

The Problem of State Violence

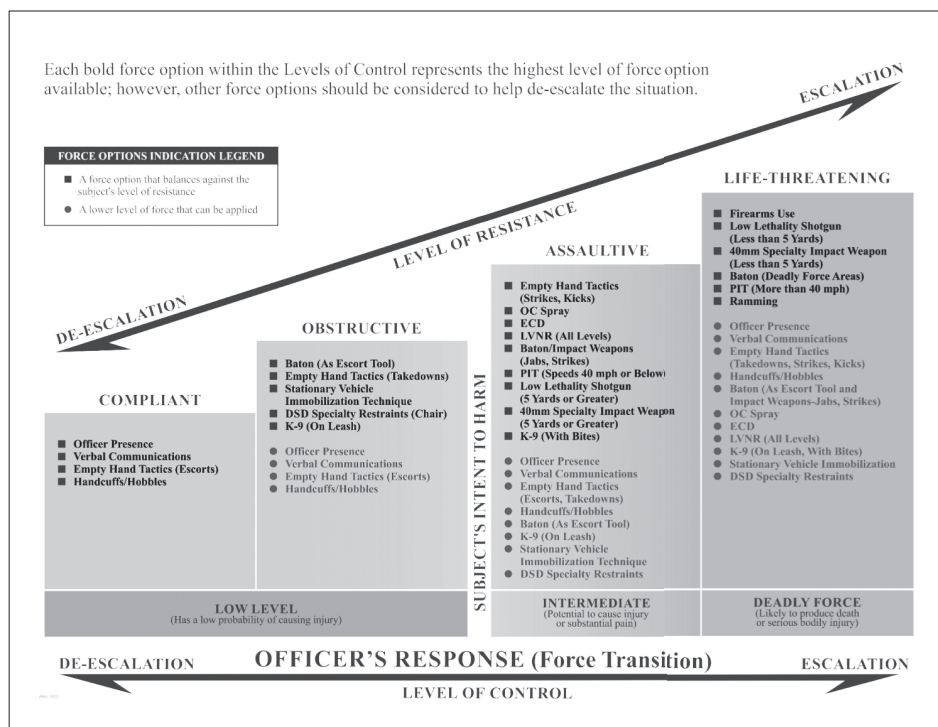
Paul Butler

When violence occurs, the state has an obligation to respond to and reduce the impacts of it; yet often the state originates, or at least contributes to, the violence. This may occur in a variety of ways, including through the use of force by police, pretrial incarceration at local jails, long periods of incarceration in prisons, or abuse and neglect of people who are incarcerated. This essay explores the role of the state in responding to violence and how it should contribute to reducing violence in communities, as well as in its own operations. Finally, it explores what the future of collaboration between state actors and the community looks like and offers examples of successful power-sharing and co-producing of safety between the state and the public.

Here are some of the things that police did to African American people during the time of the country's first Black¹ president: In Ferguson, Missouri, arrested a man named Michael for filing a false report because he told them his name was "Mike." Locked up a woman in Ferguson for "occupancy permit violation" when she called 911 to report she was being beat up by her boyfriend and the police learned the man was not legally entitled to live in the house. Killed a seven-year-old girl in Detroit while looking for drugs at her father's house. Shot Walter Scott in the back in North Charleston after stopping him for a traffic infraction. Severed Freddie Gray's spinal cord in Baltimore. Unloaded sixteen bullets into seventeen-year-old Laquan McDonald while he lay cowering on a Chicago street. Pushed a teenage girl in a bikini to the ground in McKinney, Texas. Shot twelve-year-old Tamir Rice in Cleveland within two seconds of seeing him in a public park. Pumped bullets into Philando Castile during a traffic stop in Falcon Heights while his girlfriend livestreamed it on Facebook, with her four-year-old daughter in the back seat.²

Here are some of the things that police did to African American people during Donald Trump's presidency: Arrested a six-year-old girl in Orlando for misdemeanor battery when she kicked during a tantrum at school. Put her in handcuffs, drove her to a juvenile detention center, took her mugshot.³ Fired twenty rounds at Stephon Clark in his grandmother's backyard in Sacramento after they mistook his cell phone for a gun.⁴ In Phoenix, stopped a family at gunpoint when they thought a four-year-old girl had stolen a doll from a dollar store. Told Dravon Ames, the girl's father, "I'm going to fucking put a cap in your fucking head," then kicked and

Figure 1
Las Vegas Metropolitan Police Department Use of Force Continuum



Source: The Las Vegas Metropolitan Police Department, "Use of Force Policies," <https://www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Pages/ForceRelatedPolicies.aspx>.

pushed him to the ground. When Iesha Harper, the girl's mother, refused an order to put her one-year-old toddler on the ground, said "I could have shot you in front of your fucking kids."⁵ In Vallejo, California, shot fifty-five bullets, in less than four seconds, into the body of Willy McCoy, who had been sleeping in his car.⁶

