roiled by racist and hateful Facebook posts*. CNN. <https://www.cnn.com/2019/06/19/us/philadelphia-social-media-officers-leave-trnd/index.html>

McCoy, C. (2020, August 31). *A simple step to change police culture: Disarm*. The Crime Report. <https://thecrimereport.org/2020/08/31/a-simple-step-to-change-police-culture-disarm/>

Meares, T. (2017). Policing and procedural justice: Shaping citizens’ identities to increase democratic participation. *Northwestern University Law Review*, 111(6), 1525–1536. <https://scholarlycommons.law.northwestern.edu/nulr/vol111/iss6/8/>

Monkkonen, E. H. (1992). History of urban police. *Crime and Justice: A Review of Research*, 15, 547–580. <https://doi.org/10.1086/449201>

Moon, C. (2008). *Narrating political reconciliation: South Africa’s truth and reconciliation commission*. Lexington Books.

Moore, M. H., & Braga, A. A. (2003). Measuring and improving police performance: The lessons of Compstat and its progeny. *Policing: An International Journal of Police Strategies and Management*, 26(3), 439–453. <https://doi.org/10.1108/13639510310489485/>

Moore, M. H., & Braga, A. A. (2004). Police performance measurement: A

normative framework. *Criminal Justice Ethics*, 23(1), 3–19. <https://doi.org/10.1080/0731129X.2004.9992156>

Nagin, D. S., & Telep, C. W. (2020). Procedural justice and legal compliance: A revisionist perspective. *Criminology and Public Policy*, 19(3), 761–786. <https://doi.org/10.1111/1745-9133.12499>

Oh, S. (2020, September 16). *What it's going to take to fix policing*. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/what-its-going-to-take-to-fix-policing>

Pare, P.-P., Felson, R. B., & Ouimet, M. (2007). Community variation in crime clearance: A multilevel analysis with comments on assessing police performance. *Journal of Quantitative Criminology*, 23(3), 243–258. <https://doi.org/10.1007/s10940-007-9028-0>

Pareene, A. (2020, August 28). The police are pretty sure they're going to get away with it. *The New Republic*. <https://newrepublic.com/article/159142/portsmouth-virginia-police-louise-lucas-lisa-lucas-burke>

Parker, K., Menasce Horowitz, J., Igielnik, R., Oliphant, J. B., & Brown, A. (2017, June 22). *The demographics of gun ownership*. Pew Research Center: Social and Demographic Trends. <https://www.pewsocialtrends.org/2017/06/22/the-demographics-of-gun-ownership/>

Pfeifer, M. J. (2004). *Rough justice: Lynching and American society, 1874–1947*. University of Illinois Press.

Quattlebaum, M., Meares, T. L., & Tyler, T. (2018). *Principles of procedurally just policing*. The Justice Collaboratory at Yale Law School. https://law.yale.edu/sites/default/files/area/center/justice/principles_of_procedurally_just_policing_report.pdf

Reddock, J. (2017). Truth, justice, and reconciliation in response to police shootings of African Americans in the United States. *The Journal of Race and Policy*, 13(1), 42–57.

Reichel, P. L. (1988). Southern slave patrols as a transitional police type. *American Journal of Police*, 7(2), 51–78.

- Richie, B. E., & Martensen, K. M. (2020). Resisting carcerality, embracing abolition: Implications for feminist social work practice. *Affilia Journal of Women and Social Work*, 35(1), 12–16. <https://doi.org/10.1177/0886109919897576>
- Robertson, C. (2017). Restoring public confidence in the criminal justice system: Policing prosecutions when prosecutors prosecute police. *Emory Law Journal*, 67(4), 853–887. <https://scholarlycommons.law.emory.edu/elj/vol67/iss4/5/>
- Saad, L. (2019, August 14). *What percentage of Americans own guns?* Gallup. <https://news.gallup.com/poll/264932/percentage-americans-own-guns.aspx>
- Schrader, S. (2019). To protect and serve themselves: Police in US politics since the 1960s. *Public Culture*, 31(3), 601–623. <https://doi.org/10.1215/08992363-7532667>
- Schwartz, J. C. (2016). How governments pay: Lawsuits, budgets, and police reform. *UCLA Law Review*, 63, 1144–1298. <https://www.uclalawreview.org/how-governments-pay-lawsuits-budgets-and-police-reform/>
- Seigel, M. (2017). The dilemma of ‘racial profiling’: An abolitionist police history. *Contemporary Criminal Justice Review*, 20(4), 474–490. <https://doi.org/10.1080/10282580.2017.1383773>
- Serwer, A. (2020, October). The new reconstruction. *The Atlantic*. <https://www.theatlantic.com/magazine/archive/2020/10/the-next-reconstruction/615475/>
- Solomon, J., Kaplan, D., & Hancock, L. E. (2019). Expressions of American white ethnonationalism in support for “Blue Lives matter”. *Geopolitics*. Advance online publication. doi:<https://doi.org/10.1080/14650045.2019.1642876>.
- Stageman, D. L. (2019). The punishment marketplace: Competing for capitalized power in locally controlled immigration enforcement. *Theoretical Criminology*, 23(3), 394–414. <https://doi.org/10.1177/1362480617733729>
- Stoughton, S. W. (2017). The blurred blue line: Reform in an era of public & private policing. *American Journal of Criminal Law*, 44(2), 117–155.
- Stoughton, S. W., Noble, J. J., & Alpert, G. P. (2020, June 3). *How to actually fix America’s police*. The Atlantic. <https://www.theatlantic.com/ideas/archive/2020/06/>

