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The “Fundamentalism” in Police Operations

By Steve Martinot
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As police murders accumulate, and police chiefs get fired and replaced because they cannot stop it (as in Oakland and San Francisco), the notion that this represents a political crisis becomes a truism. It is not a “crisis of policing,” which would suggest a situation beyond the capacities of

the police. It is the police who have become the crisis. In Oakland, on July 7, 2016, 5000 people came to demonstrate on one day's notice against the two police killings that had occur the previous two days out of a profound awareness of the malignity afoot – and they shut down the Interstate.

The magnitude of this crisis is represented by its insidious repetitiveness. The murder of Alton Sterling in July of 2016 was identical to that of Oscar Grant in January of 2009. Thrown face down on the ground, with his hands pinned beneath his body and two cops sitting on him demanding that he put his hands behind his back, he is shot in cold-blood for a disobedience forced on him by the cops' weight. After seven years, with demonstrations and prosecutions, the cops are still enacting the same gratuitous violence. The police chief of San Francisco promised to reform police procedures after Mario Woods was executed by a firing squad of five cops, each twice Woods's size. And the day after he reaffirmed that he was the man for the job, one of his cops shot and killed Jessica Williams as she sat in her disabled car, unarmed. Thus, she joins the long line of people shot while sitting in their cars – from Tyisha Miller (1998), Sean Bell (2006), Mario Romero (2012) to Dion Damon (2016), with scores in between. The day after massive upheavals rocked the country about the murders of Sterling in Baton Rouge and Philandro Castile near Minneapolis, Alva Braziel was shot on the street in Houston (a mere ten seconds elapsed between the time the cop opened his car door and Braziel fell dead on the street 40 feet away from him). It is not that the cops are not learning from their "mistakes." They are following a different concept of "correctness." It almost appears (in the gratuitousness of their killings) as if they kill in response to civil society's objections to their killing.

City officials and police pundits mouth the word "trust" – namely, that the police have to win the trust of the community. They think this will happen if the murders are suspended for a while (though police will continue shooting beanbags and torturing people with tasers). But the problem of accountability goes beyond that. The community, through its activists and neighborhood clergy (who led the demonstration in Oakland), has made it plain that trust depends on jailing police murderers just as civilian murderers get jailed.

But police departments across the nation are insular. A Patrolman's Bill of Rights exists in state law in most states. It holds that investigations of police malfeasance shall be reserved for the police. To investigate Castile's killing, the mayor has to call in the Justice Department (FBI) in order to upstage all that state-level insulation. City government is not powerful enough to break through the structure of police impunity. Yet even the feds can't touch the "accessory" factor. In state law, if an organization protects a member who commits a crime, all members become "accessory after the fact."

What would constitute "reform" against such a power to insulate and separate itself from civil scrutiny and accountability? De-escalation and disengagement procedures? Modified training? How will that neutralize what clearly appears as a police desire to kill, which persists and increases against the years of protest and opposition? (In 2014, the police killed over 800 people of color; in 2015, it surpassed 1100.) It is not just corruption; it is desire. A black man acts strange in downtown San Francisco, after the police get a new "reform" chief, and all they can think of to do is shoot him with beanbags, and then pat themselves on the back for leaving him alive. We shall return to that incident below.

Two factors are suggested here. First, the police are a more powerful political organization than civilian government. Second, there exists in police departments a culture of separation, insulation, and violence that is different from the culture of civil society. The fact that modern police evolved from the slave patrols gives us a hint of what that difference might be (Cf. Kristian Williams, *Our Enemies in Blue*).

Universally, police departments distance themselves from civil society, and operate according to their own rules. These include racial profiling, an assumption of command over civilians that is comparable to the military, an insistence on immediate obedience, and the autonomous formation of a database on civilians on the basis of which to decide what offenses to charge a person. [Cf. Victor Rios, "Punished"] By means of this self-generated database, the police can claim that everything they do is based on hard evidence. But it is self-generated evidence. It is used to render civil society an "other" upon which the police can impose themselves with impunity. Through their demand for obedience, they have the ability to criminalize at will, a power which gets transformed into an ability to identify those who are the "enemy."