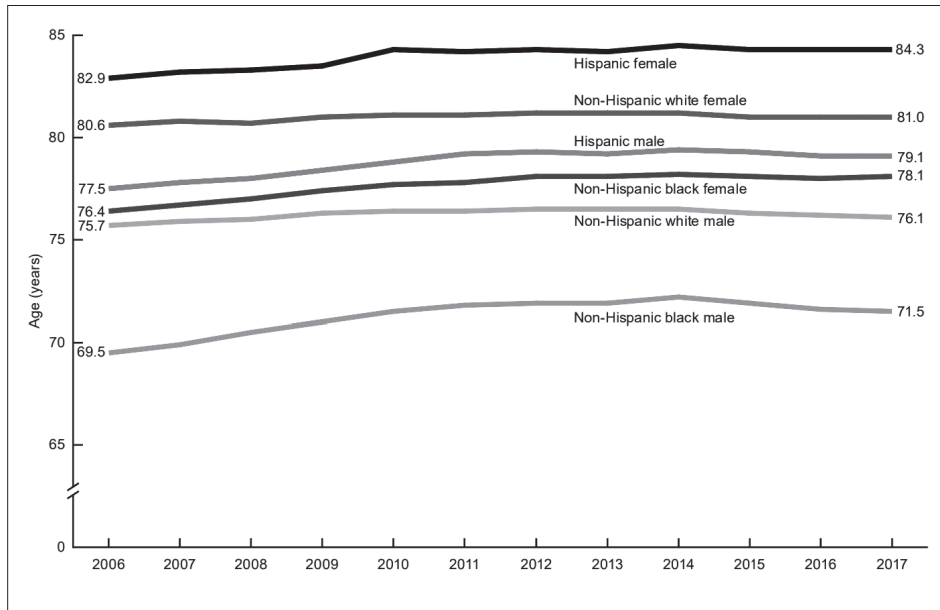
But those are not the main ways that the government hurts the bodies and extinguishes the lives of people of color and low-income people. The most insidious forms of state violence are not gory.

Figures 1 and 2 document forms of state violence. The first – the "use of force continuum" of the Las Vegas Police Department – will seem to many readers more violent than the second – U.S. life expectancy rates, from the National Center for Health Statistics.

When people think about violence, they usually think of physical violence, including assaults, beatings, and shootings. While those are some of the ways in

Figure 2

Life Expectancy at Birth, by Hispanic Origin, Race, and Sex:
United States, 2006 – 2017



Source: Elizabeth Arias and Jiaquan Xu, “United States Life Tables, 2017,” *National Vital Statistics Reports* 68 (7) (2021).

which the government enacts violence upon individuals and communities, it is important to expand the analytic lens beyond physical pain and injury.⁷ Violence is not always an “event,” but rather a process or ongoing social condition embedded in our everyday lives.⁸ As such, state violence can take many different forms. As one team of researchers put it:

Structural violence...describes social structures – economic, political, legal, religious, and cultural – that stop individuals, groups, and societies from reaching their full potential... Structural violence is often embedded in longstanding “ubiquitous social structures, normalized by stable institutions and regular experience.”... Because they seem so ordinary in our ways of understanding the world, they appear almost invisible. Disparate access to resources, political power, education, health care, and legal standing are just a few examples.⁹

The poisoned waters in Flint, Newark, and Pittsburgh are violent.¹⁰ It is violent that, because they lack access to health care, African Americans are twice as likely

as Whites to die from hypertension, the flu, and diabetes.¹¹ It is violent that anyone who has undergone a gender transition is not allowed to enlist in the U.S. military.¹² It is violent that the median net worth of a White household, \$144,200, is ten times the median net worth of a Hispanic household, \$14,000, and thirteen times the median net worth of an African American household, \$11,200.¹³ It is violent that African American and Native American children, as well as Hispanic males, are more likely to be suspended and expelled from school than their White counterparts.¹⁴ It is violent that for every \$1 that a White man earns, an African American woman earns \$0.61 and a Latina earns \$0.54.¹⁵

It is easy to see state violence in the U.S. Department of Defense “1033 Program,” which provides “surplus” military equipment like armored tanks, grenade launchers, and bayonets for local police departments to use against civilians.¹⁶ Likewise, many recognize state violence in the facts that police use of force is the sixth leading cause of death of men between the ages of twenty-five and twenty-nine, and that one in one thousand African American men are killed by the police.¹⁷

It is harder for some people to see state violence in *Shelby County v. Holder*, the United States Supreme Court case that, in 2013, gutted the Voting Rights Act of 1965, one of the nation’s most effective civil rights laws.¹⁸ It is less familiar to categorize as violent that African American and Native American women are three times more likely to die of causes related to pregnancy than White women.¹⁹

Both structural violence and overt state violence, including legal use of force and police “abuse,” cause suffering and death. Any effective analysis of, and reckoning with, state violence must include both.

Some of the ways that violence is conceptualized are premised on anti-Black bias. For example, “Black on Black” crime is a more familiar construct than “White on White” crime, even though most crime is intraracial.

Another example is the way that gun violence is perceived as a particular problem of Black males. But gun violence is also a huge issue for White males. African American men are uniquely at risk for homicide. But White men face a similar risk of violence by suicide, which is committed most frequently using firearms.

