

The Underpolicing of Black America; Despite controversies like Ferguson, police are better at stopping African-Americans at random than at halting an epidemic of murder

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ABSTRACT

Solving these murders and other serious crimes of violence in black communities should be a top goal for law enforcement—and it deserves to take priority over much more widely discussed issues such as racial profiling and the excessive use of force by police in black neighborhoods, from Ferguson to Staten Island. Impunity for murder and assault is both a general failing of the U.S. criminal justice system and a historic injustice specific to African-Americans—a legacy of underpolicing that reaches back to the days of Jim Crow.

FULL TEXT

In predominantly African-American neighborhoods of U.S. cities, far too many killers have gotten away with far too many crimes for far too long, fueling a disastrous murder epidemic. Solving these murders and other serious crimes of violence in black communities should be a top goal for law enforcement—and it deserves to take priority over much more widely discussed issues such as racial profiling and the excessive use of force by police in black neighborhoods, from Ferguson to Staten Island.

Impunity for murder and assault is both a general failing of the U.S. criminal justice system and a historic injustice specific to African-Americans—a legacy of underpolicing that reaches back to the days of Jim Crow. It may seem paradoxical, but the police tactics that protesters have recently denounced as harassment and discrimination actually overcompensate for what is, in essence, a weak police presence in these neighborhoods.

Today's controversial policing tactics are part of a law enforcement model in which prevention is everything and vigorous response an afterthought. Officers are better at stopping people at random than at tracking down those who do real harm; they are better at arrest sweeps than at investigating major crimes.

One result of this long-standing pattern has been a heartbreaking plague of homicide among black Americans. The murder rate among African-Americans has receded in recent years: In 2010, it was 32 per 100,000 people—half the rate of 1990, according to the Centers for Disease Control and Prevention. But it remains much higher than for other groups. The homicide mortality rate in 2010 for black men between 25 and 34 was about 15 times the rate for white men of the same age.

This racial disparity isn't new. Historians such as Eric H. Monkkenon of the University of California, Los Angeles, have traced disproportionate black murder rates to the late 19th century, with the gap widening in the 20th. Annual

reports by the Los Angeles police from the early 1940s show that even when blacks were just 5% of the city's population, they accounted for 21% of its homicide victims.

There is no mystery in the fact that black people are most likely to be killed by other black people: Homicide tends to occur mostly within groups, no matter the race. Likewise, wherever murder rates are high, arguments over romance, revenge, snitching and rumors typically drive a lot of the violence. The fighting may look petty to outsiders, but it can quickly become intractable. Witnesses become scared to testify; communal "justice" erupts in the form of retribution, pushing aside the rule of law.

Murder rates flare, in short, when legal legitimacy falters in a community—when justice is corrupted, when power is in dispute, when authorities ignore violent injury and death. Isolation and segregation magnify the effects.

Consider modern-day Egypt, which had long been a low-homicide nation in the guise of a police state. Almost immediately after the 2011 Arab Spring revolution overthrew the autocratic old regime, lawlessness erupted, and lynch mobs hung corpses from lampposts. Occupied peoples, frontiersmen and poor city dwellers alike are prone to high homicide rates.

As a country, we have never been very good at the kind of thorough, expert investigations that lead to swift arrests and render street justice moot. In New York in the 1800s, the historian Monkkonen found, only about a tenth of all murders resulted in convictions. Even so, the Jim Crow South was particularly dysfunctional. After Reconstruction, whites in power sought to block black laborers' access to constitutional due process while trying to present the appearance of colorblind justice, lest federal authorities intervene. The result was a system that, even when it wasn't visibly discriminatory, left plenty of room for violence outside the law.

The weak or nonexistent prosecution of violent crimes ensured that Southern whites could assault blacks without fear of legal consequences—and that blacks, too, could often kill one another with impunity. It was one of segregation's most perverse tricks: Blacks were kept down not by the application of law but by the failure to apply it.

When black Southerners migrated in later decades to northern industrial cities, they brought with them a sense that the law was a sham and a tendency to settle their own scores. They met midcentury police who were quick with nightsticks and twitchy with guns. Deployed in proportion to crime rates, these officers saturated black neighborhoods. The resulting clashes helped spark the riots of the 1960s.

But instead of checking this wave of urban violence, America threw up its hands. Prison terms per unit of crime in the U.S. hit rock bottom in the 1960s and '70s, making the U.S. one of the world's most lenient countries, as William J. Stuntz of Harvard Law School and others have shown. Reformers focused on the rights of defendants, remaining blind to the ravages of under-enforcement.

In the 1980s, a get-tough backlash hit, ushering in the current era of mass incarceration and long sentences. But unsolved homicides still piled up in black neighborhoods. Even as convicts grew old in prison, detectives remained overwhelmed by exploding street violence.

Officially reported homicide "clearance" rates—the proportion of cases solved—are, at best, a crude measure of police effectiveness, but California prison records show that the number of people admitted to prisons for criminal homicide was less than half the number of killings in the 1960s and a third the number in the violent 1970s. The system proved impotent at a time when black men were being murdered at horrifying rates.

Some studies have suggested that white homicides are more likely to be solved. But the comparison is difficult since published data is lacking, and easy-to-solve domestic homicides tend to predominate in white areas. Meanwhile, the gang fighting that fuels so much lethal violence in the black inner city is simply nonexistent in most white suburbs.

But differences by race in police "clearance" rates aren't the decisive factor. Rather, it is the concentration of homicides in crowded, segregated urban enclaves that so disastrously magnifies the feeling of impunity in these neighborhoods. From 1988 to 2002, the number of unsolved homicides in the L.A. Police Department's South Bureau was 41 per square mile. Even as many white neighborhoods remained untouched by killings during this period, some predominately black ones had three unsolved cases per block--seven at the especially violent intersection of South San Pedro and East 84th streets.

Meanwhile, police focused, as they had in the past, on nuisance and vice--the cheap and easy, low-hanging fruit of the trade. As early as 1956, Los Angeles police arrested more than 200,000 people a year for "drunkenness" and municipal code violations--a number that is nearly a tenth of the city's population. The "broken windows" theory of policing echoes these old paddy-wagon tactics.

The result has been a doubling down on distrust. When violent crimes go unpunished while nonviolent ones get hammered, many conclude that the state seeks control, not justice. Police don't benefit either: Devoted cops would much rather chase serious offenders. We should let them.

Adapted from "Ghettoside: A True Story of Murder in America," to be published Tuesday by Spiegel & Grau. Ms. Leovy is a reporter for the Los Angeles Times.

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