

Beyond the Baton
How Women's Responses Are Changing
Definitions of Police Violence

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It is fitting that we spoke about police violence at the Frontline Feminisms Conference in Riverside, California in January 1997. The previous April, sheriff's deputies chased a truckload of Mexican nationals for miles and then beat those who weren't finally able to flee on foot--including a woman--as a news helicopter hovered above. Probably more people in the United States saw these now notorious "Riverside beatings" than any other similar encounter between police and people since Los Angeles police beat Rodney King on 3 March 1991.

The Riverside beatings had a certain symmetry with the Rodney King case. With a somewhat different focus, I could have entitled this, "From Rodney King to Riverside: The Privately Transient and the Publicly Rootless." What could be more eternally transient than going down in history defined, as Rodney King was, as a "motorist"? The Mexican "illegals" of the Riverside beatings--especially women and girls, who are jeopardized multiply by poverty, race, gender, and status--remind us that both "person" and "citizen" are tenuous categories.

Quite often when I have spoken in cities other than my own on police violence, I have begun by citing an example from that day's local newspaper. This has really not been very risky in the decade following Rodney King, when U.S. newspapers have covered police violence and community and legal response to it more than ever before. On 12 January 1997, just four days before the Frontline Feminisms Conference panel, Human Rights Watch (HRW) released a copy of their letter to U.S. Attorney General Janet Reno, along with a fourteen-page summary of concerns about abuses along the Mexican-U.S. border by Immigration and Naturalization Service (INS) Border Patrol and other law enforcement. Following up on three previous reports, HRW documented further beatings, shootings, rape, and sexual harassment of women and girls.

The previous March, a border patrol office raped two Guatemalan women who were later assisted by the El Paso Border Rights Coalition. BRC is a project of American Friends Service Committee's Immigration Law Enforcement Monitoring Project (ILEMP), which reported to the 1995 UN Conference on Women in Beijing on 346 abuses--almost three-quarters committed by INS workers--suffered by immigrant women in Southern California, Arizona, and Texas from January 1993 to August 1995.

Human Rights Watch and the AFSC's ILEMP indicate there is widespread abuse by a particular segment of U.S. law enforcement dealing with foreign nationals.

However, the garden-variety police violence toward U.S. citizens has also been easy to spot in most daily papers. By “garden-variety” I mean homegrown, pervasive throughout the nation (not just in cities, though that's another article). I also mean police violence of the classic sort, involving simply excessive force. Rodney King's beating was the classic scenario. We understand how to define “police brutality.” Like some pornography, we know it when we see it. It just takes longer to see it when it happens to some people.

I want to address some aspects of how we think through what “police violence” actually is, how it affects our organizing in communities, and what it tells us about what we mean when we use the term “citizen.” We think we know what “police brutality” is.

First, it's something that happens to men--but it can happen to women “too.” The “classic scenario” also helps keep some kinds of police violence invisible and, to some extent, unintelligible as “violence to women.” In particular, I want to address how the destruction of homes by police during commando-style drug searches damages women and their children who witness these raids, trauma that is sometimes on par with some refugee events.

I came to these issues from both organizing and research. When Rodney King was beaten in 1991, I was part of a community task force in Syracuse, New York, my home city. The task force was organizing community forums or “speak outs” on police behavior. Later, that task force successfully got city legislation passed establishing a “citizen review board” (CR13) to hear complaints of police misconduct. We believe the Syracuse CR13 was the first such entity in the United States to include a provision for restitution based on the destruction of homes on grounds other than simple “search and seizure” violations. Before that another social worker and I had spent about two years meeting weekly with a women's support group in the county penitentiary. Nearly every week I heard about another home search from another woman, and not one of them had ever formally complained about having their homes trashed and their children terrified. Since then, I have interacted with many other communities throughout the country, both visiting them and, for about a year and a half, editing a national newsletter, Policing by Consent, about police accountability efforts. Across time and settings, the descriptions I heard came to have a certain consistency. How come everyone doesn't “know about” this kind of police violence? How come it was hard to get even a somewhat oblique provision for this kind of police violence into my city's local CRB law? What might this mean about how we construct categories like “citizen” and “rights”?

THE CLASSIC SCENARIO: MEN BEATING MEN

The Rodney King beating resonated profoundly with a large portion of the U.S. public. This was due, in part, to the video of King's beating being replayed so often by the media for its graphic and prolonged violence. But the Rodney King

beating also just “fit.” It embodied how we think about police violence with pervasively male features.