Two-thirds of all gun deaths are suicide.²⁰ Many more White men die by suicide than Black men die by homicide. We correctly recognize the problem of suicide as one requiring a public health intervention. Although public health approaches to homicide have been proposed, punishment remains the primary government intervention. One reason might be that bias against Black men makes punitive approaches to their issues seem natural or appropriate.

It is crucial to acknowledge the role of anti-Black bias in shaping both the construct of “private” violence and the state response to it. At the same time, it is necessary to acknowledge the extraordinary toll of violence by nonstate actors in the

United States, and the vastly disproportionate burden of this violence on specific communities.

People, especially Black and Indigenous people in the United States, experience epidemic levels of violence from nonstate actors. The homicide victimization rate for the White population is three per one hundred thousand; for Black men between fifteen and thirty-four years old, it is eighty per one hundred thousand.²¹

The African American community is particularly susceptible to violent crime: as harm doers, in the case of men, and victims, in the case of men and women, including transgender women. Homicide is the leading cause of death for African American men between the ages of fifteen and thirty-four.²² Black men are about 6.5 percent of the population but are responsible for approximately half of all murders in the United States.²³ Black men commit more murders, in absolute numbers, than Latino men, who slightly outnumber them, and White men, who greatly outnumber them.²⁴ Because violent crime is mainly intraracial, Black men also account for about 50 percent of murder victims.²⁵

Black Americans, and especially Black men, are also overrepresented among violent felons who are not murderers. According to U.S. Department of Justice statistics, African Americans committed 54 percent of robberies and 39 percent of assaults.²⁶ Overall, Blacks are responsible for 41 percent of all violent felonies.²⁷

Sometimes we think of Black victimization by other Blacks as a new thing, a consequence of the woes of deindustrialization or even integration. Most African Americans have listened to an elder wax romantic about a gentler time in Black history when people treated each other with more kindness out of a shared sense of kinship. But the reality is that there never has been a golden age for Black people in the United States. There are bad times, and there are worse times. In 1950, Black men were about eleven times more likely to be a victim of homicide than White men. In 2013, Black men were about eight times more likely to be a victim of homicide than White men. The good old days were actually more dangerous for Black men than now. And now is still quite bad.

The bottom line is that African American men commit a disproportionate share of certain serious crimes, including homicide, assault, and robbery, and are disproportionately victims of those same crimes.

Some people have tried to blame police violence on Black male violence, or to suggest that the former problem pales in comparison to the latter. Another version of this move is to blame Black performances of masculinity or African American women. For example, hip-hop artist and business mogul Jay-Z stated:

You think about the idea of growing up in a single parent house, which I grew up in . . . and having an adverse feeling for authority, right? Your father's gone, so you're

like, “I hate my dad. Don’t nobody tell me what to do. I’m the man of the house.” And then you hit the streets and run into a police officer and he says, “Put your hands up. Freeze. Shut up.” And you’re like, “Fuck you!” That interaction causes people to lose lives.²⁸

Kendrick Lamar, Pulitzer Prize–winning rap star, made this comment:

But when we don’t have respect for ourselves, how do we expect them to respect us? It starts from within. Don’t start with just a rally, don’t start from looting – it starts from within.²⁹

Rudy Giuliani, former mayor of New York City, explained in a televised conversation with scholar Michael Eric Dyson:

Ninety-three percent of Blacks are killed by other Blacks. . . . I would like to see the attention paid to that that you are paying to [Ferguson]. . . . What about the poor Black child that was killed by another Black child? . . . Why aren’t you protesting that? . . . Why don’t you cut it down so that so many White police officers don’t have to be in Black areas? . . . White police officers wouldn’t be there if [African Americans] weren’t killing each other.³⁰

Historian Khalil Gibran Muhammad has called this move “playing the violence card.”³¹

The problem with the violence card is that it misunderstands both African American history and culture and the problem that African Americans experience with the police. African Americans have always been concerned about violent crime. But there are crucial differences between the violence that the police do to Black people versus the harm that African Americans do to each other.

Police officers are agents of the state. When they shoot and/or kill Black people, including unarmed Black people, they rarely suffer legal consequences. Between 2005 and 2014, only forty-seven cops were prosecuted for unlawful shootings. Of those forty-seven, only eleven were convicted.³²

On the other hand, when African Americans commit homicide, they are frequently prosecuted, convicted, and sentenced to long years in prison (if not execution). This is one of the main reasons U.S. prisons disproportionately warehouse Black men. There was a period in U.S. history when crimes that victimized African Americans were largely not prosecuted. There is evidence that even now police do not take those crimes as seriously as they do crimes with White victims.³³ But even so, African American men do not get the same kind of pass that police officers get when they kill – even when the cops kill unarmed people. There is a categorical moral difference between antisocial conduct that is harshly punished, on the one hand, and authorized violence by the state committed with impunity, on the other hand.

