

# A TROUBLESOME PROPERTY

A Psychohistorical Analysis of  
Policing Black People

# Psychohistory of Black criminality

# The Sociopolitical Necessity of Black Criminality

- White domination and Black criminality.
  - The domination and subjugation of Black bodies requires the criminalization of that group.
  - The criminalization of that group makes their subjugation not only permissible, but logical.

# No Genetic or Cultural Basis

- According to Silverman (1978)
  - The propensity for violence was not part of black Americans' African heritage, where the homicide rate is well below the rate of either white or black America.
  - He concludes that black crime is rooted in the black experience in America (resistance).

# Resistance

- Draptomania and Ethiopious Dysenthasia
- Trickster
- Insurrection and Rebellion

# A Historical Overview of US Policing & the Psychohistory of Policing Black People

# The Evolution of US Policing: A Historical Overview

- Informal beginnings
  - Use of volunteers with night watch system (Boston in the 1636, NY in 1658 and Philadelphia in 1700)
  - From night watches to day watches
    - Philadelphia in 1833 and New York in 1844
- Formal establishments
  - 1838 Boston established first US police force
  - 1845 (NYC) 1851 (Albany, NY and Chicago); 1853 (NOLA and Cincinnati); 1855 (PHI)
  - 1880s in all major cities
- From political to professional
- Regional differences
  - *Volunteers – night watch system in the 1630s*

# History of Southern Policing

- Friedman's (1973) analysis of the development of American law enforcement makes clear the uniqueness of the black experience as he describes the "indigenous system of law" that developed to regulate slaves and the institution of slavery.
- **Slave Codes**
  - Slave codes designed to control and criminalize black behavior (give some examples). These Slave Codes affected not only slaves but also the legal status of free blacks.
  - The Slave Code relied much more heavily on capital punishment than did the criminal code that was binding on the white citizenry.
  - Virginia enacted over 130 slave codes between 1689 and 1865.



# Slave Patrols

- Slave Patrols or Paddy Rollers (what enslaved Africans called them) or night watches
  - 1704 – first slave patrol developed in Carolina colony. Slave patrols were controlled by county courts (and state militias) and were the precursor to preventive policing vs reactive policing.

## Three primary functions:

1. to chase down, apprehend, and return to their owners, runaway slaves;
2. to provide a form of organized terror to deter slave revolts; and,
3. to maintain a form of discipline for slave-workers who were subject to summary justice, outside of the law, if they violated any plantation rules.

# Slave Patrols – Public Support

- Slave patrols were a government-sponsored force that was well organized and paid to patrol specific areas to prevent crimes and insurrection by slaves against the white community.
- Members of the slave patrols were free white men (and some women).
- Slave patrollers could enter, without permission, any homes of blacks or whites suspected of harboring slaves who were in any way violating the law.
- By 1740, the colonial assembly in South Carolina had developed specific rules and guidelines for patrol districts and specific duties of the slave patrols, which continued with only minor changes up to the Civil War (Hadden 2001:24).

# Slave Patrols – Legacies and Linkage

- Known for their extreme cruelty and mercilessness, white patrollers controlled the slave population through the Civil War and were not completely disbanded after slavery ended.
- During early Reconstruction, federal military, state militia, and the Ku Klux Klan emerged from disbanded slave patrols to preserve individual and societal control over African American citizens, being even crueler than their predecessors.

# Legacy of Unequal Protection

- The history of unequal protection of law (where blacks were victimized without having any recourse to laws for protection of their safety) and unequal enforcement of law (where blacks suffered unequal treatment by law enforcement and courts when they were accused of criminal acts) are important historical facts that deserve analysis.
- The legal system's historical failure to protect Black people has led them to "perceive the criminal justice system with suspicion, if not antagonism" (Kennedy 1997).

# Defiance, Resistance, and Black Criminality

# Defiance

- Defiance is Resistance - Defiance is an American cultural artifact. America's founding principals are grounded in defiance.
- “Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!”
- Patrick Henry

# Defiance Theory

- Defiance Theory – Explains conditions under which punishment increases crime.
  - Punishment perceived as unjust can lead to unacknowledged shame and defiant pride that increases future crime. Specific defiance by individuals and general defiance by collectives results from punishment perceived as unfair or excessive.
  - Sanctions provoke future defiance of the law (persistence, more frequent or more serious violations) to the extent that offenders experience sanctioning of conduct as illegitimate, and that offenders have weak bonds to the sanctioning agent and community, and that offenders deny their shame and become proud of their isolation from the sanctioning community.