Traditionally, police brutality has been framed in terms of single individuals, usually male, who are defined immediately as “suspects,” in physical combat, out in the street. I use the term “combat” on purpose. Military images have pervaded U.S. policing, ranging from the increasingly high-tech “war on drugs,” to characterizations of police as “occupiers” dating from the 1960s, and earlier historical periods when the first police sought to protect portions of the community from escaped slaves in the South and the “dangerous classes” in Northern cities.

In the United States, the term “suspect” is racially coded, too. Who can forget the Willie Horton television ads from the 1988 Presidential campaign? And in the United States, combat between black and white men is historically sexually charged. Southern lynching, which lasted well into the twentieth century, was saturated with claims of “protecting white women's virtue.” The New York City ballot initiative campaign on establishing a CRB in that city during the 1960s echoed this theme. Charging that “outside scrutiny”-notice how New York City residents were thus cast as intruders-would hamper police, the police union produced a poster depicting a white woman in a white coat, framed by a dark subway entrance, with the caption, “Would you want your officer to hesitate?”

Once use of force is recast as “abuse,” communities then fight over whether these events are “aberrations” or “everyday experience.”

In the classic scenario, such incidents occur primarily outside the home, either on the street or in police custody. Technically they are located “in public” though they may happen in isolated places such as alleys or parking lots, under cover of darkness, or within the protected, hence secret, context of “police business.” Police aggressively discourage watching or documenting these incidents.

Suspects are depicted as lone, random, rootless marauders. In the past several years, the media has acknowledged that police abuse victims have families, due to the rise or mothers' activism in police cases--notably the killing of Jonny Gammage outside Pittsburgh (the Gammage family lives in Syracuse) and a number of New York City cases. Despite this shift, police form a contrasting community so stalwart that thousands commonly attend the “sea of blue” funerals of fallen comrades.

Let's stop for a minute and ask, as organizers, whether the Rodney King beating “helped.” From my point of view: yes, no, and yes again.

WHAT THE RODNEY KING BEATING ACCOMPLISHED

When the King beating occurred, my community was beginning lengthy and sometimes polarized deliberation about establishing a citizen review board, as was New York City to the south of us (Syracuse is about three hundred-plus miles away from New York City). From the morning after the King beating, I

monitored the New York Times for several years on a daily basis to track how that publication covered police violence. For at least the first year, an average of three articles daily reliably appeared on that case and on related police issues or history. This was an incredible gold mine for activists in a mid-sized, “upstate” community who wanted to educate our city councilors with a constant stream of newspaper clippings. Certainly the King beating raised awareness and provided an arena in which to educate both the public and policymakers about police violence as a social problem.

In at least three ways, the King beating also made organizing harder. Some of the most active and innovative organizing around police accountability in the United States has occurred in mid-sized cities during this past decade. But Syracuse and similar communities have had to wrestle constantly with whether we were “like” Los Angeles or New York City. Often fairly defensive about living in a backwater, Syracusans seized on denying that such “big-city” evils could happen “here.” Indeed, as the '90s have unfolded, such denial of violence in our own backyards has characterized most violent episodes.

Second, if “that” were “police brutality” then a whole range of other conduct was not. The King incident entrenched a narrow definition of police misconduct as men beating up other men. It kept other victims invisible, and it kept the range and extent of other misconduct invisible, too.

Third, the Rodney King beating sometimes made the issue of police violence harder to raise in some quarters. Our task force in Syracuse had been working a year and a half already in March 1991. To this day, die-hard opponents still claim both the task force and the CRB were “knee-jerk reactions to Rodney King.”

THE RAPE STIGMA ANALOGY

At best a mixed blessing to activists, the Rodney King beating reinforced denial and entrenched a narrow definition of police violence. It also provided opportunities to expand the identity of police violence victims and the definition of that violence itself.

About a month after the King beating, I read a column in my local morning paper that had been reprinted from the Baltimore Sun. The columnist claimed that as the second most underreported crime in the United States police misconduct was outdone only by rape. I wrote to the columnist seeking to document that statistic further; I never got an answer. But I have found intriguing and compelling the parallels between the two types of violence. It is no coincidence that victims of both crimes often remain silent. Both crimes involve vastly unequal power relations. Victims of both crimes share similar stereotyping and discrediting. Victims of both crimes often wind up as “suspects” themselves.

“Suspects” are, by definition, stigmatized and discredited already. This has several consequences, including the following six.

First, “suspects” are already guilty. There is the classic line, “You must have been doing something...” Many police believe that administering “street justice” is part of their job; this is exacerbated in periods when police believe that the guilty are going to go free more often than not. “I was just doing my job” compares to “boys will be boys” in claiming the inevitable. Many police corruption cases in this decade contain an element of this. Both the New York State Police fingerprint scandal and Philadelphia's “Dirty 39th Precinct” scandal of trumped-up drug charges, included officers' beliefs that the justice system needed “help.” I recall accounts of convicted officers claiming that they “only framed the guilty ones.”

