Racial Discrimination in Massachusetts Police Departments

An Ethical Issue Paper

Matthew Harang

The Policy Tree

© September 2009
Abstract

This paper focuses on the ethical issue of racial profiling and discrimination in Massachusetts police departments. This issue stems from prejudices and stereotypes that in turn lead officers to act unfairly and unjustly. These issues were brought to the attention of the nation in July 2009 when an African American Harvard Professor, Henry Gates was arrested after a report that he was trying to break into his own home. This paper focuses on the ethics of this issue and similar ones, from the perspective of philosophers John Locke and Immanuel Kant. Their ideas and thoughts provide a backdrop for the discussion, which ends in a synthesized approach using those philosophies and some recommendations to curtail the practice of racial discrimination by police officers in Massachusetts, and in the nation as a whole.
Introduction

Although the United States has made clear progress in race relations and diversity issues, capped by the 2008 presidential election of Barak Obama, there is still a lot of work to be done. Prejudice is rooted deep in the culture, and incidents often arise from the most unlikely places. The institutions of law enforcement are established to protect and serve the citizens of the United States, but the officers are only human and are subject to make mistakes. The general public should feel comforted and secure when in the presence of peace officers. But unfortunately, with incidents of racism, police brutality, and other misconduct often covered by the media, many minorities feel that the police are not always there to protect and serve.

This paper will focus on the ethics of racial misconduct within police departments. Many public safety organizations have come under fire over the past several decades for issues such as discrimination, police brutality and racial profiling. One of the most highly publicized cases of such actions was the beating of an African American motorist, Rodney King, in which four Caucasian Los Angeles police officers were taped using brutal and excessive force to detain the defenseless man in 1991 (Cannon, 1997). Another case involved the shooting of another African American man, Sean Bell, by the New York Police Department in 2006. Sean and two other men who survived the ordeal, were fired upon while in their vehicle hours before his wedding was to take place. They were all unarmed (BBC News, 2006).

Although this is a nationwide issue, this study will focus solely on the Police Departments in the state of Massachusetts, in light of the recent incidents that have
been brought to the public's attention. This is an ethical issue because it deals with the related issues of equity and justice. According to French and Granrose, equity is achieved from an ethical standpoint when two parties are "on an equal footing" (pg. 124). Justice is, on a basic level, the repayment of one's debts. Several ethical concepts come into play when examining these incidents, as equity and justice can not be achieved when individuals are treated unfairly or unequally based solely on their race, ethnicity, gender, or background. In this paper I will argue that the actions of the Police Departments in Massachusetts have shown that racial profiling, prejudice and discrimination jeopardize the morality and ethical codes of the organization. This study will include an ethical analysis of some of these incidents, through the use of philosophers John Locke and Immanuel Kant. In conclusion, I will present a synthesis of these schools of thought as well as some recommended actions that may serve to deal with these issues.

The Issue of Racial Discrimination in Massachusetts Police Departments

Racism and discrimination are ethical issues that arise in almost all public agencies, departments and bodies of government. The Police Departments in Massachusetts are no exception. Two recent cases in two different cities in Massachusetts have brought light to the fact that racial profiling and other unethical conduct related to ethnicity still takes place. The first of those two incidents occurred when Henry Louis Gates, a very prominent African American Harvard Professor was arrested by members of the Cambridge police department on Thursday July 16, 2009.
on his own property. According to Charles Ogletree, Gates’ lawyer, the Professor was having trouble opening his front door after being away for most of the summer while researching the genealogy of cellist Yo-Yo-Ma in China. Police arrived at the Gates residence investigating reports of a possible break-in after a woman called 911 and reported that two African Americans, Gates and his limo driver, were trying to enter the house by force. The officers alleged that Gates “exhibit[ed] loud and tumultuous behavior” after their arrival. Subsequently, the policemen ordered Gates out of his home. He refused, on the grounds that he had done nothing wrong, and he provided positive identification that included his home address, proving that he was indeed on his own property. Gates, who is the director of Harvard’s W.E.B. Du Bois Institute for African and African American Research, was ultimately arrested inside his home, and charged with disorderly conduct. And although the charges were ultimately dropped, and the department called the incident “regrettable and unfortunate,” the situation was highly publicized, and it brought attention to the issues of racial prejudice and discrimination that have plagued many police departments throughout the country for decades.