# Cultural Mistrust

- Cultural mistrust and contemporary relationship w/ social institutions - law enforcement
  - Terrell and Terrell (1981); Cobbs and Grier (1968) (cultural paranoia)
    - Cultural Mistrust
    - Healthy Cultural Paranoia
  - No snitching

# Coping Dilemma

- Cool Pose: The Dilemmas of Black Manhood in America
  - The historical construct of American manhood is that of White male dominance. Black boys who realize that their access to traditional manhood is limited then shape their sub-cultural response, called Cool Pose.
  - Cool pose - A tough, fearless, aloof attitude adopted by black men as a coping mechanism to deal with racial oppression.
  - Reactionary masculinity

# Psychology of Black criminality

# Resistance Identities

- Resistance identities – Created by subordinated populations in response to their criminalization and exclusion by the larger society. These identities operate by excluding the excluders. Individuals will sometimes embrace criminality and engage in crimes of resistance (destroying public property, breaking rules, etc.)





**F\*\*K THA POLICE**



**ICE CUBE**



**MC REN**



**ICE CUBE**



**YELLA**

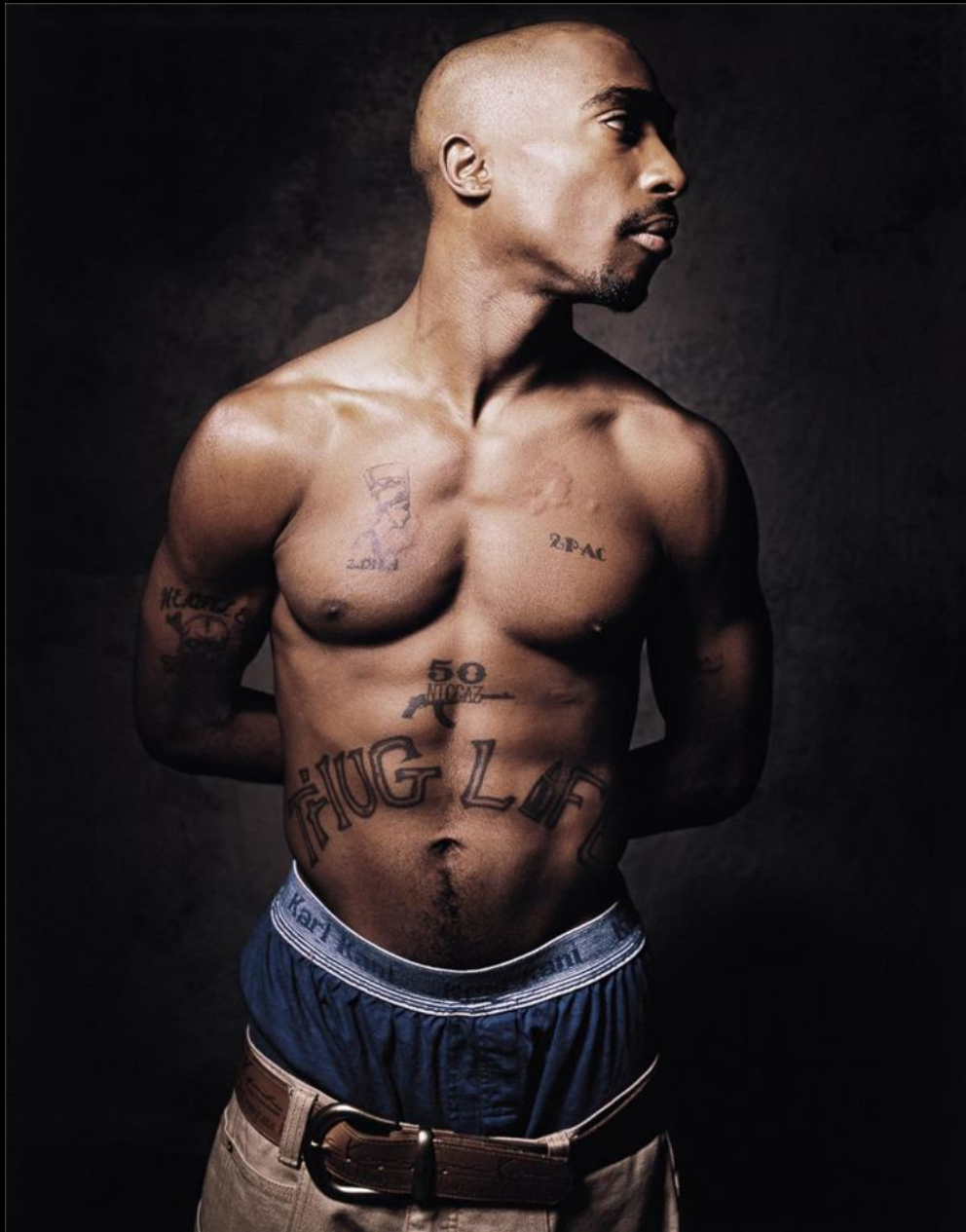


**DR. DRE**



# Labeling Theory

- Labeling theory predicts that being identified and labeled as a deviant or criminal produces further deviance through processes such as “secondary deviance” and “deviance amplification” (Lemert, 1967; Paternoster & Iovanni, 1989).