What white Americans have never fully understood –
but what the Negro can never forget –
is that white society is deeply implicated in the ghetto.
White institutions created it, white institutions maintain it,
and white society condones it.³⁴

The kind of violence that is made “criminal” is the kind that the most marginalized members of society are disproportionately at risk of committing (with some notable exceptions like rape). Indeed, the recognition that race-based structural deprivation was the most important explanation of Black criminality used to be commonplace. Thinking about crime in Black communities, President Truman in 1947 and President Johnson in 1965 both blamed racism.

But as the United States has become, since the 1970s, the most punitive nation in the world, many people have ceased to take racism into account when thinking about the causes of crime. Our harsh sentencing laws are premised on myths about personal responsibility and free choice. But a young Black man in South Central Los Angeles does not have the same kinds of choices as a young White man in either Beverly Hills or Appalachia.

The bad news and the good news is that none of these vast differences in racial outcomes is an accident. All are the result of government policies. It is bad news because the fact that the government created high-poverty communities demonstrates its antipathy to its citizens of color. It is good news because government policies can also now contribute to making things better.

We know this because African Americans are not the only group in U.S. history that has had some of its members turn to crime because they were shut out of other ways to achieve the American dream. Immigrant communities in the late nineteenth and early twentieth centuries were often involved in criminal activity. For example, according to historian Daniel Bell in his classic 1953 essay “Crime as an American Way of Life,” Irish Americans, Jewish Americans, and Italian Americans represented “a distinct ethnic sequence in ways of obtaining illicit wealth.” Yet as they were afforded a wider array of economic choices, each of these groups assimilated and their participation in crime went down (at least the kind of crime most often targeted by law enforcement). As legal scholar David Wade has written, “as each group acquired the wealth and social position accompanying the profits of illicit activity, they invested in legitimate businesses and assumed a greater political role in the dominant, legitimate society.”³⁵

Political scientist and historian Ira Katznelson points out in his book *When Affirmative Action Was White* that White ethnic groups were also aided in their economic rise by “Social Security, key labor legislation, the GI Bill, and other landmark laws that helped create a modern white middle class.”³⁶

By contrast, African Americans were locked out of these social programs. For example, farmworkers and maids – who made up “more than 60 percent of the Black labor force in the 1930s” – were “excluded from the legislation that created modern unions, from laws that set minimum wages and regulated the hours of work, and from Social Security until the 1950s.”³⁷

Compounding this lack of a social safety net for many African Americans, the government subsequently implemented harsh criminal justice policies that led to mass incarceration, turned a blind eye to housing discrimination, and failed to invest seriously in education and effective job training in low-income communities.

How much should we expect the state to reform its own violence? We should first acknowledge that “the state” is made up of human actors who might have competing or inconsistent goals or values. One’s expectations of what people of good will, working within or with the state, can possibly accomplish might depend on how one would answer two other questions.

Question 1: To what extent is anti-Blackness at the core of the state? In his National Book Award–winning *Between the World and Me*, Ta-Nehisi Coates writes that “the plunder of black life was drilled into this country in its infancy and reinforced across its history, so that plunder has become an heirloom, an intelligence, a sentence, a default setting to which, likely to the end of our days, we must invariably return.” Coates also observes “that white supremacy was so foundational to this country that it would not be defeated in my lifetime, my child’s lifetime, or perhaps ever.”³⁸

From this point of view, sometimes described as “racial realism” or “Afro-pessimism,” African Americans will never be “safe” without a radical transformation of current law, politics, and wealth distribution arrangements.

Question 2: Are there examples of the state successfully reducing its own violence? Here I think the answer is “yes,” with qualifications.

As part of the Violent Crime Control and Law Enforcement Act of 1994, Congress included a provision that made it illegal for police departments to engage in “a pattern or practice” of unconstitutional conduct.³⁹ This statute allows the Department of Justice to “seek injunctive or equitable relief to force police agencies to accept reforms aimed at curbing misconduct.”⁴⁰ The Department of Justice selects its cases by monitoring existing civil litigation, media reports, and research studies that indicate widespread misconduct within a police department.⁴¹ The Department then engages in a preliminary inquiry, followed by a formal investigation.⁴² This investigation has the potential to lead to a negotiated settlement in the form of a consent decree, a kind of road map a police department can take toward change; there is also the possibility of an appointed monitor to supervise the department’s implementation of required reforms.⁴³

The Washington Post looked at available data about use of force after Department of Justice interventions. It found that use of force decreased in half of the departments and stayed the same or increased in the other half.⁴⁴

The Department of Justice investigation of the Los Angeles Police Department is often presented as a success story. In the aftermath of high-profile incidents of police brutality, Los Angeles entered into a consent decree with the Department of Justice. A study conducted from 2002 to 2008 (the consent decree was lifted in 2009) revealed lower crime rates and fewer use-of-force incidents.⁴⁵ Both property crimes (down 53 percent) and violent crimes (down 48 percent) decreased in Los Angeles more than in several adjacent communities.⁴⁶

