ОБЩЕТЕОРЕТИЧЕСКИЕ И ИСТОРИЧЕСКИЕ ПРОБЛЕМЫ ФОРМИРОВАНИЯ ПРАВОВОГО ГОСУДАРСТВА

GENERAL-PURPOSE AND HISTORICAL PROBLEMS OF THE FORMATION OF THE RULE-OF-LAW STATE

RACE, MISTRUST, AND POLICING: THE INTENDED CONSEQUENCES OF LINKING BLACKNESS TO CRIMINALITY

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The issues of racialized violence and policing in America are not new phenomena but are a part of the American historical fabric. **Purpose:** to analyze the problem of institutionalized racism in the criminal justice model. Blacks are overrepresented within the criminal justice organizational model, despite representing a small percentage of the American population. The criminal stereotype of African Americans could contribute to the reason behind why blacks are disproportionately more likely than Whites to be targeted by the police as suspects, interrogated and wrongfully convicted. Policing behaviors across the USA are legally structured to produce institutional entrapments that often disproportionately target and affect black males. The stereotype of a criminal African American has also been associated with racial profiling. The paper describes The Black Lives Matter movement as a societal response to police abuse of coercive power and the fatal interactions of black males and women with police. **Methods**: the research is carried out on the basis of the methods of analysis and synthesis, generalization, comparison and description. **Conclusions:** institutionalized racism within the criminal justice system is the cause for the disproportionate arrest rates of African Americans. The restructuring of the policing model and the criminal justice model must be a realignment of values and discontinuation of practices that are fundamentally meant to oppress Blacks in America.
Keywords: racism; racialized violence; abuse; institutionalized racism; justice system.

The Intended Consequences of Linking Criminality to Blackness. The hubris of the Civil Rights movement has been its ability to draw attention to the humanity of black lives; most salient has been the ability of the movement to shift traditions of institutionalized racism persistently devaluing and reducing the lives of Blacks. There are institutions that have remained particularly resistant to radicalization in spite of the call for liberation and equity; in this skein; other like minded movements have blossomed in the steed of the Civil Rights movement in order to facilitate a response to the violence perpetrated against black men and women. It is suggested unchecked abuse of coercive power by police is a stratagem of oppression of black's lives that is utilized by the state and an attempt to reinvigorate and further Jim Crow laws.

Like most American cities facing rapid growth Riverbend City is challenged by the complexities of crime, however in attempt to find solutions the city has linked criminality to blackness. It is hypothesized this racial bias is not an incidental consequence but rather a purposeful action of the policing organizational model. An examination of arrest trends across the country would eradicate suggestions of coincidence. A research study investigating the source of Black-White differences was conducted by examining drug arrests made across 78 neighborhoods in St. Louis between 2009–2013 (Gatson, 2019). The results of that study lend support to the racially discriminative policing perspective (Gatson, 2019).

Research supports and upholds that neighborhood composition significantly shapes drug enforcement practices; this would include net of «neighborhood-level violent and property crime rates, drug-related calls for service by citizens, and socioeconomic disadvantage» (Gatson, 2019). Findings revealed officers specifically racially profile individuals whose race is incongruent with the neighborhood demographics (Gatson, 2019).

It is further suggested that institutions hold «memories» of institutionalized racism and systemic oppression and repeadtly «return» to those traditions in theory and practices unless there is a radical shift in organizational structure. The idea that organizations have a specific culture may be supported by academic research (Allaire & Firsirotu, 1984). However there is a lament that there is an absence of a solid theoretical grounding for the concept of organizational culture (Allaire & Firsirotu, 1984).

Blacks are overrepresented within the criminal justice organizational model, despite representing a small percentage of the American population at 13 percent (Gatson, 2019). Research has been able to provide some explanation for the disparities in punishment, and largely attributes the inequities to Blacks having higher rates of violent offending (Gatson, 2019). This rationale would

not explain the disparate arrests for non violent offenses, which are «the majority of the nation's crimes» (Gatson, 2019). The procedural inequity continues to make obvious distinctions in terms of drug offenses and arrests. Data reveals blacks are no more likely to than whites to use or sell drugs, in fact «in some cases there is greater involvement for whites» (Gatson, 2019). Research supports this information as the opioid and heroin epidemic involves majority white users (Gatson, 2019). The theoretical background provide by some scholars for this disparity in arrests has been attributed to differential policing scrutiny and racially discriminatory policing (Gatson, 2019).