# Socially Conditioned Conformist Behavior

- Society rewards behavior that conforms with social norms – it punishes behavior that violates those norms.
  - Black people have experienced this as forced assimilation – e.g., wearing acceptable hair styles, dressing the part, speaking standard English, and code switching when necessary.

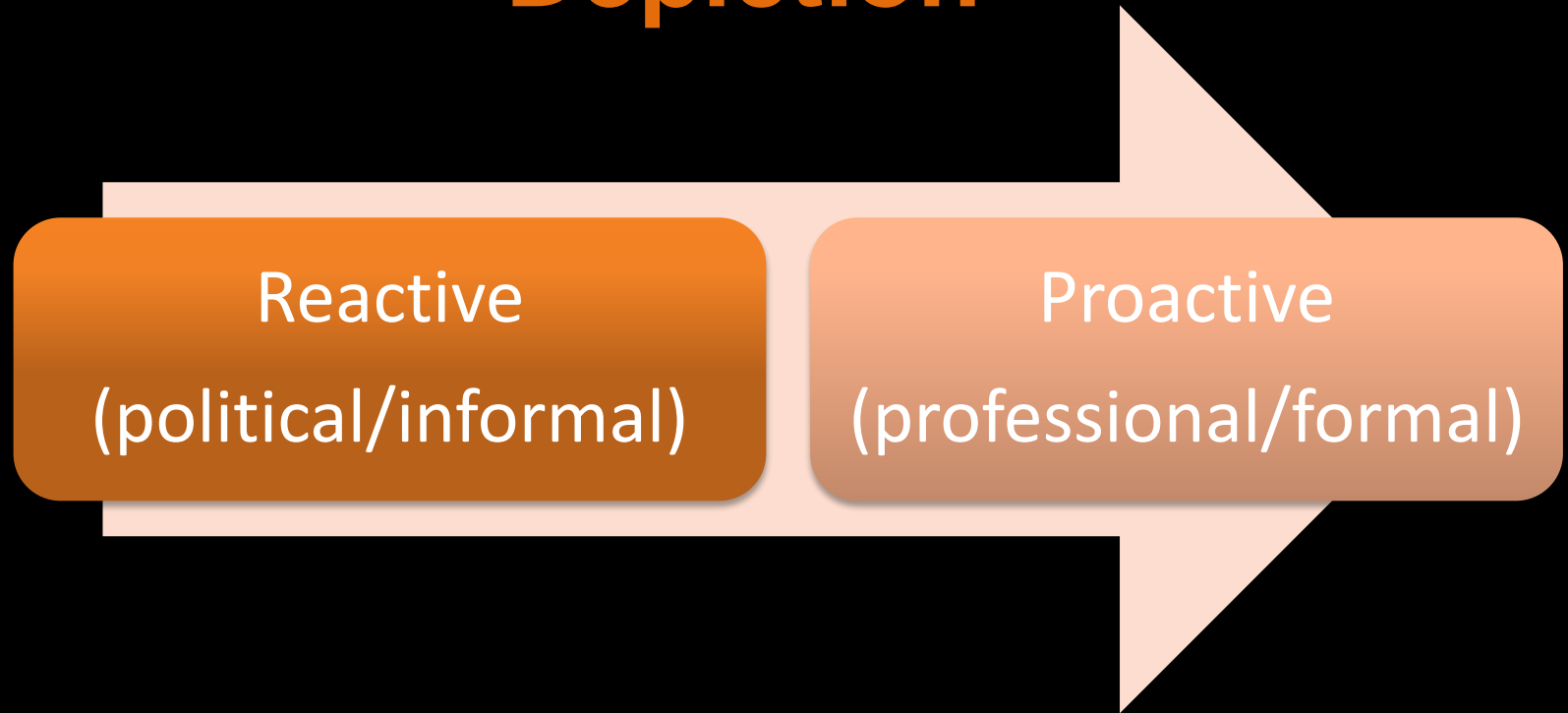
# Differential reinforcement and punishment

- Similar behavior by Blacks and Whites are punished and rewarded differentially for the same behavior. Society promises favorable outcomes for certain behaviors, but racial discrimination prohibits equal rewards.
  - For example, the idea that going to school and getting good grades results in getting a good job and getting into a good college.
  - Or, staying out of trouble with law enforcement will provide life opportunities.

# The Evolution of US Policing: A Historical Overview

- Financial support – from private to public \$\$\$
- From political puppets to professional actors
- Common Ground
  - Enforcers of laws
  - *Social Construction of Target Populations*
    - Stigmatized populations, social constructions, political constructions, policing/professional practices, public perceptions
  - Orientation to support the status quo

# Evolution of Policing: A Visual Depiction



# Will Our Past Serve As Prologue?





# Should We Look Back to Plan Ahead?

*“The police at all times should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police...”*

*~ Sir Robert Peel, 1829 ~*

# Should we embrace and leverage this co-active moment and movement?