If civil society stands in potential opposition to the culture of policing, it is because it is thrust into opposition by that impunity. To walk away, to say no, to question, to argue with what a cop has ordered one to do is to become a criminal, to be handcuffed and arrested if not shot. This happens most often to people of color, but not always. The social doctrine by which the police promulgate this cultural difference, this identification of enemies within society, is by proclaiming that all enemies of the police are also enemies of civil society.

It is almost as if they were operating as a fundamentalist sect within secular society, a sect that says, either you are for us or against us. It is in religious fundamentalism that we find a strong confluence of separation from society, a self-determination of universal truth allied with an assumed purity of thought, producing an insistence on living according to rules and ethics strongly at variance (if not antithetical) to those of surrounding society. Let us look at an example more closely, in light of this possibility.

The Dion Damon incident

On April 12, 2016, in Denver, Dion Avila Damon, a black man, was shot to death by a cop as he sat in his car. Damon had driven his family (wife and young daughter) in mid-afternoon to downtown Denver where he let them off to pay a parking ticket. His car was then hit from the side by a pickup truck. And as he sat there in the car, stunned, the police arrive, and one of them shoots him through the windshield. His death is reported, but nothing is said about the vehicle that hit him.

The police explain that he was under surveillance because he was suspected of having robbed a bank a month earlier. Though they had no clues from the crime scene who the robber might have been, the police got Damon's name from a gang-member they had picked up on a gun charge. The snitch claimed that Damon fooled him into being the getaway car driver, in a stolen car from which no fingerprints were obtained (Damon had a record, as did the informant). The police obtained an arrest warrant on the informant's testimony, but choose to surveil Damon rather

than simply arrest him – until the moment he appears in downtown with his wife and daughter, and a cop recognized his car. [*Denver Post*, April 14, 2016]

In the profusion of police explanations, the following logic emerges. Because there was a warrant for his arrest, he was considered dangerous. His car had tinted windows, so that he could not be identified from the side as the suspect named in the warrant. He was shot through the windshield for making what the police said was a threatening gesture to an officer (Jeff Motz, who had several complaints of excessive force against him). Motz gave him an order through the tinted side window which he did not obey, then came around in front and shot him.

The elements of this event are familiar. The victim was a criminal because there was a warrant for his arrest. The car testified to its (alleged) occupant. That occupant was therefore a danger to society because he was a criminal, and as such, was dangerous to the police officer who approached him. The fact that the police could not see the car's occupant made him a threat as well as a danger. Thus, his existence was elevated to the level of a threatening gesture. That threatening gesture then became a direct attack on both society and the cop, to which the cop responded in his own self-defense. And that self-defense therefore had the quality of protecting "the safety and security of society."

The killing was not illegal in the police mind because it is the end product of a list of responses – to danger, to a threat, to the need to preserve "the safety and security of society." The ability to categorize people and society in this way – as dangerous, as a threat, as criminal – is a power that the police have assumed for themselves. This power to define then becomes a power that separates them from social reality. They approach it through their own definitions. And that, in turn insulates them from accountability to that social reality.

The fact that this list of responses occurs in the moment, coagulating an entire judicial process into a single act for which it substitutes itself, actually suggests that the cop preferred that Damon be a dangerous felon, so that he could defend society against Damon, and thus affirm the necessity and purity of police procedure with respect to civil society itself. One gets the same impression from the rapidity with which Alva Brazier and Tamir Rice were killed as the killer stepped out of his police car.

From the side of civil society, the police simply shot a man they had not yet identified, and having shot him, had to claim they were acting in self-defense. Once dead (and identified), the warrant was enlisted as justification, even though the police had chosen to keep Damon under surveillance. The assumption that Damon was a criminal sitting in his car superseded all other knowledge for the police. At the moment of shooting, that assumption constituted both knowledge and justification. The inseparability of his blackness from that criminality formed part of the foundation for those two levels of assumption.

The double meanings of language

Justification (aka justifiable) becomes a term with double meaning. For the police, it is part of the mantra of defending the safety and security of society against criminals. For more and more of civil society, however, it is becoming a term to describe what the police do to explain an act of

murder that they have committed. Under justification, the need to defend society against those the police identify as a threat becomes a truth that is irrefutable because assumed. Irrefutability and truth constitute the primary elements of police separation from civil society. Their self-generated power to identify, to impose an identity, and to act without fear of accountability (that is, with impunity) emerges from that separation. It provides a legitimacy in advance. It is in the gap imposed by self-justification and categorization that a suggestion of a real desire to kill a person appears, precisely in order to both manifest and confirm the truth of those justifications.