Second, a closely allied idea is that victims caused their own injury or death. “What was she doing there, at that hour? Dressed like that? By herself? Drinking that much?” And so on. Doubters recite a similar litany of insinuation about those injured by police, who are typically charged with resisting arrest. In the classic police scenario, assumed threat substitutes for assumed seduction to justify attackers behavior to the lay public (The claim that she posed a threat to the police is the cover story given by officers in the brutal murder of Tyisha Miller in Riverside California in March 1999. Eds.) Most rape is not really “about” seduction and desire. It is a staple of college campus date-rape prevention programs to point out that most women are raped in their own homes (or dorm rooms). Activists (and probably most police administrators and criminal justice professionals) know that most police misconduct occurs when police authority is challenged, not while police are interrupting violent crimes-where police perform remarkably well. As those concerned with reforming “hot pursuits” practices know, really egregious disobedience would be running away. Both the King and the Riverside beatings occurred after high-speed chases.

Third, “suspects” lie and seek revenge. Media corroboration (such as a videotape) of eyewitness accounts is vital because police aggressively play on the low credibility of suspects. A staple argument against independent review of police is that “vindictive” suspects would “flood” the system with “frivolous” complaints. Nationwide, “SLAPP” suits by police suing citizens for false reports have risen dramatically in the '90s.

Fourth, fear of retaliation. Because of greater power and credibility, assailants in both police violence and rape situations may be able to punish you for “telling.” Victims are already discredited; they are not safe from retaliation if they were not safe from violence to begin with. The prospects of both legal and extra-legal harassment have the famous “chilling effect.”

Fifth, the burden of change is on the victim. In his book, *Stigma*, Erving Goffman taught us that it is the job of the stigmatized to manage the discomfort of “normals” with their plight. Historically, this steered community response to rape. In 1979, the first federal antirape legislation established rape centers. These provided emergency aid, but the major remedy was “teaching” women how to avoid rape-not teaching men not to rape or punishing them if they did. Similarly, county human rights commissions and other such bodies put out brochures on

“how to avoid conflict with police.” Some give tips about “not upsetting” police, or advising young people to waive their rights regarding both searches and giving information. This contrasts sharply with a “know your rights” approach, which is often branded as “too confrontational.” This situation mimics the personal dynamics in abusive relationships.

Sixth, like rape and lynching, a beating is a warning to others, and serves a social control function.

For many municipal policymakers and elected officials, these six points provided the first illumination. They could understand that public thinking and policies about rape had changed in the United States over the last twenty years or so, even when their own experience might not include either rape or run-ins with police.

THE POLITICS OF HOME: TRASHING APARTMENTS AND PRIVACY'S POWER

To a large extent, the organizing challenge in Syracuse's CRB campaign was a battle of definitions. From the first draft of the CRB law, the task force argued for as wide a definition as possible of “police misconduct,” and opponents argued for the narrowest possible view.

Women's participation on the task force and in the neighborhood speak-outs accomplished a first critical distinction. Some women had dealt with police and courts during domestic violence crises, making way for “passive misconduct” as a category. “Passive misconduct” means withholding a response, failing to intervene, or, more concretely, standing by and watching, not bothering to get there very fast, not writing down the woman's complaint, the classic “take a walk around the block to cool off” in lieu of arrest. Accounts from those experiencing gay-bashing and harassment, mistreatment of people with disabilities, and, more recently, provocation by white racist gangs bolstered the need for this category: such persons had often waited for police help and found it just didn't arrive in time.

The birth of “passive misconduct” transformed the classic scenario into “active misconduct--a species of police violence, not its entirety. This category emphasized the action's intrusiveness (including both force and verbal abuse), not its mere physicality.

This distinction opened the way for a third category addressing violence to one's surroundings--an “ecological” violence, if you will. Syracuse women did speak about the increasingly common practice of police trashing homes during drug searches. This was initially not intelligible to many public policymakers because “suspects” were typically assumed to be lone, rootless individuals.

Further, these searches took place in “private” spaces, but were most common in certain blighted, “high-crime” areas of the city inhabited by the poor and people of color, places where privacy's power itself had eroded. Almost always, these were

rented apartments, and eviction often followed. Often the police targeted the woman maintaining a home for her association with a man—a son, grandson, brother, partner, even cousin or nephew—who “might be found there.” Thus women became bystanders in their own homes and their ordeals became incidental and secondary.