Yet during this time, the level of law enforcement increased. Stops increased by 49 percent from 2002 to 2008.⁴⁷ Pedestrian stops nearly doubled and motor-vehicle stops increased almost 40 percent.⁴⁸ And there was a dramatic increase in the proportion of stops resulting in arrests, suggesting that police officers “stopped people for good reasons and were willing to have the District Attorney scrutinize those reasons.”⁴⁹

An extensive survey of Los Angeles residents conducted after the decree found that “public satisfaction is up, with 83 percent of residents saying the LAPD is doing a good or excellent job.”⁵⁰ The number of satisfied residents included more than two-thirds of Hispanic and African American residents.⁵¹

Over the course of the consent decree period, “the incidence of categorical force used against Blacks and Hispanics decreased more than such force used against Whites.”⁵² At the same time, Black residents remained a disproportionate share of individuals arrested and injured in the course of use-of-force incidents.⁵³

Justice Department investigations are very expensive. The Los Angeles investigation is estimated to have cost \$300 million. The difficulty of achieving meaningful reform raises doubts about whether this success is sustainable and can be reproduced in other cities. For example, because the Department of Justice investigates only a few departments per year, it may be difficult for pattern and practice investigations to produce large-scale change.⁵⁴ Even in cities where there have been reduced disparities in arrests and use-of-force incidents, institutionalizing reform has been a challenge.⁵⁵

While focusing on use-of-force policies and community engagement strategies is important, federal investigations do not directly address issues like overcriminalization, prosecutorial discretion, and sentencing disparities.

To summarize, federal investigations work, some of the time, to reduce police violence and to improve community perceptions about the police. They are expensive and the benefits may only be short term. But in the jurisdictions where the federal intervention is successful, fewer people are killed or beat up by the police, and that is a good thing.

In 2014, the U.S. Department of Justice Office of Justice Programs launched the National Initiative for Building Community Trust and Justice.⁵⁶ Spanning six cities, the initiative consisted of officer training, departmental policy changes, and community engagement designed to repair and strengthen police-community relationships by addressing the deep historical roots of distrust in the police among people of color and other marginalized populations.⁵⁷

The Urban Institute's Justice Policy Center has evaluated the National Initiative and its impact. Findings show promise for the National Initiative model, suggesting that it was moderately successful in achieving its intended goals of training officers to be more equitable and respectful of community members and improving police practices and police-community relations.⁵⁸

Local governments have also attempted to reduce overt police violence by implementing reforms like body cameras, de-escalation training, and improved hiring criteria. In revealing language, President Obama's Task Force on 21st Century Policing recommended that "law enforcement culture should embrace a guardian – rather than a warrior – mindset to build trust and legitimacy both within agencies and with the public."⁵⁹

The main response of the state to private violence is more violence, especially policing and punishment. Violent crimes are responsible for the majority of long prison stays, and thus, in addition to the profound human suffering they cause, are significant drivers of mass incarceration.

Some community-based programs have worked with the government to reduce violence. These programs seem focused mainly on violence by nonstate actors. Two examples are the National Network for Safe Communities and Common Justice.

The National Network for Safe Communities (NNSC) was founded and is directed by David M. Kennedy, a professor of criminal justice at John Jay College of Criminal Justice. It supports strategic interventions to reduce violence, minimize arrest and incarceration, enhance police legitimacy, and strengthen relationships between law enforcement and communities.⁶⁰

The NNSC claims that by shifting the paradigm in which they analyze violence, they have been able to demonstrate conclusively that within communities, the overwhelming majority of residents are not dangerous, and the small number of chronic violent offenders are also at the most risk of victimization themselves.⁶¹ Thus, the organization is committed to utilizing evidence-based strategies as well as support and outreach resources to protect the most vulnerable people in the most vulnerable places.

The NNSC uses myriad techniques to achieve their goals, including strengthening community norms, communicating directly with high-risk people to deter violence, using a minimum of law enforcement, helping group members succeed

in their lives, and enhancing the legitimacy of law enforcement, especially police, to make communities safer.⁶² It collaborates closely with city governments, law enforcement agencies, and community representatives to realign policy and practice with community priorities and available evidence.

Studies have indicated that in cities across the United States, projects implementing the strategies endorsed by the NNSC have found success in reducing private violence.⁶³ These have included a

- 37 percent reduction in homicide in Chicago through Project Safe Neighborhoods;⁶⁴
- 44 percent reduction in gun assaults in Lowell, Massachusetts, through Project Safe Neighborhoods;⁶⁵
- 42 percent reduction in gun homicide in Stockton, California, through Stockton Operation Peacekeeper;⁶⁶
- 34 percent reduction in homicide in Indianapolis through the Indianapolis Violence Reduction Partnership;⁶⁷ and
- 41 percent reduction in street group member–related homicides in Cincinnati through the Cincinnati Initiative to Reduce Violence.⁶⁸

Common Justice is a New York City–based organization that is the first alternative-to-incarceration and victim-service program in the United States that focuses on violent felonies. Its guiding principles emphasize responses to violence that are “survivor centered,” “accountability based,” “safety driven,” and “racially equitable.” In agreements with prosecutors in Brooklyn and the Bronx, some persons charged with serious and violent felonies are diverted to Common Justice programs, which use a restorative justice approach. Critically, victims must consent to the diversion. Participants who successfully complete a twelve-to-fifteen-month violence intervention program and honor commitments made in restorative justice circles can avoid the incarceration they would have faced through the criminal legal process.

