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Blinded by the star: a former law enforcement officer's reflections on crime and justice¹

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This essay highlights my evolving perspectives and views about law enforcement and criminal justice, and how they have been shaped since becoming an undergraduate college student. I detail my awakening from a naive patrol officer then sergeant, both on the job, and onto my pursuit of a college degree. I discuss the profound impact unquestioned myths can have on individual and collective viewpoints. I acknowledge the importance of higher education and critical thinking for those who pursue true justice. I further acknowledge the role of the educator to challenge and empower students not only to question their worldview, but to work for and welcome change. Only then can a more equitable future be realized for all.

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Introduction

Generally speaking, students entering the university to major in Criminal Justice have preconceived notions of what criminal justice is. They watch reality television shows, news reports, see movies which are often perceived to be based on factual circumstances and thus accept what they see and hear as truth. If they fail to challenge what they have been exposed to, these near-truths become the ideals they hold throughout their lives. Yet, when students actively explore these portrayals and compare them against what is presented in textbooks and by their professors, the very foundation upon which their belief system is based is challenged. The irony of all this is that being *a part of* the criminal justice system had the same effect on me!

I was a sergeant in law enforcement until I left after 19 years of service to concentrate on my son's needs. I was too young to retire with a full pension so I banked my money and headed out. Although I had earned my Associate of Arts degree prior to being hired as a sheriff's deputy, two years of college had barely cracked the surface of my naivety. Before I re-entered the job market, I decided to complete my undergraduate education to make myself more marketable. Never did I anticipate the awakening I would experience. As I began delving into upper level courses I suddenly recognized how ignorant I was, and how my lack of knowledge prevented me from truly serving my community.

Don't get me wrong, I was a very good cop and supervisor, but I also had a very skewed view of the criminal justice system. Being young, malleable and probably

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gullible, I took as gospel everything I was told in my training academy. Perhaps some of this was due to having been in the military prior to beginning my law enforcement career and part of it was because I believed in the integrity of the badge; I still do. Only now, as some of the rosy tint has come off my glasses, am I able to more objectively and critically assess the veracity of information presented before I make it my own.

I have always been in love with America. I believed everything was red, white, and blue. America meant freedom from the tyranny which many of our enemies have heaped upon unwilling participants. America was strong. America fought for the rights of humankind. Equality was meant for all. I never deviated, never wavered, never questioned the authenticity of statements I heard from the government. As an example of my unflinching zeal, when President Nixon was caught in the midst of the Watergate scandal, I wrote him a letter of support, even asking for a copy of the Constitution for an elementary school social studies assignment. I thanked him for bringing our troops home from Vietnam and, in a post script, I told him I had faith in him and did not believe he was a part of the Watergate cover-up. Amazingly, the sentiments of that little girl prevailed for many, many years.

Shortly after finishing my enlistment in the US Army as a medic, and earning my degree at a local junior college, I was hired by the Pinellas County (FL) Sheriff's Office (PCSO). I was anxious to get out and serve my community, put the bad guys in jail and fight for the rights of victims. Isn't that what all cops are meant to do? After 16 weeks of a law enforcement academy which included all policing agencies within Pinellas County, I began a 16 week field training program within my department. It consisted of spending an equal amount of time riding with three different training officers for three advanced training phases and then returning to the initial officer for my fourth phase wherein my total performance would be assessed to determine if I should be kept as a deputy.

Most people would assume that this training involved applying the law I had learned in the academy to specific situations, performing traffic stops and writing citations, becoming tactically sound while protecting fellow officers and citizens alike, and learning how to de-escalate a hot situation through good communication skills vs physical confrontation. And most people would be correct. But one thing most would not expect (or maybe they would, I just did not) was to become racially biased without recognizing that that was happening (Robinson, 2009, p. 178).