The American Psychological Association defines trauma as “outside the range of normal human experience.” This includes extreme and violent direct experience or witnessing brutality, death, war, forced migration, and natural disasters. “Destruction of one's home” is one such major traumatizing event.

Advocates from the two major agencies receiving such complaints in Syracuse reported they regularly got two to five calls per week about home trashing. They informally estimated that maybe 90 percent of these incidents involved small children witnessing the search.

For a five-year-old, say, or even an infant, the destruction of one's living space—especially by police as agents of adult, community authority—would be clinically traumatic.

Advocates said that children sometimes watched police “subdue” parents or other familiar adults, or were forcibly taken out of the room but could still hear the beatings. People accused police of shoving women with infants or toddlers in their arms into walls. There were descriptions of pets shot, entire sets of dishes systematically broken, holes punched in walls, plumbing ripped out, food dumped in piles on the floor.

Afterward, such children sometimes had nightmares and showed clingy behavior, sleeplessness, decreased trust in adults, sudden “immaturity,” anger and anxiety, poor school performance, poor concentration, confusion, and ambivalence about police. Schools noticing these children might, at first, attribute problems to general poverty or ongoing family lifestyle, not to specific events involving police action. Many guidance counselors and social workers would readily understand the harm in watching one parent batter the other, yet they didn't see police behavior as “violence” because they think the police are “saving” the children.

Most people did not complete their formal complaints with these Syracuse agencies. And both agencies confirmed that they did not have a box to check on their in-take form for trauma to youngsters who were bystanders during such rampages, so they did not formally count these incidents. Instead, they saw such incidents in legalistic terms as “search and seizure” violations, although the New York State Division for Human Rights had, on rare occasions, successfully arranged compensation for residence repairs, medical treatment, and professional counseling for youngsters.

Children who have been in violent police home searches show the same symptoms as those suffering wartime and natural disaster traumas. For kids, these searches are in the same league as an earthquake or a flood coming to their neighborhood. Treatment for such children emphasizes healing the family

collectively and keeping families intact. But many of the children who suffer from home search traumas are very likely to be taken out of their families by child protective services, the mental health system, or the justice system.

Such effects magnify in urban areas where searches occur more often and where people, although renters, may not be transient to their neighborhood itself. Extended families may suffer several such incidents. Syracuse has a history of community displacement and large-scale housing shifts dating from the 1960s "urban renewal" efforts. Such displacement shattered an historically vibrant and tightly knit black ward of the city within the past couple of generations.

In 1980, the United States had 10,000 women in prison. Today that figure has swelled sixteen times. According to the Legal Services for Prisoners with Children, in partnership with Justice Works Community in New York City, over two-thirds of women prisoners are there for simple drug possession or low-level drug violations, and eighty percent are mothers. According to the U.S. Justice Department, the recidivism rate nationwide among women is seventy-one percent.

In recent years we have witnessed warning events of police overrunning the vulnerable "private" realm, even before any prominent discussion of "home trashing" and its trauma began. In 1984, New York City police shot and killed Eleanor Bumpers while evicting her from her Bronx apartment. Behind less than one-hundred dollars in her rent, elderly, ill, and frightened, she had brandished a cake knife from across the room at six well-armed officers who crashed into her apartment. In her important essay on Bumpers in the *Alchemy of Race and Rights* (1991), Patricia Williams points out that the officers' successful defense in court centered on their actions being "entirely legal."

In 1993, police in Tyler, Texas shot and killed Annie Rae Dixon--another elderly bedridden black woman--during a drug raid on the wrong house. In 1996, the city of Boston settled a lawsuit for the death of Reverend Alcie Williams, an elderly black minister who was literally scared to death during another "wrong address" drug raid. More ominously, in 1993, a number of police officers in Gastonia, South Carolina were tried and convicted for a long-standing practice of using their shift breaks at work for systematically torturing homeless people for amusement.

Informal abuse of the homeless by police takes the erosion of privacy's boundaries to its logical end. Police trash homes during drug searches in the name of "defending the home" and "family values." Po-lice and policymakers may not regard such dwellings as "homes" at all.

To unravel this, look at the source of privacy rights that make one's home one's "castle." We are more concrete than we think. Individual privacy rights spring from the original "real" property-land. A fairly select circle of "equals"--adult, white, male property-owners--monopolized voting and civic participation in colonial America and the early years of the United States.

These basic attributes still act as fixatives for citizenship and sturdy privacy rights. The vocabulary of civic participation reflects this with terms like “having a stake” and “stakeholders,” which are throwbacks to literally staking out one's territory. In this context, citizen status myopically attaches to particular nations, generally one's own-as if other countries somehow didn't have “citizens.” People become loose aggregates without these fixatives to anchor and distinguish them-to be man-aged in lots, corralled in their sectors, fenced out of “ours.”