In addition to state responses and community-state collaborations, there are also community-based organizations and programs working to reduce violence that do not seek formal alliances with the state. Examples include She Safe, We Safe and the Movement for Black Lives.

The Black Youth Project’s She Safe, We Safe campaign launched in April 2019, guided by “a dual strategy approach, which means that we will work to both shift culture and establish new ways of keeping each other safe within our communities AND work to fight against the violence of the state, particularly the patriarchal violence of the police.”⁶⁹ The goals of She Safe, We Safe are to:

1. Increase interventions to gender-based violence available to Black women, girls, gender non-conforming people, and communities that do not rely on contact with the police.
2. Reallocate funding from the police to community-determined programs that address gender-based violence in Black communities.⁷⁰

The Movement for Black Lives is “a collective of 50 organizations representing thousands of Black people from across the country.” The Movement states on its website:

Neither our grievances nor our solutions are limited to the police killing of our people. State violence takes many forms – it includes the systemic underinvestment in our communities, the caging of our people, predatory state and corporate practices targeting our neighborhoods, government policies that result in the poisoning of our water and the theft of our land, failing schools that criminalize rather than educate our children, economic practices that extract our labor, and wars on our Trans and Queer family that deny them their humanity.⁷¹

Its platform contains a large number of demands, including “direct democratic community control of local, state, and federal law enforcement agencies,” eliminating money bail, and ending surveillance technologies like IMSI (international mobile subscriber identity) catchers, drones, body cameras, and predictive policing software. Outside of the criminal legal process, the platform calls for reparations and “a progressive restricting of tax codes at the local, state, and federal levels to ensure a radical and sustainable redistribution of wealth.”⁷²

It is likely that the United States will continue to experience extreme violence by state and private actors as long as the country is marked by gross racial and economic inequality. Eliminating these disparities would be the most effective way of reducing the victimization of people of color and ending mass incarceration. To the extent that violence reduction projects “work,” they perform vital services. We might think of these efforts as “harm reduction.” As the state maintains law and policy that heighten the risk of victimization for people in marginalized communities, effective violence reduction projects place some people within those communities at less risk. The profound result is that lives are saved and human suffering is reduced.

ABOUT THE AUTHOR

Paul Butler is the Albert Brick Professor in Law at Georgetown University Law Center and a legal analyst on MSNBC. He is the author of *Chokehold: Policing Black Men* (2017) and *Let's Get Free: A Hip-Hop Theory of Justice* (2009).

ENDNOTES

- ¹ David Lanham and Amy Lui, "Not Just a Typographical Change: Why Brookings is Capitalizing Black," Brookings Institution, September 23, 2019, <https://www.brookings.edu/research/brookingscapitalizesblack/>.
- ² United States Department of Justice Civil Rights Division, *Investigations of the Ferguson Police Department* (Washington, D.C.: U.S. Department of Justice, 2015).
- ³ Mariel Padilla, "Orlando Officer Is Terminated After Arresting 6-Year-Olds," *The New York Times*, September 23, 2019, <https://www.nytimes.com/2019/09/23/us/6-year-old-orlando-florida.html>.
- ⁴ Frances Robles and Jose A. Del Real, "Stephon Clark Was Shot 8 Times Primarily in His Back, Family-Ordered Autopsy Finds," *The New York Times*, March 30, 2018, <https://www.nytimes.com/2018/03/30/us/stephon-clark-independent-autopsy.html>.
- ⁵ David K. Li and Caroline Radnofsky, "After a 4-Year-Old Took Doll from Store, Video Shows Phoenix Police Pulling Gun on Parents," NBC News, June 14, 2019.
- ⁶ Colleen Shalby, "Police Fired More than 55 Rounds at Willie McCoy in Less than 4 Seconds, Report Shows," *Los Angeles Times*, June 27, 2019, <https://www.latimes.com/local/lanow/la-me-police-shooting-willie-mccoy-report-20190627-story.html>.
- ⁷ Cecilia Menjivar, "A Framework for Examining Violence," in *Gender Through the Prism of Difference*, 6th edition, ed. Maxine Baca Zinn, Pierrette Hondagneu-Sotelo, Michael A. Messner, and Stephanie Nawyn (Oxford: Oxford University Press, 2016).
- ⁸ Ibid.
- ⁹ Paul E. Farmer, Bruce Nizye, Sara Stulac, and Salmaan Keshavjee, "Structural Violence and Clinical Medicine," *PLOS Medicine* 3 (10) (2006).
- ¹⁰ Molly Enking, "Flint, Newark, and the Persistent Crisis of Lead in Water," *Wired*, August 28, 2019, <https://www.wired.com/story/first-flint-now-newark-the-water-crisis-is-far-from-over/>.
- ¹¹ Pamela Riley, Susan L. Hayes, and Jamie Ryan, "Closing the Equity Gap in Health Care for Black Americans," The Commonwealth Fund: To the Point, Quick Takes on Health Care Policy and Practice, July 15, 2016, <https://www.commonwealthfund.org/blog/2016/closing-equity-gap-health-care-black-americans>.
- ¹² Hallie Jackson and Courtney Kube, "Trump's Controversial Transgender Military Policy Goes Into Effect," NBC News, April 12, 2019.
- ¹³ Pew Research Center, *On Views of Race and Inequality, Blacks and Whites Are Worlds Apart* (Washington, D.C.: Pew Research Center, 2016), <https://www.pewsocialtrends.org/2016/06/27/1-demographic-trends-and-economic-well-being/>.