The Boston Police Department also came under fire for a race relations issue stemming from this same incident. Boston Police Officer, Justin Barrett, was suspended by the department heads after referring to Professor Gates as a “banana-eating jungle monkey” in an email correspondence. It is alarming to many that an officer would even feel comfortable enough in that situation to send out any type of correspondence including such a harsh racial slur. Barrett allegedly sent the email from a personal web account to the Boston Globe and members of the National Guard. Part of the email is
shown below, in an article by Globe staff members Finucane and Cramer. The excerpt of the email is referring to Gates and his actions:

His first priority of effort should be to get off the phone and comply with police, for if I was the officer he verbally assaulted like a banana-eating jungle monkey, I would have sprayed him in the face with OC [pepper spray] deserving of his belligerent non-compliance (Finucane & Cramer, 2009).

Barrett also used the term "jungle monkey" two more times in the body of the email to refer to Gates. Boston’s Mayor, Thomas M. Menino denounced Barrett’s actions, calling him a cancer, saying that his actions would not be tolerated, and recommended that he be terminated. Boston Police Commissioner said: "We will not allow the unacceptable actions of one member to define who we are."

In spite of the fact that these two events were publicly condemned, and in spite of the progress that we as a society have made towards diversity and tolerance, the fact is that racial profiling still exists not only in Massachusetts but it exists throughout the country. These two incidents simply highlight their persistence in public safety departments. According to one article, there have been a series of recent cases of racial profiling or discrimination in Massachusetts. One incident took place an airport and another at a college dormitory (Rose, 2009). Still, 40 percent of the 247 police departments in Massachusetts have ignored the law that requires them to keep track of race and gender statistics regarding people who receive traffic violations. Perhaps that noncompliance has been adopted to cover up racial profiling practices. Lawmakers in the state have developed policy amendments that will hopefully force all departments to start keeping these important statistics. Perhaps this will be the first of many necessary steps working towards dealing with this issue in Massachusetts Police Departments.
First School of Thought: John Locke

The first school of thought that I will use to analyze the issue of racial discrimination in Massachusetts police departments is the philosophy of John Locke, who was the first of the British Empiricists. Locke’s ideas related to personal freedoms and rights relate directly to issues of police brutality and other unjust practices by law enforcement, since the duty of officers should be to protect and serve all citizens fairly and equally. Locke believed that all people, since created by God for God’s ends, should have natural rights to life, liberty, health and property. The famous quote from the Declaration of Independence: “all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness” was based on Locke’s teachings about these subjects (Indiana University: School of Law, 2009). This premise is still central to public policy in this country, and it should be central to the actions of law enforcement officers as well. Police chiefs and commanding officers must ensure that these rights are upheld by their departments.

This issue of racial profiling has a significant impact on the cities experiencing these incidents, and on the state of Massachusetts as a whole. Public perception of the Boston and Cambridge Police Departments has changed due to the media coverage of these incidents in which minorities have been unfairly treated. Superiors and public elected officials from the Police Commissioners to President Barak Obama have denounced these actions. It is likely that minority communities now fear the officers more than they did before, and they are skeptical of the officials who are supposed to
serve and protect the public. Such misconduct on the part of law enforcement places limits on Locke’s ideas of natural rights to life, liberty, health and property.

With regards to ethics, Locke had Rationalist ideas that moral choices are shaped by individual needs for one’s own well-being. This idea comes from the basic premise that man will learn from his experiences regarding his own well being. He will learn to avoid pain and to seek pleasure whenever possible. Thus Locke believes that individual pleasure is the basis for individual thoughts of ethics and morality, and one’s will and choices are results of seeking such pleasure. If this is true, the actions of police officers must fall under these same rules. That means that the acts of racial profiling and discrimination are practiced for some self-serving purpose. The officers, in some way feel that they are acting on behalf of their own well being by treating some groups differently than others. Perhaps it is ignorance and prejudice that causes police to act out of fear. These often irrational or misplaced fears in turn lead officers to act in their own self-interest by thwarting a threat before it has a chance to materialize - even if that threat is in fact not a threat at all – such as the unarmed African American Professor that was arrested in his own home.