Nothing exemplified this better than a recent incident in San Francisco, in the wake of the police chief's resignation, and city dedication to "reforming" police procedures. A shirtless black man was standing in midtown and "acting strange." The police order him to show his hands, which he refuses, and a "standoff" begins. During this two hour "standoff," this man spent much of the [time] lying face down" on the sidewalk "as officers flooded into the area." This was even shown on the evening news. He's face down on the ground, his hands stretched out in front of him (i.e. in sight), so that anyone can come up to him from behind and handcuff him. Yet the police stay 30 feet away shooting beanbag rounds at him, and claiming he has a gun. They do not want to touch him. Instead, they use him for target practice. Specialists are brought in "to try to persuade him to surrender," as if he could assume a more surrendering position. The police evidently have a different meaning for that term, since they eventually charge him and violently handcuff him. He is carried off on a stretcher. Apparently he was "dangerous" (and therefore criminal) because he had refused to obey an order. The article quotes the chief as praising his officers for having "created a situation where this gentleman could walk away with his life." (SF Chronicle, July 6, 2016, p.A10) In other words, he is expecting gratitude for the graciousness of the police. One is reminded of the anger of slaveholders in the South that their slaves did not show proper "gratitude" for their condition (CF. Sadiya Hartman, "Scenes of Subjection").

On the other hand, the suitability of Jeff Motz (Damon's killer) for police duty was not in question, though he had a long history of "excessive force" complaints. In light of that departmental approval, the suggested desire to kill on the police part means that the terms "safety" and "security" become empty and rhetorical – for civil society, though not for the police.

This distinction is also evident in the difference between the "use of force" and "excessive force." "Excessive" force refers to those incidents for which civil society finds the justifications for the use of force to be unconvincing. It is the specific "use of force" it criticizes, in response to which the police create the alternate term across their cultural separation from society's questioning. Because the category "excessive force" exists, the police "use of force" remains normalized, and thus legitimized for civil society as well as for the police. Insofar as the police valorize violence through that distinction, civil society is deprived of the ability to contest the "use of force" as such.

Ultimately, to call this "law enforcement" is to play with words, to be highly euphemistic. It is to speak words that relate to public desires, while the police demonstrate a desire for violence beyond the law. Clearly, in order to act violently in a society that wishes only to eliminate violence, the police must impose a countermanding definition. Thus, the violence to eliminate violence is not called "violence." This definitional presumption, however, represents an absolute

and irreconcilable antithesis between civil society and police culture. One side may assert its use of language is truthful, but for the other, that claim is false on the face of it.

This represents a real inversion of law as well as ethics between the two cultures. When a cop commits murder, police spokespeople assert that the public must look at the whole picture. Critics should “stop the negative, anti-police sentiment by highlighting the quality work done by every one of our members on a daily basis” (says the president of the Portland Police Assoc.). In civil society, it works the opposite. No matter how good or socially minded a person is, if they commit a crime, they will be charged, convicted and imprisoned. Though their entire life might have been spent in humanitarian service, one crime will suffice to end their liberty. Police crimes are discounted against a rhetorical social context, while in civil society, criminal actions are never left unaccountable.

On Fundamentalism

In a short review of Olivier Roy’s analysis of religious fundamentalism, Thorsten Botz-Bornstein (“The Trouble with Excellence,” *L.A. Review of Books*, May 1, 2016) encapsulates Roy’s description of religious fundamentalism as follows. It is a separation of religion from culture, brought about by the negative impact on religious life of a secularization of society. The secularizing process isolates the fundamentalists, who respond to the broader cultural milieu as “other” through a process of self-insulation and cultural purification. The fundamentalist undergoes a “deterritorializing” process that leads to a conviction of profound universalization of concept and belief, and leads one to stand in opposition to both social equality and the vast variety possible for personal autonomy.