- ¹⁴ Moriah Balingit, "Racial Disparities in School Discipline Are Growing, Federal Data Show," *The Washington Post*, April 24, 2018.
- ¹⁵ Sarah O'Brien, "Here's How the Wage Gap Affects Black Women," CNBC, August 22, 2019, <https://www.cnbc.com/2019/08/22/heres-how-the-gender-wage-gap-affects-this-minority-group.html>; and Elise Gould, "Latina Workers Have to Work 10 Months into 2018 to be Paid the Same as White Non-Hispanic Men in 2017," Working Economics Blog, Economic Policy Institute, October 31, 2018.
- ¹⁶ German Lopez, "Trump's Plan to Give Police Easier Access to Military Weapons, Explained," *Vox*, August 28, 2017, <https://www.vox.com/policy-and-politics/2017/8/28/16214600/trump-police-military-sessions>.
- ¹⁷ Frank Edwards, Hedwig Lee, and Michael Esposito, "Risk of Being Killed by Police Use of Force in the United States by Age, Race-Ethnicity, and Sex," *Proceedings of the National Academy of Sciences* 116 (34) (2019), <https://www.pnas.org/content/116/34/16793>.
- ¹⁸ *Shelby County v. Holder*, 570 U.S. 529 (2013).
- ¹⁹ Roni Caryn Rabin, "Huge Racial Disparities Found in Deaths Linked to Pregnancy," *The New York Times*, May 7, 2019, <https://www.nytimes.com/2019/05/07/health/pregnancy-deaths-.html>.
- ²⁰ National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "Fatal Injury and Violence Data," <https://www.cdc.gov/injury/wisqars/index.html>.
- ²¹ Lauren J. Krivo and Julie A. Phillips, "Social Fact: The Homicide Divide," *The Society Pages*, August 2, 2013, <https://thesocietypages.org/specials/sf-homicide-divide/>.
- ²² Centers for Disease Control and Prevention, "Leading Causes of Death by Age Group, Black Males—United States, 2015," April 16, 2018.
- ²³ Alexia Cooper and Erica L. Smith, *Homicide Trends in the United States, 1980 – 2008* (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2012), Table 1.
- ²⁴ Brian A. Reaves, "Violent Felons in Large Urban Counties" (Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2006), Table 4. As of the 2010 U.S. Census, White and Latino males outnumbered Black males, with 96,766,981 White males, 25,618,800 Latino males, and 18,563,970 Black males. See Karen R. Humes, Nicholas A. Jones, and Roberto R. Ramirez, "Overview of Race and Hispanic Origin: 2010," 2010 Census Briefs (Suitland, Md.: U.S. Census Bureau, 2010), Table 2.
- ²⁵ Ashby Jones and Arian Campo-Flores, "Crime Persists as a Grim Challenge for Blacks," *The Wall Street Journal*, August 28, 2013; and Cooper and Smith, *Homicide Trends in the United States, 1980 – 2008*, 3, 11, 13. "Most murders were intraracial. From 1980 through 2008, 84 percent of white homicide victims were [murdered] by whites [and] 93 percent of Black victims were [murdered] by Blacks. [During this same period, Blacks were disproportionately represented among homicide victims and offenders.] Blacks were [also] six times more likely than whites to be homicide victims and seven times more likely than whites to commit homicide."
- ²⁶ Reaves, "Violent Felons in Large Urban Counties," Table 4.
- ²⁷ *Ibid.* Blacks were also responsible, according to these statistics, for 35 percent of rapes. Because rape is reported significantly less than other violent crimes, I do not consider those statistics in this essay. See Katherine K. Baker, "Once A Rapist? Motivational Evidence and Relevancy in Rape Law," *Harvard Law Review* 110 (3) (1997): 584. I in no way

intend to detract from the violence of rape; my concern is that the rape statistics are not as reliable as those for other violent crimes.

