



*CAPCR Shout Out*

## **Crisis of Legitimacy**

By John Chasnoff

OK, it's official. I'm sick and tired of hearing about police/community relations. Don't get me wrong—it's not because it is unimportant but because it has come to have so little meaning. We have tried to talk about police/community relations since at least the 1960s, even created whole movements about community policing to deal with it, but have never been willing to actually do something about it. Community policing has died a thousand deaths (and police/community relations along with it), only to be revived in times of crisis as a comforting buzzword.

Too often and over and over again police/community relations has come to be simple PR stunts such as St. Louis City's police ice cream truck where the projected image of policing is at odds with reality. Or, police/community relations becomes an activity we're called together to participate in: "I'll listen to your feelings and you'll listen to mine"—you tell me what it's like to be abused by us and I'll tell you what it's like to try and control you crazy mf-ers. These activities may on occasion be good at building interpersonal relationships, and heaven knows we all need to better understand each other, but police/community relations are not solely or even primarily about interpersonal relationships.

Police community relations are much more about the relationship between persons on the one hand and institutions on the other; institutions are not profoundly changed by how persons feel about each other; they are changed when the structural demands of society (all the forces operating around the institution that create the necessity that the institution plays a certain role) force it to take on a new mission.

Here's an example: Blacks and Whites smoke marijuana at equal rates. Yet a 2013 study by the ACLU showed that St. Louis arrests Blacks for possession at a rate 18 times higher than it arrests Whites. The reasons for this are mostly structural, not personal. When Rasheen Black (just an arbitrary name) is being hauled off to jail for smoking weed while Johnny White (again, just an arbitrary name) sits at home getting equally high, does Rasheen really care if he and Officer "Friendly" had a nice rap session the other day at the community center?

This example reminds us that we are not talking about one “community”. Police relations with some communities are just fine. And we must recognize that bad relationships are not caused by accident; they are the direct result of wealthier white communities mandating that police maintain control over people of color and others whom they see as inconvenient to their conduct of business and leisure activities. This has been true since policing grew out of slave-catching.

This structural inequality and racism have created a crisis of legitimacy in policing. After each uprising we are forced to admit that illegitimacy makes the police non-functional in fighting crime and in their supposed role as peace keepers and we need therefore to make legitimacy central to the mission of policing. We need to realize that police/community relations are not something we do once a week like showing up at church on Sunday. How the police and community relate, and the purpose of those interactions, ARE what policing is about, and in order to improve those interactions we need to ask what practices would make the institution legitimate in the eyes of the people. This is especially important in a democracy—does policing have the consent of the governed? And this is even more important when we are talking about a paramilitary organization operating within a democracy that has been devolving into oligarchy for decades and is in heightened crisis as we speak .

What establishes legitimacy?

Police legitimacy is based on five questions:

**1) Is the law they are enforcing just?**

This factor is not even in police control; it has to do with the larger forces at play that mandate the police function.

**2) Are they enforcing the just law in a fair and competent manner?**

These are issues of what could be called professionalism. In this context it is one part of the legitimacy solution. Too often, however, professionalism is cited as a reason for police to isolate themselves from community. Too often competency in fighting crime is interpreted as cracking heads and making arrests. And too often fairness runs up against the societal mandate to control the underclasses and people of color.

And then three questions based on the work of David Bailey:

**3) Are police responsive?**

Do they reflect the will of the people?

**4) Are police accountable?**

Are they under the control of the people?

5) **Are police transparent?**

Do the people have the ability to see what is happening and thereby know the answers to 3) and 4)?

The path to better police/community relations lies through the answers to these questions. Better relations are a goal rather than an activity and a byproduct of police practices becoming more legitimate.

The way to achieve that goal lies in the willingness and determination of people to demand and then maintain a democratic way of life. In other words, we must change the forces at play—through protest, lobbying, voting, advocacy etc—to highlight the non-functionality and inhumanity of illegitimate policing and guide the institution of policing into a new, vastly re-designed and more legitimate relationship with the people.

A revolutionary new model for this institution would no longer be based on old-style policing but on the even older ideal of peace keeping. Policy and practice would grow organically from the wishes of neighborhoods; actions would be focused on mediation and problem solving rather than arrests; civilians would be involved in hiring, firing, review of rare use-of-force and more. The people and our peace keepers would be so inextricably bound together that we would be fulfilling the most legitimate human goal of serving and protecting each other.