It would hold the policing model would not be exempt from having a distinct culture and within this culture would be accepted and normalized behaviors; those who act outside of the normalized behaviors, are outliers. It would be beneficial to then act in accordance with the accepted norms – even if they are to the detriment of another group. For these reason, it is imperative to examine the policing organizational model as it identified as a problematic in its utilization of coercive power, and the inequitable treatment of Blacks. Researchers have created «a typology of schools of thought in cultural anthropology in order to understand the diverse and complex theories of culture advanced in this field» (Allaire & Firsirotu, 1984). These schools are then related to different points of view to «emerging notions of organizational culture» found in management and organizational literature (Allaire & Firsirotu, 1984). A suggested approach is to pull together findings from research into organizational culture and related behaviors and integrate these into metaphor for investigating organizational decay (Allaire & Firsirotu, 1984).

Societal Responses to Mistrust. Across the United States, cities are facing a public health crisis of racism as more Blacks are killed as a result fatal interaction of with police officers. This racialized violence has birthed a grass roots social movement demanding responses from the criminal justice organizational model and a reshaping of the societal lens which links Blacks to criminality. However, the movement known as the Black Lives Matter movement has been criticized as being too confrontational and divisive (Clayton, 2018). This criticism can be argued as further oppressive and a linkage of Blacks to criminality by compartmentalizing the collective Black responses to violence as confrontational or angry. This arguably is a white hegemonic manipulation of Black narratives by reducing natural responses to inequity as «confrontational».

It is proposed that racially biased interactions with police are increased after negative events with police, such as police shootings by a Black suspect (Legewie, 2016). A study designed to examine this theory revealed substantial-

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ly increased use of force by police against blacks after the fatal shooting of two police in New York City; however the use of force against whites and Hispanics remained unchanged. (Legewie, 2016). Aside from the importance for the debate on racial profiling and police use of force, this research reveals a general set of processes where events create intergroup conflict, foreground stereotypes, and trigger discriminatory responses (Legewie, 2016).

Studies reveal that rather than aligning with causes of racial discrimination when it is revealed, individuals disassociate with the realities of these events and adhere to racial stereotypes. Exposure to inequality causes individuals to become less supportive of policies that create disparities (Hetey & Eberhardt, 2018). There is sufficient evidence to support claims of racial disparities within the criminal justice organizational model, this would also support and simultaneously resolve the debate on institutionalized racism that exists within the criminal justice model in which African Americans are 5.1 times more likely than whites to be incarcerated (Hetey & Eberhardt, 2018).

Further research reveals that patterns of racial bias in police interactions and arrest are persistent across the United States. «Analyzing traffic and pedestrian stops made in Oakland, California, for example, our team uncovered a consistent pattern of racial disparities. We found that 60 % of police stops were of Africans Americans, though they make up only 28 % of the population of Oakland» (Hetey & Eberhardt, 2018).

A suggested approach is to not reexamine the criminal justice system, but rather to examine statistical information on racial disparities (Hetey & Eberhardt, 2018). The rationale of this approach is to find an opportunity to justify and rationalize those disparities found within the system (Hetey & Eberhardt, 2018). The specific goal of the article was to spur future research and redirect the paradoxical and unintended effects of creating awareness of racial disparities. Researchers propose strategies for effectively examining and presenting this information which include, offer context; challenging associations; and highlighting institutions (Hetey & Eberhardt, 2018).

Spatial Distancing: Protection from Blackness. Researchers provide the fundamental issue is the essential functioning policing and it's positioning the United States as needing protection from blackness. It is suggested the criminal justice model has chosen to protect non blacks through spatial containment of blacks or the ghettozation of black communities (Logan & Oakely, 2017). This spatial delineation is a bitter reduction in the lives of blacks particularly after the triumphs of the Civil Rights movements in the 1950s and 1960s; however given a report that emerged in the 1960's regarding the plurality of race relations in the United States, the criminal justice organizational

model has not been responsive to race inequities but given the evidence, remains at the root of race injustices within the country.

The Black Lives Matter movement is a societal response to police abuse of coercive power and the fatal interactions of black males and women with police. The organizational efforts of blacks have never been without widespread criticism and more importantly not without the ability to escape the hegemonic gaze of the white patriarchy. The movement is not unique in its response to racialized violence; President Lyndon Johnson's appointment of the National Advisory Commission on Civil Disorder (Kerner Commission) followed a series of inner-city riots in the 1960s. (Logan & Oakely, 2017). The study revealed the country was stagnant in terms of race relations and that blacks were not likely to be equal partners in society. The Commission's report the following year famously concluded, «Our nation is moving toward two societies, one black, one white – separate and unequal» (Logan & Oakely, 2017).