- ²⁸ Press event for the launch of REFORM Alliance, John Jay College, New York City, January 23, 2019.
- ²⁹ Joe Lynch, "Kendrick Lamar Talks Ferguson: 'What Happened Should've Never Happened,'" *Billboard*, January 8, 2015.
- ³⁰ Danielle Paquette, "Giuliani: 'White Police Officers Wouldn't Be There If You Weren't Killing Each Other,'" *The Washington Post*, November 23, 2014.
- ³¹ Khalil Gibran Muhammad, "Playing the Violence Card," *The New York Times*, April 5, 2012.
- ³² Ian Simpson, "Prosecution of U.S. Police for Killings Surges to Highest in Decade," *Reuters*, October, 26, 2015.
- ³³ Jill Leovy, *Ghettoside: A True Story of Murder in America* (New York: Spiegel & Grau, 2015).
- ³⁴ National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: U.S. Government Printing Office, 1968).
- ³⁵ David Wade, "The Conclusion that a Sinister Conspiracy of Foreign Origin Controls Organized Crime: The Influence of Nativism in the Kefauver Committee Investigation," *Northern Illinois University Law Review* 16 (1996): 384.
- ³⁶ Ira Katznelson, *When Affirmative Action Was White* (New York: W. W. Norton & Company, 2005), 17.
- ³⁷ *Ibid.*, 22.
- ³⁸ Ta-Nehisi Coates, *Between the World and Me* (New York: Spiegel & Grau, 2015).
- ³⁹ 42 U.S.C. § 14141(a) (2012).
- ⁴⁰ Stephen Rushin, "Federal Enforcement of Police Reform," *Fordham Law Review* 82 (6) (2014): 3191.
- ⁴¹ *Ibid.*, 3219–3222.
- ⁴² *Ibid.*, 3224–3226.
- ⁴³ *Ibid.*
- ⁴⁴ *Ibid.*
- ⁴⁵ Christopher Stone, Todd Foglesong, and Christine M. Cole, *Policing Los Angeles under a Consent Decree: The Dynamics of Change at the LAPD* (Cambridge, Mass.: Harvard Kennedy School, 2009).
- ⁴⁶ *Ibid.*, 6.
- ⁴⁷ *Ibid.*, 22.
- ⁴⁸ *Ibid.*
- ⁴⁹ *Ibid.*, 24.
- ⁵⁰ *Ibid.*, i.
- ⁵¹ *Ibid.*, ii.
- ⁵² *Ibid.*, 34.
- ⁵³ *Ibid.*, 37.

- ⁵⁴ Rushin, “Federal Enforcement of Police Reform,” 3235 (“Even when internal policies favor aggressive enforcement of § 14141, the DOJ has only initiated around three new investigations per year”).
- ⁵⁵ Samuel Walker, “Institutionalizing Police Accountability Reforms: The Problem of Making Police Reforms Endure,” *Saint Louis University Public Law Review* 32 (1) (2012).
- ⁵⁶ Justice Policy Center, “National Initiative for Building Community Trust and Justice,” Urban Institute, <https://www.urban.org/policy-centers/justice-policy-center/projects/national-initiative-building-community-trust-and-justice>.
- ⁵⁷ Ibid.
- ⁵⁸ Nancy La Vigne, Jesse Jannetta, Jocelyn Fontaine, et al., *The National Initiative for Building Community Trust and Justice: Key Process and Outcome Evaluation Findings* (Washington, D.C.: Urban Institute, 2019).
- ⁵⁹ President’s Task Force on 21st Century Policing, *Final Report of the President’s Task Force on 21st Century Policing* (Washington, D.C.: Office of Community Oriented Policing Services, 2015).
- ⁶⁰ National Network for Safe Communities at John Jay College, “Mission,” <https://nnscommunities.org/who-we-are/mission/> (accessed October 4, 2019).
- ⁶¹ Ibid.
- ⁶² Ibid.
- ⁶³ National Network for Safe Communities at John Jay College, “Results,” <https://nnscommunities.org/impact/results/#> (accessed October 4, 2019).
- ⁶⁴ Tracey Meares, Andrew V. Papachristos, and Jeffrey Fagan, “Homicide and Gun Violence in Chicago: Evaluation and Summary of the Project Safe Neighborhoods Program” (Washington, D.C.: Project Safe Neighborhoods, 2009).
- ⁶⁵ Anthony A. Braga, Glenn L. Pierce, Jack McDevitt, et al., “The Strategic Prevention of Gun Violence among Gang-Involved Offenders,” *Justice Quarterly* 25 (132) (2008): 132–162.
- ⁶⁶ Anthony Braga, “Pulling Levers: Focused Deterrence Strategies and the Prevention of Gun Homicide,” *Journal of Criminal Justice* 36 (4) (2008): 332–343.
- ⁶⁷ Edmund F. McGarrell, Steven Chermak, Jeremy M. Wilson, and Nicholas Corsaro, “Reducing Homicide through a ‘Lever Pulling’ Strategy,” *Justice Quarterly* 23 (2) (2006): 214–231.
- ⁶⁸ Robin S. Engel, Marie Skubak Tillyer, and Nicholas Corsaro, “Reducing Gang Violence Using Focused Deterrence: Evaluating the Cincinnati Initiative to Reduce Violence (CIRV),” *Justice Quarterly* 30 (3) (2013): 403–439.
- ⁶⁹ She Safe, We Safe, <https://www.shesafewesafe.org>.
- ⁷⁰ Ibid.
- ⁷¹ The Movement for Black Lives, <https://m4bl.org/>.
- ⁷² Ibid.