My first field training officer (FTO) was my favorite trainer. She taught me, first and foremost, to utilize my training for safety, to protect officers, citizens and suspects alike. I learned to interview children and adults, victims, witnesses and suspects. I discovered how to identify suspicious activity (sometimes it was outwardly blatant, but the majority of the time it meant identifying my gut feeling as more than just hunger pangs) and then ensuring that there was enough reasonable suspicion present to act on it. Most importantly, there were many occasions when discretion really was the better part of valor and she encouraged me to use it.

In the next four short weeks, my second FTO almost shattered my belief in the badge. I began questioning and wondering if my first FTO was an anomaly, and if this second FTO was how most cops were. This deputy loved to work drug cases. In addressing these cases, it became obvious that we did not patrol white neighborhoods with the same proportion or enthusiasm that we did black neighborhoods. This FTO did not address white citizens the same way he spoke to black citizens, and he did not seek to search a white person's car during a traffic stop as often as he would a black person's.

When I spoke up about my concern, I was hauled into the FTO Sergeant's office where this FTO accused me of being afraid of black people. He told the sergeant that I would not assert myself around African Americans and essentially forfeited numerous opportunities to make good narcotics arrests. I countered by saying that I thought this FTO was racially biased and described my observations about his performance. His assertion that I was afraid of blacks was ridiculous! However, since this FTO was black himself, the FTO Sergeant did nothing (to my knowledge) to curtail the behavior I had observed, perhaps doubting that a black man would be predisposed to mistreat members of his own race.

After this experience, my time with this FTO was indifferent at best. He threatened me by saying that he had the power to have me fired. After all, I was still a probationary deputy. So I resorted to what my first FTO taught me about identifying *all* sources of suspicious activity and became even more proactive than most second phase recruits are supposed to be to prevent any conflict from rising again. During this phase of my training, I did learn that there was a lot of drug activity in certain neighborhoods.

I entered my third phase quite tentatively. I had no idea what to expect and worried about the power my FTO wielded. I became upset over every error I made. If I turned the wrong way while driving the patrol car, I became flustered and made more mistakes. If I was asked a question or presented a scenario and gave the wrong answer, I wanted to cry. If we entered a black neighborhood, I almost cringed with fear, not because of the people who lived there, but because I was uncertain what this FTO expected of me. Finally, my FTO broke. He made me pull the patrol car over and he yelled at me, telling me he knew how well I had performed during my first phase and that he recognized that I had more than just common sense going for me. He knew there had been some issues with my second phase FTO, but could not figure out what would have happened to make me so hard on myself. I blurted out that I did not want to be fired and then he realized what had happened. He assured me that it was not within his or any other FTO's power to fire me. We discussed my concerns over racial profiling and he agreed that there is no place for it in law enforcement. My faith in the badge was renewed and I completed the remaining phases of my training with high marks.

Once I was on my own, I sought to serve and treat everyone equally. Although I heard complaints of profiling and racial biases happening at other agencies, PCSO was not among them.

There have always been officers who prefer to take certain crimes over others. For example, some officers prefer traffic stops or drug cases over domestic violence. For these officers, rather than investigate whether or not a crime has occurred, I have heard them make up excuses why they did not arrest a male spouse/significant other suspect. Contributing to this were the changes made in domestic violence law and policy in our county that caused a great deal of frustration for law enforcement officers. Some felt that the law was too confusing and time consuming, or that the State Attorney would file a 'no-information' anyway so why waste the energy. Other officers claimed, after listening to the suspect, that the situation was not that serious, that the female had provoked the male, or the officer simply preferred to work different types of crime. Nevertheless, when an officer had an affinity for certain cases, he would assertively investigate those activities while shirking his other responsibilities. In making this observation, it should be noted that this only applies to some officers, it does *not* apply to all or even most officers.