The Israeli policy of “collective punishment,” when sealing or bull-dozing the homes of Palestinian dissidents, has features in common with police home trashings in concentrated urban areas of the United States, as does the frequent invasion of private homes in the North of Ireland by both security forces and paramilitary units. Usually we focus on heightened law enforcement activity along borders as evidence of the growing militarization of police, but women and children are becoming the direct targets of a more guerrilla-like police warfare inside homes.

THE STRENGTH OF INDIVIDUAL RIGHTS AS A BASIS FOR U.S. POLICE ACTIVISM

At one remove from their basis in property rights, the theory and legal remedies associated with individual rights have historically driven progressive U.S. activist campaigns for police accountability. For a host of reasons, including the structure of the U.S. justice system itself, issues have been channeled in this direction, and argued in these terms.

Lay progressive activists want personhood, not property, to be the basis for human rights. This position provides a certain clarity. One needn't be good, or popular, or right, or wealthy-only human. Activists around issues of police violence, often guided by lawyers trained in the U.S. justice system, prefer the individual rights approach for the following three reasons.

By conviction. Many activists believe this approach values human life above property. We began organizing around home search traumas in Syracuse with blown-up color photographs of trashed apartments--not bloodied, weeping children. When inadvertently caught in the ecological violence of some home searches, children have developmental issues that simply weren't considered before. And when they are dismissed as mere “bystanders” the women maintaining these homes sustained immense “collateral damage.”

By strategy. “Don't dilute the agenda,” some activists sternly warned. Given an anticrime political climate and scarce resources, both community and legal activists will tend to triage issues as well as cases. Winning in court takes precedence over “secondary” needs, such as counseling for youngsters or fixing the broken kitchen door this winter instead of ten years down the road. What is most clearly arguable or likeliest to generate public outrage is not always the most critical in the long-term. For example, filing untruthful police reports as another category of misconduct just isn't very sexy. When we proposed this as a

category for Syracuse's CR8, some veteran activists thought it was far afield from the "outright" brutality they were after. Yet Syracuse police fought opening these official written accounts most bitterly and vehemently.

By need. Some issues really are urgent. Here are five issues that concern women but which are otherwise sufficiently within the classic scenario that they don't need much "translation" for public action to be possible.

--Domestic violence in police families. Attached as a rider to the 1997 federal budget, Senator Frank Lautenberg's "domestic violence gun ban" forbids anyone ever convicted of misdemeanor domestic violence to possess a firearm, including police and military. Police resistance to this measure has been mighty and prolonged. But if the gun ban could expose the prevalence of intimate violence committed by police, doubters might believe that police could beat strangers from stigmatized groups.

--Sexual harassment of women police by male officers. Besides demonstrating a major form of male officers' resistance to women joining their ranks, this problem underscores key issues such as the "code of silence" the inadequacy of internal complaints procedures, and the fear of retaliation.

--Women and new police technologies. After rising abuse of pepper spray, sometimes resulting in death, activists have been seeking bans on pepper spray in some United States cities. With a sudden chivalry, male police have argued that women officers' safety depends on this and other questionable new weapons.

--Women inmates and sexual abuse. Most of the 116,000 women inmates in the U.S. are guarded by men, and complaints of sexual abuse have skyrocketed in recent years.

--Both lesbians and prostitutes suffer serious active and passive police misconduct.

Each of these issues addresses serious women's concerns and can be argued in terms of individual rights.

FROM ZONE TO COMMUNITY

It is self-defeating to insist that police brutality only be construed so that we oppose it in terms of the classic scenario. This polarizes all deliberation, creating the "false choices" which, E. J. Dionne argued in his 1992 book, *Why Americans Hate Politics*, is why fewer and fewer people risk participating than ever before. Earlier attention and action on less lurid police misconduct might prevent eruptions of the classic scenario. Aggressive police campaigns against accountability have emphasized maintaining this polarization so that even any slight questioning of police behavior is automatically assigned the extreme position of "cop bashing."

Further, we need to reclaim the term “citizen” as an international term, a public status that ensures equality in a reciprocal fashion among nations instead of a chauvinistic privilege used for denigrating foreign nationals. The increased attention on border abuses provides us with some hope; for instance, in an international context, police misbehavior is frequently labeled properly as “torture.” Were this perspective to enter U.S. discussion of police violence, we might seriously address proper treatment for those who have been traumatized, including those who have endured home searches.

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