Cases such as the ones in Massachusetts are started by the discriminatory and prejudice thoughts of individual officers and groups of officers. Locke also addresses the issue of prejudice head on in his writing *Of the Conduct of the Understanding*:

> Everyone is forward to complain of the prejudices that mislead other men or parties, as if he were free and had none of his own. This being objected on all sides, it is agreed that it is a fault and a hindrance to knowledge. What now is the cure? No other but this, that every man should let alone others’ prejudices and examine his own. Nobody is convinced of his by the accusation of another; he recriminates by the same rule and is clear. The
only way to remove this great cause of ignorance and error out of the world is for everyone impartially to examine himself.

According to Locke’s assertions in this quotation, everyone who acts out of prejudice ideas and unfair stereotypes should deal with their own issues individually. Thus, individual police officers should survey their own thoughts, ideas and emotions regarding issues of racial discrimination and the unethical actions that result from these issues. They should confront their own personal ethics and should examine their wrongdoings in relationship to their job functions and their ability to protect and serve their communities.

Locke stresses the importance of the duties of individuals, and is a deontologist in some respects. His philosophy touches on the belief that individuals have a lot of control over their own thoughts and actions. Locke’s ideas regarding the pleasure-seeking actions of individuals and his ideas that prejudices must be confronted personally, suggest that the issues faced by the Massachusetts police departments must be dealt by officers on an individual and internal level, at least in part.

**Second School of Thought: Immanuel Kant**

Using the philosophy of Immanuel Kant as a backdrop for the ethical issues in the Massachusetts police departments presents a different set of ideas in dealing with the issues. Kant was a supporter of the school of thought of deontological ethics, which focuses on the impact of duties. Like Locke, Kant developed Rationalist theories, such as the idea of “categorical imperatives.” Categorical Imperatives are duties and ideas that are based on moral rationality, and thus immorality is the result of breaking this
universal ethical principle. This concept is based on one's willingness to universalize their actions, as it is described by French and Granrose. Kant “believed that universalizability was sufficient by itself to resolve moral conflict” (p. 126).

Based on this approach, police officers should analyze their own actions based on their universalizability and reversibility. They would likely see the error in their actions if they imagined that those ideas were to be embraced by everyone universally. In addition, if the offending officers were to imagine that they were of a race that was being discriminated against, they would begin to further understand the moral and ethical overtones of their actions. It is likely that minority communities now fear the officers more than they did before, and they are skeptical of the officials who are supposed to serve and protect the public. Using universalizability as tool to understand their wrongdoings, Caucasian officers should be able to understand that they would not want officers of the law or other authority figures to use racial profiling techniques against themselves or their families. The offending officers can also put themselves in the shoes of minority officers, as it is probable that these racial issues have created problems within the police forces. Minority officers may feel threatened by these discriminatory practices or may feel that another group is favored unfairly. They may also feel obligated to participate in some of these discriminatory practices, especially if they are under the supervision of officers who support these practices.

Kant believed in the importance of the means and the motivation behind actions, and not in the importance of the end result. He injected a human element into his philosophy, asserting that we should never view humans solely as a means to and end,
but as an end themselves, as well. This human element is very important when considering issues such as discrimination against others because this is a branch of ethics that directly affects others. Kant would not agree with the practices of these police departments because he would assert that the police departments were abusing their power. Because the officers are members of an authority group, they are able to dictate to some extent what is right and wrong, and what is acceptable and unacceptable. As in the case of Professor Gates, the “suspect” was in no position to defiantly resist arrest. The police however, were in the position to give orders, though unethical at the root, at the expense of an innocent human being. Kant would have disagreed with this approach on the grounds that the officers failed to see Gates as an end, and not solely a means to an end.

Officers that engage in racial profiling and other forms of prejudice often fail to grasp the human element in the situation. If they had viewed Gates as an end, at the suggestion of Kant’s ideas, listened to his case, and validated the evidence that proved he was in his own home and did not pose a threat to anyone, (as the department later admitted), then the arrest would have never taken place.