Too often (hindsight being 20/20), some deputies worked traffic in order to get consent to search vehicles. If a particular car was worn out, old or believed to be driven by a lower income driver, there was a greater likelihood that it would be scrutinized for traffic or equipment violations. Obscure statutes were cited providing probable cause for stops. Younger drivers also paid a higher ante. Once stopped, consent to search was frequently requested even if there were no signs of drugs. More often than not, if the driver was white consent was granted; African Americans were more likely to say no and Hispanics tended to hesitate. In those situations, the deputy would often take that as an affront and press the issue, suggesting that drugs must be present otherwise why wouldn't the driver allow a search?

It is here I plead my ignorance. On occasion, when a black male was arrested (or even asked for consent to search), the arresting officer would find in the possession of the arrestee a business-like card provided by particular law groups informing the individual what should be done upon being arrested. The first item on the list was to invoke their 5th Amendment right to remain silent and then refuse any request for searches. I did not understand why any attorney, who was supposed to represent justice, would tell someone not to talk to the police. (Remember my shiny badge?) The police were there to find the truth, not make it up, so why be so distrustful?

The duality of the situation never dawned on me, not even when I was accused of racial profiling myself. I was working patrol one morning when I noticed a car traveling well below the posted speed limit. Although it had a taillight out, I opted to follow the car before stopping it to determine if perhaps the driver was impaired. Just as I was about to turn away and let him drive away, he began weaving in and out of different streets as if he was attempting to lose me. I decided to conduct a traffic stop at that point to determine his degree of impairment and alleviate my suspicion. As I walked up to the driver's window I thought to myself that, if he was not impaired, I would use my discretion and let the equipment violation slide.

Upon asking the driver for his license, registration and proof of insurance as I did with every stop, that man stated, 'What's the matter? Not used to a black man driving through your city?' This made me angry. I tried to maintain my composure and explain my observations and why I stopped him. He did not believe me. He continued down the racial road as I stood there in disbelief. How could this man, who did not know me, make such an absurd accusation? I wondered why (it seemed to me) African Americans were more apt to 'play the race card'? I was bewildered and frustrated.

While still a young deputy, my (now ex-) husband and I had the opportunity to adopt a black baby boy. He was only three weeks old and had been born to unmarried parents who used crack cocaine. When asked by the adoption agency if we wanted a white baby or were we open to a biracial one, I explained that I did not care if s/he was purple with pink polka dots as long as I could have a child between birth and two years of age. To me race was never an issue, I viewed it as a matter of pigmentation.

I was a white girl who had grown up in a predominantly white, yet very poor, neighborhood. There was one black kid who lived nearby and other than the initial curiosity over the obvious pigmentation difference, I never gave skin color much thought. So when I heard mutterings about discrimination within our agency among the deputies themselves and the response that it was 'militant blacks' who were making the claims, I ignored them.

One day, however, one of my close friends and I went shopping at an upscale department store at the mall. My friend, who is black, was looking for a dressy outfit for a special occasion. We looked for her size and when we could not find it, I asked

the sales associate for help. When she noticed my friend, she simply walked away and did not return. I was dumbfounded, but my friend explained that this was not the first time this sort of treatment had happened to her. Eventually I noticed that, when I was in a store with my son, I was watched by store personnel more closely than when I shopped by myself.

As my career continued, other realizations occurred; one was that the ‘militant blacks’ had legitimate concerns. Department promotions were slow in coming and seldom awarded to blacks for upper echelon positions. When a black female was promoted to major (the first in the agency’s history), her color was highlighted in the newspapers rather than her other credentials. She had served as a captain flawlessly for years, had earned outstanding peer and citizen evaluations, possessed a graduate degree and had been with the PCSO for 20+ years. As I saw what was happening internally, I was forced to look externally too.