how-actually-fix-americas-police/612520/

Tankebe, J. (2012). Viewing things differently: The dimensions of public perceptions of police legitimacy. *Criminology*, *51*(1), 103–135. <https://doi.org/10.1111/j.1745-9125.2012.00291.x>

Tankebe, J., Reisig, M. D., & Wang, X. (2016). A multidimensional model of police legitimacy: A cross-cultural assessment. *Law and Human Behavior*, *40*(1), 11–22. <https://doi.org/10.1037/lhb0000153>

Tyler, T. R. (2006). *Why people obey the law*. Yale University Press. (Original work published 1990).

Van Sickle, A., Stephens, C., Martin, R., Brozost-Kelleher, D., & Fan, A. (2020, October 2). *When police violence is a dog bite*. The Marshall Project. <https://www.themarshallproject.org/2020/10/02/when-police-violence-is-a-dog-bite>

Vitale, A. (2017). *The end of policing*. Verso Books.

Weber, M., & Owen, D. S. (2004). *The vocation lectures*. Hackett Publishing.

¹ To say that the United States has a history of White supremacist governance is a simple statement of fact: the legal underpinnings of historical regimes such as slavery and Jim Crow segregation were explicitly white supremacist in their logic, rationale, and intent (Gates, 2019). Whether contemporary systems and structures of American governance—on the local, state, or federal level—are actively White supremacist is in most cases an arguable question, and an assertion not generally provable via reference to direct evidence in the form of laws or similar official documents. I choose to use the term in a contemporary context because it reflects my assessment of the indirect evidence (persistent race-based inequities across a wide range of social and economic indicators produced by approaches to governance that bolster White privilege, discriminatory and racist rhetoric on the part of elected officials, etc.), which I find overwhelmingly in support of its accuracy. See, e.g., Darity & Mullen, 2020.

² The subject of whether and when to capitalize the names of racial groups (primarily “White” and “Black”) has received considerable attention in recent discourse surrounding issues of racial justice. I follow here the APA standard, which is to capitalize the terms “White” and “Black” as proper names denoting racial categories. This is an editorial decision applied to this volume as a whole; my personal preference would be to follow the recent decision of the New York Times and capitalize “Black” while

leaving “white” lower case. See Coleman, 2020 for a nuanced and comprehensive explanation of the Times’ decision in this matter, with which I concur.

³ Jim Crow was an early nineteenth century stage caricature, performed by White actors in blackface, whose name became synonymous with the many negative stereotypes projected onto African Americans. The name was later used to categorize the suite of post-Reconstruction laws mandating racial segregation in the former Confederate states of the US South. These apartheid laws targeting African Americans persisted until the Civil Rights Movement of the 1960s. For a comprehensive history of the development of these laws, see Gates, 2019.

⁴ Some 20 million Americans, or around 9% of the nation’s adult population, regularly carry guns in public. Around 66 million Americans, or about a third of the adult population, *own* guns, and two thirds of these cite personal protection as one of their reasons for doing so (Parker et al., 2017).

⁵ Police abolition does not imply the abandonment of public safety or law enforcement, but rather is part of a larger abolitionist discourse that presents “a way of thinking about social justice that takes seriously the damaging power [...] of the criminal legal system [and] understands how it serves to create oppression rather than safety or protection” (Richie & Martensen, 2020, p. 14). It has become closely tied to a policy position that advocates *defunding*: “divesting money from the back end solution of policing and investing it on the front end” (Duffy Rice, 2020) in social programs that reduce crime by building community capacity. Importantly, most of its key proponents acknowledge the necessity of “professionals responsible with holding accountable those who violate the social contract in the extreme—rape or murder—and an improved investigative system to catch perpetrators” (Duffy Rice, 2020).

⁶ Recent investigative journalism by the Marshall Project and its partners suggests that this phenomenon has not been consigned to history. Police dog bites continue to be an underexamined but particularly egregious form of police violence. See Van Sickle et al., 2020.

⁷ “Officers personally satisfied just 0.02% of the more than \$735 million awarded to plaintiffs over a six-year period in suits alleging constitutional violations and corresponding state tort claims, including assault, battery, false imprisonment, and intentional infliction of emotional distress.” (Schwartz, 2016, p. 1147).

⁸ The most important of these is the Black Lives Matter movement, a rallying cry and organizing principle that arose from the protests in Ferguson, Missouri following the police killing of Michael Brown. The movement continues to be a powerful force in racial justice activism. See Lebron (2017).

⁹ <https://www.plainviewproject.org/>