In creating for itself a cultural separation from secular society, fundamentalist religion arrives at conceiving of itself as independent and unaccountable to social or cultural tradition. It sees itself as enacting a body of “pure truths,” while responding to secular judgment as an aggression or trespass upon its unmediated self-determination. As highly structured and hierarchical, fundamentalist religion has the ability to “function” in any cultural context because of a higher order of thought than the secular. Thus, it sees itself as the true carrier of righteousness, which implies seeing secular culture as “decultured” and endlessly corrupt. Under the aegis of its “truth,” it loses the ability to reflect on religious beliefs within a cultural reality that is not religious.

In a critical sense, urban police departments have initiated a similar kind of relation to civil (or constitutional) society, and done so in a (federally) coordinated manner throughout the country. Seeing civil society as “de-cultured” with respect to the law (viz. through the principle of equality), and corrupt in its laxness toward criminality (recall “Dirty Harry”), the police see their function as purifying. Operating through a common hierarchical structure, their style of operations, technologies, and ideologies have become uniform throughout the US. An essential part of this standardization and purification has been their insistence on the regimentation of society through an attitude of command and an insistence on obedience, as if civil society had been transformed into a military organization in which all police officers played the role of commanding officer – the fact that surrounding culture would reject military procedure as of value for civilian life notwithstanding. This concrete separation between police culture and civil

society (the command / obedience paradigm) becomes an unbridgeable gap as soon as disobedience can be seen as itself criminal. Across that gap, facing the self-defining culture of policing, the social ability to hold police accountable to the principles of constitutionality is lost. Because the police have coopted the category of “law,” only human rights complaints remain.

In the *San Francisco Chronicle* (June 8, 2016), a day after 5000 people demonstrated in Oakland in protest to the police killings of Philandro Castile and Alton Sterling, a reporter, referring to the video of the cop shooting Sterling in the back, said that “police worry about a rush to judgment based upon an incomplete narrative” of the event. Nowhere is any “rush to judgment” attributed to the cop who shoots Sterling, or Damon, or Jessica Williams, or anyone else just sitting in their car. What this police anxiety implies is that, for the police, their victims could not have been doing “nothing” since they had already disobeyed a command. The article goes on to broach the fact that the killings have become issues only because they are video-ed. “Activists believe the access allowed by personal cameras allows their side, long invisible, to be seen.” In other words, justice itself has a different meaning, a different “side” in civil society and in police culture.

Against the pretense of an equality of persons, or equality of races, or a diversity of cultures, the police counterpose the law, but a law that has become the police as a law unto themselves through their impunity. Thus, racial profiling is justified as an unfortunate effect of crime fighting under equality before the law, while stop and frisk is justified through the substitution of police suspicion for the materiality of probable cause. The internal assumptions of the police culture, rendered “truth” through their fundamentalism, become routine justifications for the police.

In the end, self-generated norms become more important than humanity, human rights, or compassion. Like theology, police fundamentalism resides in a display of “purity”, while information (informants and databases) replace culturally embedded principles of knowledge and justice. Turning away from ethics and the sanctity of human life, police fundamentalism prioritizes procedure (command) over human issues.

Conclusion

In short, the police constitute a different culture than civil society, operating according to a disparate ethics whose rectitude is self-generated. In claiming to save civil society from its own implacable enemy, it demands to be honored, but for meanings at great variance from civil or constitutional culture. While they insist that their accusations are based on hard evidence, the police themselves build the database upon which they categorize people as criminal. Their insistence on the truth and validity of their methods, their killings and beatings, which they justify as “saving lives,” insuring the “security” of society, etc., renders them unquestionable, insular, and accountable only to themselves, in a manner similar to religious fundamentalism.

The combination of impunity and insistence on obedience gives the police the power to criminalize any person at will by using one’s self-respect against oneself. What these examples demonstrate, beyond their inversion of aggression and self-defense, is a police demand for the ability to command people in civil society, and to punish them for refusal to obey. The impunity (non-accountability) their fundamentalism establishes for itself allows police violence to become

a stage on which to perform a collective desire to control, regiment, and judge in its own organizational terms. In effect, it is the fundamentalism of the police that inverts the norms of society, and transforms that inversion itself into a norm.

The ability to criminalize at will marks the way it engenders the enemy it needs to justify itself, and its disruption of civilian peace and tranquillity. In that sense, the police have become a state in and of itself – a fundamentalist state. As political, it constitute a “police state.” But socially, it represents a different form of control over the daily life of all civilians.