I was promoted to sergeant in my sixteenth year. Supervising my own squad, I was determined that they would respect the rights of all people without regard to the color of skin or the neighborhood in which they lived. I monitored traffic stops, how long the stops lasted, and the race of the individual(s) involved. At one point, this led me to one deputy who had a propensity to stop Hispanic drivers, although there were fewer Hispanics in our jurisdiction than whites or blacks. His reason was that the stops were nearer the Hispanic neighborhood so I insisted he patrol other areas as well because if his routines continued disciplinary actions would result. Fortunately for everyone involved, it was not too long after that that the law required our citations to identify race. I think this deterred some of the overt profiling activity such as what I observed in my deputy from occurring.

Intellectual enlightenment brought about concern for my son and was initially focused on the disparity between the races in public education. Because of his exposure to crack cocaine *in utero*, he suffers from a neurological disease resulting in learning disabilities. I continually look for ways to help him learn and my search has uncovered substantial inequalities in the delivery of educational services. If it exists in education, I believe exists elsewhere as well.

Once we moved to Michigan and I started my education at the University of Michigan, Flint, I more firmly recognized that that card handed out by attorneys and the suspect’s reaction when I stopped him that Sunday morning had merit. Although I think some situations could and should have been handled differently by some of the respondents, I recognize the frustration and feelings of futility some may experience.

In spite of my career experiences, I had never recognized the disparity and correlation nationwide between race and arrest, conviction and incarceration. If I had given it any thought it was limited to thinking that this may have been the case in only a few backward, probably southern, states. I did not know that most crimes were intra-racial. The media exploits and sensationalizes crimes of black on white, then black on black, and rarely white on black. (I actually believed for most of my life I was more likely to be attacked by a black man than a white one!) And I did not know that the majority of individuals in state and federal prison are there because of drugs (Robinson, 2009). Why? Because I never bothered to ask the question; I allowed myself to be blinded by the star.

Regarding the availability of due process to all, I am also concerned (now more than ever) about how poorly represented the indigent really are. I do not think it is right that money talks when it involves individual freedom. Too many people are falsely accused and wrongly convicted. With the technological advances available

today, everyone should have the opportunity to utilize this knowledge to prove their innocence. However, the pendulum swings both ways so what is used to exonerate should also be used to convict.

All of the aforementioned also affects my beliefs about the death penalty. As a deputy sheriff, I agreed with it because I did not believe such egregious errors could be made wherein an innocent person would be put to death. I know better now. However, I still believe in the death penalty in cases of killing police officers and certain other cases. If DNA is available, it should be mandated that it be processed before the imposition of a warrant. Also, if a defendant is exonerated and released, it also should be law that that person's record be expunged rather than making him/her bear any cost and burden of having his/her record cleared.

With my newly acquired knowledge and perspective I am now fearful. Not *of* blacks as my second FTO contended, but because my son *is* black. I worry about officers such as that long ago FTO who targeted criminal suspects because of the color of their skin. I worry about a court system that does not provide equal representation, and I worry about our jails and prisons that house the convicted. Yes, there are many terrible people incarcerated whom I still believe deserve the punishment they receive; but not everyone in prison is bad, and horrendous things happen in prison.

My hope for the future is that higher standards become mandatory for law enforcement officers. Closer attention must be paid to attitudes and training. Diversity training should not be a burden or a joke. Incentives must be given to provide due process to the accused while paying close attention to the needs of the victims and their loved ones so that justice does prevail. The disparity between the races must be addressed, sooner rather than later. These are issues that concern me.

I am thankful for the education I am receiving now. I look forward to using it to help others who may also be blinded by the star.

Note

1. This paper was presented at the annual conference of the Justice Studies Association in Albany, NY, May 2009. The panel in which this presentation was made consisted of undergraduate students, most being Criminal Justice majors, from the University of Michigan, Flint. Presenters had been asked to prepare their remarks by their professor Kenneth Litwin, addressing the topic, 'Evolving Perspectives on Crime and Justice'.

Reference

- Robinson, M.B. (2009). *Justice blind? Ideals and realities of American criminal justice*, 3rd edn. Upper Saddle River, NJ: Prentice-Hall.

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