**Synthesized Approach and Recommendations**

In order to formulate effective and feasible recommendations to deal with the ethical issue of racial discrimination in Massachusetts police departments, I will synthesize the philosophies of Locke and Kant. Using their moral foundations I will
present a series of actions and approaches that should be implemented in these departments and in other departments around the country that deal with similar issues.

I recommend that the Police Departments utilize several different methods in order to increase racial tolerance and understanding, while combating discriminatory practices such as racial profiling. First of all, I believe that training sessions should be given on personal freedoms based on Locke’s ideas. It is important that officers have strong ethical foundations. And, seeing that the main mission of the police department is protect and serve, it is imperative that they have a deep understanding of these personal freedoms in order to be able to effectively deal with protect and serve the public. Diversity training and tolerance courses should be required of all officers and employees and more in-depth and comprehensive courses for managers and commanding officers should also be required. Based on schedules and workloads, these courses should be given as often as possible in order to flood the department with acceptable ideas and practices regarding race relations. As, Norma Riccucci states, “the success of training programs may lie in the organizations ability to target the programs and policies to specific organizational needs” (pg 29). Education is crucial in preparing officers to work in diverse environments, and it is also crucial in preparing them to work for a diverse constituency and a diverse citizenry. Furthermore, it is very important for public safety entities to utilize the strengths that are generated by diversity in their workforces, because doing such will help them to better protect and serve their communities.
The next course of action that Massachusetts police departments should take is organizing community events, especially in minority areas whereby police can interact with individuals and families can interact with the officers on a level more personal and positive than normal. These events will help the communities regain trust that has been lost by some of the unethical actions. Furthermore, this approach allows police to Kant’s concept of the human element. They will be able to see that these individuals are not just a means to an end, but an end themselves. And conversely, this will enable community members to see the human side of the officers, as well.

Another recommendation that I feel is very important to this issue is to increase accountability based on the protection of Locke’s ideas of personal rights and freedoms: life, liberty, heath and property. Massachusetts police departments must work to ensure compliance to the initiatives that require that all police departments must compile detailed data and statistics regarding race and gender for all traffic stops, tickets, citations, arrests, search warrants, and other such incidents. Up to 40 percent of departments have not complied with these rules in recent years, but keeping such information thoroughly in the future will help to determine which departments and which officers are involved in racial discrimination, and it will increase accountability within the departments. Once the data is collected, managers can see which departments, groups or individuals need more attention regarding these issues.

Personal accountability should also be used as a method to decrease and eventually move toward the elimination of racial discrimination in police departments. Follow both the views of Kant and Locke it is important to examine ones own actions in
depth. As Locke suggested, it is important for each individual to examine his own prejudices and should look internally at his motives, fears, thoughts and actions. In examining himself, an officer can begin to understand why he acts in certain manners at certain times. At the same time, officers should utilize Kant’s theories of universalizability, as well. “Asking ourselves whether we are willing to have others do as we do helps put our behavior in a new perspective, the perspective of its acceptability from a moral point of view” (French & Granrose, pg. 126). Police departments can offer courses on how to examine one’s own thoughts and actions. The departments and individuals and communities must all work together in all of these recommendations to ensure that officers are more accountable and more aware of their actions.

**Conclusion**

In conclusion, the issues of racial prejudice and discrimination in Massachusetts police departments are quite complex. The ideas of John Locke and Immanuel Kant can provide an ethical basis for the turnaround that is necessary to deal with these issues. Officers must be educated about the importance of fairness, justice, equality, personal freedoms, internal examination of thoughts and motives, civic duties, and the human element associated with public service. Following the recommendations based on these concepts, the police departments in Massachusetts can be successful in dealing with the issues of racial discrimination. Their success in turn can inspire change throughout the country in police departments and other public and private institutions.
References


CSUDH. PUB512, Quarter 3 2009.


Indiana University: School of Law (2009). Declaration of Independence. Retrieved from:

Classics of Education Series. No. 31. Retrieved from:
http://www.ilt.columbia.edu/Publications/CESdigital/locke/conduct/toc.html

http://www.utm.edu/research/iep/k/kantmeta.htm#H8.