The rapidly changing media landscape has changed how society receives news and in this skein processes events. Racialized violence is not a whisper in southern trees and backwoods but now is transmitted quickly in the time it takes to click a mouse over a hyperlink and public attention is now made aware of a version of racialized violence; «systemic police brutality and repeated killings of unarmed Black and Brown men by police» (Logan & Oakely, 2017). The information is now widely broadcast and shared over a plethora of platforms; «videographic evidence of homicide after homicide (shooting, tasing, choking, rough riding), instantly distributed through social media» (Logan & Oakely, 2017). Blacks Lives Matter took it genesis similarly, in this burgeoning atmosphere where information is power and is transmitted within less than a second. The movement began simply as a hashtag with little organizing it ignited the following of millions simply by its ability to mobilize individuals who felt disempowered by the systematic institutionalized racism of policing that is seemingly made apparent by policies that are not representing the best interests of blacks.

The issues of racialized violence and policing in America are not new phenomena but are a part of the American historical fabric. Researchers provide that responses are also deeply entrenched in American history and draw a comparative analysis between the evolution of modern black liberation movements and those of past. What is most poignant about the Black Lives Matter movement is that is addressing issues that were to have been resolved by its predecessor, the Civil Rights Movement in a «Post Racial» America.

The Civil Rights Movement. An examination of the two movements draws the researcher to examine what societal conditions are being challenged;

accordingly, «A social movement may be understood as a group of persons organized in a sustained, self-conscious challenge to an existing system and its values or power relationships» (Clayton, 2018). Therefore it is imperative to examine and gain an intellectual understanding of the systemic challenges that are being resisted. The continuous struggle for human rights extends to the demand for non-violent interactions with police, «Many see Black Lives Matter as the new civil rights movement. That movement, from 1954 to 1965, demanded basic equality for African Americans in the 20th century. Black Lives Matter has focused on police abuse of African Americans» (Clayton, 2018).

Conclusion. It is highlight systems of institutional racism in order to radicalize organizational culture and affect the behaviors that are normalized within those institutions. Specifically police officers are better educated to be within organizations. Furthermore it is posited the criminal justice model must be reflective of its own culpability in reducing Blacks lives. The restructuring of the policing model must move beyond diversity training, it must be a realignment of values and discontinuation of practices that are fundamentally meant to oppress Blacks in America.

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РАСОВЫЕ ПРЕДРАССУДКИ, НЕДОВЕРИЕ И ПОЛИТИКА: ПРЕДПОЛАГАЕМЫЕ ПОСЛЕДСТВИЯ КРИМИНАЛИЗАЦИИ ЧЕРНОКОЖИХ

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Проблемы расового насилия и деятельности полиции в Америке – явление не новое, а часть американской истории. **Цель:** анализ проблемы институционального расизма в системе уголовного правосудия в США, выражающейся, в частности, и в том, что чернокожих осужденных гораздо больше, несмотря на то что они составляют небольшой процент американского населения. Криминализированный стереотип об афроамериканцах способствует тому, что они чаще, чем белые, становятся жертвами полиции в качестве подозреваемых, их чаще допрашивают и неправомерно осуждают. Действия полицейских в США юридически структурированы таким образом, что создают условия для институциональных ловушек, которые часто несоразмерны с представителями других рас, направлены на чернокожих мужчин и затрагивают их права. Стереотип об афроамериканце как о преступнике также связан с расовым профилированием. Рассматривается деятельность движения Black Lives Matter как реакция общества на чрезмерное применение полицией принудительных силовых мер, спровоцировавших фатальные стычки чернокожих с полицией. **Методы:** анализа и синтеза, обобщения, сравнения и описания. **Выводы:** институциональный, или системный, расизм в уголовном правосудии США является причиной непропорционально высокого уровня ареста афроамериканцев. Реформирование деятельности полиции и системы уголовного правосудия предполагает полную смену ценностей и абсолютный отказ от методов, направленных на угнетение чернокожих в Америке.
Ключевые слова: расизм; расовое насилие; злоупотребление; институциональный расизм; судебная система.

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